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CHAPTER X. PUBLIC JUSTICE.

§ 1. Police.

1. *General*.—In early 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.

2. *Strength of Police Force*.—(i) *General*. The strength of the police force in each State during the five years ended 1926 is given in the table hereunder. It may be mentioned that the police forces are entirely under State control, but, by arrangement, the Commonwealth Government utilizes their services in various directions, such as the collection of particulars for Commonwealth electoral rolls, etc.

POLICE FORCES.—STRENGTH, 1922 TO 1926.

State.	Area of State in Sq. Miles.	1922.	1923.	1924.	1925.	1926.
New South Wales ..	310,372	2,799	2,825	2,890	2,937	2,970
Victoria	87,884	1,741	1,251	1,810	1,875	1,963
Queensland	670,500	1,113	1,114	1,127	1,182	1,167
South Australia ..	380,070	576	599	616	632	642
Western Australia	975,920	489	502	523	532	537
Tasmania	26,215	240	240	241	240	245
Northern Territory	523,620	32	32	32	38	38
Total	2,974,581	6,990	6,563	7,239	7,436	7,562

The figures for New South Wales for 1926 are exclusive of 31 "black trackers," i.e., natives employed in detection of offenders chiefly in outlying districts, and 4 female searchers. For Queensland the figures exclude 61 native trackers and 1 female searcher; for South Australia 10 "black trackers" and 1 female searcher, and for the Northern Territory 33 "black trackers." There are also 44 "black trackers" and 5 female searchers in Western Australia, not included in the table. According to the returns, women police are employed in all the States except Queensland, the respective numbers being—New South Wales 4, Victoria 4, South Australia 10, Western Australia 5, and Tasmania 1. Their work is mainly preventive, and the importance and usefulness of their duties have been referred to in very high terms by the Commissioners of Police.

The strength of the force in Victoria for the year 1923 was below normal, owing to dismissals consequent on the dispute which occurred in November of that year.

(ii) *Proportion to Population*. 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.

POLICE FORCES.—COMPARISON WITH POPULATION, 1922 TO 1926.

State.	Number of Persons per Sq. Mile. 1921 Census.	Inhabitants to each Police Officer.				
		1922.	1923.	1924.	1925.	1926.
New South Wales	6.80	769	777	772	776	783
Victoria	17.42	902	1,285	907	891	864
Queensland	1.13	702	720	732	720	750
South Australia	1.30	879	864	860	861	871
Western Australia	0.34	695	694	687	691	698
Tasmania	8.15	895	897	891	889	862
Northern Territory .. ..	..	114	113	113	97	99
Total	1.83	797	867	802	798	800

As explained previously the figures for Victoria for the year 1923 are abnormal, but, with the exception of that year, the rate of protection maintained for Australia as a whole has remained fairly constant.

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 New South Wales, according to the Report of the Inspector-General, the time of one-fifth of the force was taken up during 1921 in extraneous duties unconnected with the protection of life and property, while the cash value of the services rendered to other Government departments was stated as over £200,000 per annum. The Queensland Commissioner refers to the circumstance that in 1926 no less than 70 subsidiary offices were held by the police. In South Australia, the Commissioner alludes to the large number of subsidiary duties performed by police officers, and mentions that in 1926 over 140,000 hours were devoted to carrying out work on behalf of other departments.

While these special tasks doubtless involve some degree of sacrifice of ordinary routine duties, the fact that the general intelligence of the police is adequate for their performance, besides being most creditable, results in a large saving of the public money.

4. Cost of Police Forces.—The expenditure from Consolidated Revenue on the police forces, and the cost per head of population in each State during the five years 1922 to 1926, are given in the following table:—

POLICE FORCES.—COST, 1922 TO 1926.

State.	1922.	1923.	1924.	1925.	1926.
TOTAL.					
	£	£	£	£	£
New South Wales	1,205,557	1,219,244	1,317,320	1,331,978	1,370,659
Victoria	600,856	755,698	741,126	768,939	840,653
Queensland	455,519	461,446	497,484	551,879	563,391
South Australia	216,109	221,635	246,646	250,915	263,857
Western Australia	181,893	185,945	193,461	216,798	224,690
Tasmania	77,096	78,313	81,318	84,340	88,725
Northern Territory	16,011	16,070	17,923	19,004	19,656
Total	2,753,041	2,938,351	3,095,278	3,226,853	3,371,631

PER HEAD OF POPULATION.

	s. d.	s. d.	s. d.	s. d.	s. d.
New South Wales	11 1	11 0	11 8	11 7	11 9
Victoria	7 7	9 4	8 11	9 2	9 11
Queensland	11 7	11 5	11 11	12 11	12 11
South Australia	8 5	8 5	9 2	9 1	9 5
Western Australia	10 7	10 6	10 7	11 8	12 0
Tasmania	7 0	7 2	7 6	7 9	8 5
Northern Territory	90 2	90 5	99 7	104 0	104 5
Total	9 9	10 3	10 6	10 9	11 2

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 show a very high average. The duties of the police, moreover, chiefly pertain to matters connected with the control of aborigines.

The total for New South Wales in 1926 includes £170,600 payment to the Police Superannuation Fund. Similar payments in Victoria and Queensland amount to £122,000 and £46,200 respectively. It may be noted that the high cost and cost per

head in Victoria shown for the year 1923, as compared with the previous year, are accounted for by expenditure in connexion with the police dispute in 1923.

The general advance in cost during the period under review is due to increases in salaries, and rise in prices of supplies and equipment.

5. *Interstate Police Conferences.*—In February, 1921, a Conference of the chief officers of the police forces of the various States was held in Melbourne. In addition to the discussion of matters of common interest, arrangements were made for the interchange of detectives. The results were so satisfactory that it was decided to hold similar Conferences annually. In 1926 the Conference met in Sydney, and the next was held at Hobart in January, 1927.

§ 2. Lower (Magistrates') Courts.

1. *General.*—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 States' population, also influence the results. Due weight should also be given to the prevalence of undetected crime, but information on this point is not available for all States. 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, which is quoted in full in Chapter I. of this work.

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 each 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 authorized 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 1916 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 Offences 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 1922 to 1926:—

MAGISTRATES' COURTS.—PERSONS CHARGED, 1922 TO 1926.

State.	1922.	1923.	1924.	1925.	1926.
New South Wales ..	96,989	104,519	98,101	102,377	116,675
Victoria	63,713	67,112	68,494	73,346	75,556
Queensland	25,185	25,956	24,017	28,684	29,196
South Australia ..	11,821	14,321	15,812	20,651	23,637
Western Australia ..	10,844	10,182	10,679	11,358	12,335
Tasmania	7,106	8,479	8,001	7,035	7,848
Northern Territory ..	186	154	204	180	142
Total	215,844	230,723	225,308	243,631	265,389

Investigation of the returns shows that considerable variations in the figures for single States are occasioned by breaches of new Acts, or the more stringent enforcement of the provisions of existing Acts. 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. Thus, the considerable increase in the total offences in New South Wales for the year 1926 was due chiefly to the large number of charges under the Traffic Act, the total recorded in 1926 being 20,594 as compared with 11,895 in 1925.

4. Convictions and Committals.—The figures given in the tabulation above include, of course, a number of people who were wrongly charged, and statistically are not of general importance. The actual number of convictions in connexion with the persons who appeared before the lower courts in each year of the period 1922 to 1926 is, therefore, given hereunder. A separate line is added showing the committals to higher courts.

MAGISTRATES' COURTS.—CONVICTIONS AND COMMITTALS, 1922 TO 1926.

State.		1922.	1923.	1924.	1925.	1926.
New South Wales ..	Convictions	82,263	88,864	83,019	85,970	100,644
	Committals	2,495	2,654	2,327	1,806	1,832
Victoria	Convictions	49,464	53,183	54,376	58,879	60,728
	Committals	733	634	602	744	761
Queensland	Convictions	22,982	23,072	21,476	26,148	26,815
	Committals	331	341	233	326	328
South Australia ..	Convictions	10,048	12,647	13,790	18,556	21,417
	Committals	146	193	176	181	299
Western Australia ..	Convictions	9,748	8,985	9,534	10,047	11,105
	Committals	68	92	92	91	87
Tasmania	Convictions	6,385	7,601	7,271	6,415	7,200
	Committals	79	78	59	95	99
Northern Territory	Convictions	171	117	145	121	129
	Committals	4	3	5	..	2
Total	Convictions	181,061	194,469	189,611	206,136	228,038
	Committals	3,856	3,995	3,494	3,243	3,408

5. Convictions for Serious Crime.—While the figures given in the preceding table refer to the entire body of convictions, the fact must not be overlooked that they include a large proportion of offences of a technical nature, many of them unwittingly committed, against various Acts of Parliament. 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 from some other offences, also help to swell the list. The following table has therefore been prepared for the purpose of showing 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:—

MAGISTRATES' COURTS.—CONVICTIONS FOR SERIOUS CRIME, 1922 TO 1926.

State.	1922.	1923.	1924.	1925.	1926.
TOTAL.					
New South Wales ..	7,744	7,543	7,210	7,543	9,340
Victoria	2,909	3,188	2,815	3,044	3,249
Queensland	1,835	2,021	1,881	2,274	2,608
South Australia ..	653	883	724	864	872
Western Australia ..	977	930	941	1,108	1,177
Tasmania	577	637	549	550	607
Northern Territory ..	60	17	25	5	22
Total	14,755	15,219	14,145	15,388	17,875

PER 10,000 OF THE POPULATION.

New South Wales ..	36.0	34.4	32.3	33.1	41.8
Victoria	18.5	19.8	17.1	18.2	19.1
Queensland	23.5	25.2	22.8	26.7	29.8
South Australia ..	12.9	17.1	13.7	15.9	15.6
Western Australia ..	28.8	26.7	26.2	30.1	31.4
Tasmania	26.9	29.6	25.6	25.8	28.7
Northern Territory ..	164.2	47.1	69.4	13.6	58.4
Total	26.5	26.8	24.4	25.9	29.6

6. Decrease in Serious Crime, 1881 to 1926.—(i) *Rate of Convictions.* The figures quoted in the preceding table show that during the last five years the rate of serious crime has increased, but if the comparison be carried back to 1881 the position is seen to be 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, 1921, and 1926. Only the more serious offences particularized in the preceding sub-section have been taken into consideration.

MAGISTRATES' COURTS.—SERIOUS CRIME.—RATE OF CONVICTIONS, 1881 TO 1926.

Year.	Convictions per 10,000 Persons.
1881	69.3
1891	44.8
1901	29.1
1921	29.2
1926	29.6

The figures already quoted refer to total convictions, and in respect of individuals necessarily involve a considerable amount of duplication, especially as regards the less important offences, such as petty larcenies, etc.

(ii) *Causes of Decrease.* The statistics given above show that there has been a considerable decrease in crime throughout Australia during the period dealt with. 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 connexion, 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 sub-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 organizations, 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 stated 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 in modern years.

7. *Drunkenness.*—(i) *Cases and Convictions.* The number of cases of drunkenness and the convictions recorded in connexion therewith during the period 1922 to 1926 will be found in the following table:—

DRUNKENNESS.—CASES AND CONVICTIONS, 1922 TO 1926.

State.	1922.		1923.		1924.		1925.		1926.	
	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.
New South Wales	30,918	30,723	33,118	32,938	31,468	31,260	30,669	30,160	31,922	31,361
Victoria ..	8,773	5,204	10,131	6,207	9,814	6,033	9,430	5,767	10,150	6,461
Queensland ..	13,014	12,632	12,376	11,832	11,458	11,005	13,020	12,475	12,713	12,650
South Australia ..	3,775	3,764	4,512	4,496	4,972	4,961	5,330	5,795	6,050	6,029
Western Australia	3,740	3,715	3,198	3,165	3,250	3,231	3,149	3,131	3,318	3,299
Tasmania ..	539	535	506	501	473	464	364	361	333	330
Northern Territory	112	104	37	37	43	39	44	44	68	68
Total ..	60,871	56,677	63,878	59,176	61,487	56,993	62,506	57,733	64,554	60,198

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 open to doubt.

(ii) *Convictions per 10,000 of Population.* The convictions for drunkenness per 10,000 of the population during each of the years from 1922 to 1926 are given hereunder :—

DRUNKENNESS.—CONVICTIONS PER 10,000 INHABITANTS, 1922 TO 1926.

State.	1922.	1923.	1924.	1925.	1926.
New South Wales	142.7	148.9	140.0	132.3	134.8
Victoria	33.1	38.2	36.7	34.5	38.1
Queensland	161.7	145.9	133.4	146.5	144.5
South Australia	74.4	85.7	93.7	106.5	107.9
Western Australia	109.4	89.5	99.3	85.0	88.0
Tasmania	24.9	22.9	21.6	16.9	15.6
Northern Territory	284.7	104.1	108.2	119.5	180.6
Total	101.8	102.9	98.7	97.3	99.5

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 all the States. (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, while allowance must be made for the attitude of the magistracy, the police, and the public generally in regard to the offence. Due account also must be taken of the effect of legislation dealing with the limitation of hours during which liquor may be sold in hotels.

(iii) *Consumption of Intoxicants.* 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 shows the consumption of spirits, wine, and beer per head of the population in Australia during each year of the quinquennium 1923-27 :—

INTOXICANTS, CONSUMPTION.—AUSTRALIA, 1923 TO 1927.

Year.	Consumption per Head of Population.		
	Spirits.	Wine.	Beer.
	Imp. Galls.	Imp. Galls.	Imp. Galls.
1922-23	0.39	0.50	11.30
1923-24	0.43	0.50	11.08
1924-25	0.43	0.50	11.15
1925-26	0.44	0.50	11.34
1926-27	0.41	0.50	11.56

The figures in regard to wine are approximate, and are probably to some extent understated, as it is impossible to ascertain the exact quantity of the production which goes into consumption in the form of wine.

(iv) *Treatment of Drunkenness.* (a) *General.* 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 state in the company of professional malefactors, certainly lowers his self-respect, and doubtless tends to swell the ranks of criminals. 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 the many symptoms which jointly indicate the existence of a graver condition than simple habitual drunkenness."

(b) *Remedial.* 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 and 1923; Queensland, Inebriate Institutions Act 1896; South Australia, Inebriates Acts 1908, 1913, and 1920; Western Australia, Inebriates Acts 1912 and 1919; Tasmania, Inebriates Acts 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.

8. *First Offenders.*—In all the States 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, 1908, and 1915 (Crimes Act, sec. 340); Queensland, 1887; South Australia, 1887, 1913, 1924 and 1925; Western Australia, 1892; Tasmania, 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 recognizances 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.

9. *Children's Courts.*—Special courts for the trial of juvenile offenders have been established in New South Wales, Victoria, Western Australia, Tasmania, 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.

10. *Committals to Superior Courts.*—(i) *General.* In a previous sub-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 connexion allowance must be made for the want of uniformity in jurisdiction. The table below gives the number of committals in each year from 1922 to 1926, with the rate of such committals per 10,000 of the population.

COMMITTALS TO SUPERIOR COURTS, 1922 TO 1926.

State.		1922.	1923.	1924.	1925.	1926.
New South Wales	No.	2,495	2,654	2,327	1,806	1,832
	Rate	11.6	12.1	10.4	7.9	7.9
Victoria	No.	733	634	602	744	761
	Rate	4.7	3.9	3.7	4.5	4.5
Queensland	No.	331	341	233	326	328
	Rate	4.2	4.2	2.8	3.8	3.7
South Australia	No.	146	193	176	151	299
	Rate	2.9	3.7	3.3	3.3	5.4
Western Australia	No.	68	92	92	91	87
	Rate	2.0	2.6	2.6	2.5	2.3
Tasmania	No.	79	78	59	95	99
	Rate	3.7	3.6	2.7	4.4	4.7
Northern Territory	No.	4	3	5	..	2
	Rate	10.9	8.3	13.9	..	5.3
Total	No.	3,856	3,995	3,494	3,243	3,408
	Rate	6.9	7.0	6.0	5.5	5.6

(ii) *Decrease in Rate since 1861.* The figures in the preceding table show that the rate of committals for serious crime has decreased by about 19 per cent. during the last five years, but if the comparison be carried further back, it will be found that there has been a very considerable improvement. This will be evident from an examination of the following figures, which show the rate of committals per 10,000 persons in Australia at various periods since 1861:—

RATE OF COMMITTALS, AUSTRALIA, 1861 TO 1926.

Year	1861.	1871.	1881.	1891.	1901.	1911.	1921.	1926.
Committals per 10,000 inhabitants	22	14	12	11	8	6	7	6

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

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§ 3. Superior Courts.

1. *Convictions at Superior Courts.*—The number of convictions at superior courts with the rate per 10,000 of the population is given below for each of the years 1922 to 1926:—

SUPERIOR COURTS.—CONVICTIONS, 1922 TO 1926.

State.		1922.	1923.	1924.	1925.	1926.
New South Wales	{ No.	1,040	1,059	1,002	(a)1,060	(b)744
	{ Rate	4.8	4.8	4.5	(c)3.1	3.2
Victoria ..	{ No.	463	400	401	510	461
	{ Rate	2.9	2.5	2.4	3.1	2.7
Queensland ..	{ No.	378	278	222	234	269
	{ Rate	4.8	3.5	2.7	2.7	3.1
South Australia	{ No.	113	120	104	123	174
	{ Rate	2.2	2.3	2.0	2.3	3.1
Western Australia	{ No.	40	80	64	67	64
	{ Rate	1.2	2.3	1.8	1.8	1.7
Tasmania ..	{ No.	55	56	53	66	69
	{ Rate	2.6	2.6	2.5	3.1	3.3
Northern Territory	{ No.	3	2	1	2	..
	{ Rate	8.2	5.5	2.8	5.4	..
Total ..	{ No.	2,092	1,995	1,847	2,062	1,781
	{ Rate	3.8	3.5	3.2	2.7	2.9

(a) Eighteen months ended 30th June, 1926.

(b) Year ended 30th June, 1927

(c) Equivalent annual rate.

The rate in 1901 was 4.6 per 10,000, and the decrease to the end of 1926 was, therefore, about 37 per cent.

In considering the above figures allowance must be made for the various factors enumerated in a preceding paragraph. South Australia, Western Australia, and Victoria, it will be noted, show the smallest proportion of serious crime, while the rates for New South Wales and the Northern Territory are the highest, the figures for the latter, however, owing to the particular conditions prevailing there being abnormal.

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 1922 to 1926. Owing to lack of uniformity in the presentation of the returns the information is confined to the chief offences against the person only.

SUPERIOR COURTS.—CONVICTIONS, SERIOUS CRIME, AUSTRALIA, 1922 TO 1926.

Offences.	1922.	1923.	1924.	1925.	1926.
Murder, and attempts at ..	36	15	21	31	24
Manslaughter	10	15	13	10	13
Rape, and attempts at ..	5	9	5	8	15
Other offences against females ..	95	130	100	120	125
" " " the person ..	240	246	217	253	235
Total	386	415	356	422	412

The total convictions for similar offences in 1901 amounted to 432, the decline during the period 1901 to 1926 amounting, therefore, to about 5 per cent. Stated according to the proportion per 10,000 of mean population, the rate in 1926 amounted to 0.68, as compared with a rate of 1.14 in 1901, the decrease for the period amounting, therefore, to over 40 per cent.

3. **Habitual Offenders.**—In New South Wales the Habitual Criminals 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 30th June, 1927, there were 50 persons in prison under this Act. Since the passing of the Act, 158 offenders, including 1 female, have been declared to be habitual criminals. So far the indeterminate sentence has been applied to the older hardened offender, but under the Crimes Amendment Act of 1924 when an accused person has been convicted on more than three occasions before a magistrate, the magistrate may direct an application to be made by the Clerk of the Peace to a Judge, to have the person so convicted declared an habitual offender.

The Indeterminate Sentences Act came into force in Victoria in July, 1908, and up to the end of June, 1927, 1,151 individual prisoners have been detained under its provisions. Of the 997 who were released on probation, 622 have not been returned, and, so far as is known, have not been reconvicted in any other State. At the 30th June, 1927, the number under indeterminate detention was 213. The Report of the Indeterminate Sentences Board states that, allowing for those who were recommitted as a precautionary measure while in the indeterminate stage, as well as for those who were convicted on some minor charge after many years of freedom, the percentage of successful results approximates 75. It is claimed that this figure compares favourably with that obtained under the Borstal system in England. Section 516 of the Crimes Act provides for the application of the indeterminate sentence under prescribed conditions to persons who have been convicted on three occasions at Courts of Petty Sessions. The section is seldom applied, but it is believed that it could be employed with advantage in many cases not only so far as the offenders themselves are concerned but in the interests of the public.

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, and the first cases in connexion therewith were dealt with in 1922, when 2 prisoners were declared to be habitual criminals. Up to the end of 1926, 18 prisoners had been declared habitual criminals, of whom 4 had completed the definite portion of their sentence, all being in Brisbane prison. Two habituals were discharged in 1925.

The provisions of the Habitual Criminals Amendment Act of 1907 were put into force in South Australia in 1909, and 25 criminals had been declared to be habitual offenders up to the end of 1926. Of these, 23 had been released after serving the indeterminate portion of their sentences. In Western Australia, under the Criminal Code Amendment Act of 1918, power is given to declare a prisoner after a certain number of convictions to be an habitual criminal. The number under preventive detention on the 30th June, 1927, was 31, and the total number dealt with since the passing of the Act was 193. During the period in which the Habitual Criminals and Offenders Act of 1907 (now Indeterminate Sentences Act 1921) has been in force in Tasmania, 141 prisoners have been released under its provisions, and the results, according to the Sheriff, have been satisfactory, only four prisoners having defaulted. The Indeterminate Sentences Act came into operation during 1924, and since then four prisoners have been discharged under its provisions, none of whom up to the end of 1926 had relapsed into crime.

The Comptroller-General of Prisons in New South Wales points out 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. In New South Wales it is stated that while old associations and habits have in some cases proved too strong for the released "habitual," many of them have done well, and, generally, there is hope of reformation in the average prisoner other than the sexual offender.

According to the Report of the English Prison Commissioners for the year 1925, however, the main value of preventive detention was considered to lie in the protection of the public rather than in the hope of any widespread reformation in the ranks of the professional criminal.

4. Capital Punishment.—The table below gives the number of executions in each State during the period 1922 to 1926:—

EXECUTIONS, 1922 TO 1926.

State.	1922.	1923.	1924.	1925.	1926
New South Wales .. .. .	..	..	2	..	..
Victoria	1	..	1	..	..
Queensland .. .. .	..	..	..	..	..
South Australia .. .. .	..	..	..	..	..
Western Australia	1	..	..	..	3
Tasmania	1	..	..	..	..
Total	3	..	3	..	3

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.

Under the Criminal Code Amendment Act of 1922, capital punishment was abolished in Queensland.

During the period 1861 to 1880 the annual average number of executions in Australia was 9, from 1881 to 1900 the average was 6, for the period 1901 to 1910 the figure was 4, from 1911 to 1920 it was 2, while the average for the last six years was less than 2.

§ 4. Prisons.

1. Prison Accommodation and Prisoners, 1926.—The table below shows the number of prisons in each State, the accommodation therein, and the number of prisoners in confinement at the end of 1926 :—

PRISON ACCOMMODATION AND PRISONERS, 1926.

State.	Number of Prisons.	Accommodation in—		Prisoners at End of Year.
		Separate Cells.	Wards.	
New South Wales	24	(a) 2,194	..	1,429
Victoria	14	1,290	400	915
Queensland	7	551	86	366
South Australia	13	622	422	326
Western Australia	22	669	848	208
Tasmania	1	130	..	81
Northern Territory	3	..	54	2
Total	84	5,411	1,810	3,327

(a) Total accommodation.

The figures refer to prisoners under sentence and are exclusive of aborigines.

2. Prisoners in Gaol, 1922 to 1926.—The number of prisoners in gaol at the 31st December in each of the years 1922 to 1926 is given below. As stated above, the figures refer to prisoners under sentence, and are exclusive of aborigines. A separate line is added in each instance showing the proportion per 10,000 of the population.

PRISONERS IN GAOL, 1922 TO 1926.

State.	1922.	1923.	1924.	1925.	1926.	
New South Wales .. {	Number ..	1,373	1,339	1,411	1,404	1,429
	Proportion	6.4	6.1	6.3	6.2	6.1
Victoria {	Number ..	719	765	749	894	915
	Proportion	4.6	4.8	4.6	5.3	5.4
Queensland {	Number ..	331	279	230	295	366
	Proportion	4.2	3.5	2.8	3.5	4.2
South Australia .. {	Number ..	265	267	250	280	326
	Proportion	5.2	5.2	4.7	5.1	5.8
Western Australia {	Number ..	196	226	201	219	208
	Proportion	5.8	6.5	5.6	5.9	5.5
Tasmania {	Number ..	62	79	74	94	81
	Proportion	2.9	3.7	3.4	4.4	3.8
Northern Territory .. {	Number ..	4	2	13	5	2
	Proportion	10.9	5.5	36.1	13.6	5.3
Total {	Number ..	2,950	2,957	2,928	3,191	3,327
	Proportion	5.3	5.2	5.0	5.4	5.5

The proportion to population of prisoners in gaol under sentence has risen slightly in Australia during the last five years, but, if the comparison be carried farther back, the position is seen to be more favourable, the proportion in 1891 being as high as 16 per 10,000.

3. Improvement of Penological Methods.—(i) *New South Wales.* During recent years Australia, in common with most other civilized countries, has introduced considerable modifications and improvements in methods of prison management. Under the old system, 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 in 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 reorganization of the prison system in this State appeared in the earlier Year Books, 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. Until recently the prison authorities were confronted with a difficult problem arising from the fact that so little could be done in the case of short-sentenced prisoners, but the passing of the Crimes Act of 1924, alluded to previously, under which such persons could, after repeated convictions, be declared "habituals," and as such liable to reformatory detention, will, it is hoped, lead to considerable improvement. Special efforts are put forward to provide reproductive work of a regular and intelligent nature, and for the year 1926-7 the value of the prisoners' labour amounted to £86,000, as compared with £35,000 in 1913. Very few skilled tradesmen are received into gaol, the great majority of prisoners being unskilled at any trade, and many being drunkards, vagrants, and physical and moral degenerates. At the chief penitentiaries for males and females in the metropolis, a careful classification of prisoners is carried out, and provision is made for the treatment of special cases at some of the larger country gaols. Young first offenders are employed at the Emu Plains Prison Farm, and first offenders over the age of 25 years are drafted to the Prisoners' Afforestation Camp at Tuncurry, on the Manning River. Both of these institutions have given very satisfactory results. The total area set apart for afforestation is 3,380 acres, of which about two-thirds have been planted. About 200,000 pine seedlings were raised in 1926, and over 2,000,000 trees, some exceeding 50 feet in height, are flourishing. The Department receives the benefit of advice and assistance from the Forestry Commission, and has opened another large area at Mila, Bombala, where younger prisoners will be accommodated. The Shaftesbury Inebriate Institution was established in 1915 for the treatment of non-criminal inebriates, and in the following year provision was made for the accommodation and treatment of voluntary paying guests. Suitable cases from the Long Bay prison are transferred to the Shaftesbury Institution.

In many instances prisoners received into the gaols are found to be suffering from contagious diseases, and, under the Prisoners Detention Act such persons may be detained until cured. It is found also that many persons who commit crimes are mentally unbalanced, and need curative rather than punitive treatment. Careful investigation of the mental condition of all prisoners is conducted at the observation ward in the Penitentiary.

Amongst other improvements introduced during the last few years were the relieving of the monotony of the non-working hours at week ends by the provision of concerts, lectures, and suitable picture shows at the principal gaols, by more open-air exercise on Saturday afternoons and Sundays, and by the supply of a greater variety of interesting books and magazines to the prison libraries. These libraries now contain over 24,000 volumes. Prisoners are encouraged to take up courses of study likely to be of service to them on their discharge, writing materials are provided, and, within reason, the text-books required are purchased for their use. Tutorial classes for young prisoners have been instituted, and the results so far have been very encouraging. As the Comptroller-General points out, these changes have been brought about, not from sympathy with the criminal, but as ordinary necessities to the wholesome functioning of the mind. In 1924 a revised dietary scale came into operation, under which prisoners are supplied with greater quantity and greater variety of food.

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

Allusion may be made here to the excellent work performed by the Prisoners' Aid Association, which has branches in the country towns where there are prisons. Members of the organization meet prisoners on their discharge, help in restoring hopeful cases to reputable relatives and friends, assist in obtaining situations, and generally maintain a friendly supervision over those in need of assistance. Fine work is being done by the chaplains and sisters of the various religious bodies, including the Salvation Army.

(ii) *Victoria*. In Victoria there is an excellent system of classification and allocation of prisoners in various grades to different gaols, while at the important penal establishment at Pentridge careful segregation into several classes is carried out. First offenders are placed in the "special" division, and it is stated that very few of the prisoners in this class discharged from Pentridge are known to have been reconvicted. In common with the other States the latest humane methods of accommodation and prison treatment have for some time been employed. The younger prisoners spend a portion of each week day at school, and evening school or recreational classes are held from 7 p.m. to 9 p.m. at the Reformatory. Voluntary classes for older prisoners have been formed by the Prisoners' Aid Society. In addition, where the necessary arrangements can be made, well-behaved prisoners are allowed to take correspondence lessons from outside institutions. Text books, dictionaries, and books of reference are supplied on loan within reason to prisoners who desire to use them. An afforestation camp known as McLeod Settlement, French Island, was opened in 1916, and at the 31st December, 1926, there were 35 inmates. In addition to the work of afforestation, portion of the land has been laid down in crops, and some attention given to poultry and pig-keeping. It is stated that the experiment has resulted in improvement both in demeanour and physique of prisoners, and in many cases has led to a return to honest citizenship. A farm has been established about 3 miles from the prison at Castlemaine with provision for 14 inmates, while others are taken to and fro daily. The number in confinement at the end of December, 1926, was 70. The orchard planted in connexion with the farm contains about 1,000 fruit trees. A large number of poultry is kept, and provision has been made for practical instruction in farming, carpentering and other work which will help in securing employment for prisoners on release.

The results of intelligence tests carried out at the Castlemaine Reformatory show a considerable amount of mental deficiency, particularly amongst sexual offenders. Further tests in regard to larger numbers of the latter class will, however, be necessary to determine whether mental deficiency is characteristic of this class.

Under the Venereal Diseases Act, prisoners where necessary receive medical treatment, and after release the treatment where required is continued outside the prison at places gazetted by the Health Department. Provision is also made for dental attention where necessary, the treatment being free if the prisoner is unable to pay or to make arrangements for payment.

As mentioned previously, the Indeterminate Sentences Board advocate the application of the indeterminate sentence in the case of the habitual petty offender.

Aid is given to discharged prisoners by the Salvation Army and by various church organizations and welfare committees.

(iii) *Queensland*. Queensland prisons have been considerably modernized during the last few years. Amongst recent reforms may be mentioned the provision of a separate institution at Brisbane for long-sentence prisoners, and the extension of the principle of classification and separation. Juvenile offenders, i.e., those between the ages of 16 and 21 years, are kept apart from other prisoners and treated in accordance with the latest reformatory methods. Many of the prisoners received, both in the adult and junior stage, come from the ranks of the idle, the thriftless, and the unskilled, and efforts are made to teach these some useful calling, and to help them to form habits of industry. It has been found in Queensland, as is the case elsewhere, that very few skilled workmen are criminals. The penal establishment at St. Helena has been converted into a farm colony, and well conducted prisoners receive special treatment there during the later stages of their sentences. Greater facilities have been provided for the instruction of prisoners in trades which will afford them a means of earning a livelihood on their release, and the prison libraries have been replenished with useful and interesting literature. The cells in the principal prisons have been provided with lights, and prisoners are allowed to read and study up to a reasonable hour at night. Under the provisions of the Health Act, prisoners suffering from venereal disease may be detained until danger of infection has ceased.

Excellent work in aid of discharged prisoners is carried on by the Salvation Army, while the "William Powell Home," through its secretary, renders valuable service. The Comptroller-General, in his Report for the year 1926, draws attention to the need of an organized State system of assisting released prisoners.

(iv) *South Australia*.—The present system of gaol administration 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. At the Yatala Labour Prison, which is the largest in the State, the prisoners are graded into three classes—first offenders, second offenders, and old offenders, the various classes being kept apart. Declared inebriates under “The Convicted Inebriates Act 1913” are as a rule received at the Adelaide Gaol and thence transferred to the Institution at Gladstone. During the year 1924 new regulations were introduced chiefly with the view to encourage prisoners to take greater interest in the results of their labour. Industrious prisoners are able to earn monetary payment, and are allowed to remit a portion of their earnings to dependents in need of pecuniary help. A more liberal dietary scale has been introduced, and well-conducted prisoners are allowed to supplement this from their earnings. Permits are granted to prisoners to earn money by working in their cells at night. Facilities are afforded to help prisoners who desire to improve themselves educationally, and greater provision has been made for recreation. Under the amending Prisons Act of 1924, prisoners who have completed not less than half their sentences may apply for conditional release. Up to the end of 1926, a total of 30 prisoners had been so released, of whom 2 had their certificates revoked. Special district probation officers have been appointed, who visit and assist all persons released on probation.

Various religious organizations devote attention to the periodical visiting of prisoners in the gaols, while fine work is done by the Prisoners’ Aid Association in helping released prisoners to obtain employment, or return to their homes in other States.

(v) *Western Australia*. A Royal Commission in 1911 recommended the adoption of various reforms in connexion 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 better conditions in regard to hours of labour, leave of absence, etc., for the staff. Amongst other improvements 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. Under the Prisons Act Amendment Act of 1918 a portion of Fremantle Prison was set aside as a reformatory prison in 1919, and first offenders are kept separate from other prisoners. Provision is also made for the appointment of an Indeterminate Sentences Board, and conditions are laid down under which prisoners may be released on probation or parole. A State Prison Farm has been established on a site at Pardelup and good conduct prisoners may be transferred there from Fremantle. The farm covers an area of 3,300 acres and the first inmates were transferred thereto in 1927.

The Prison Gate Committee affords assistance to discharged prisoners by finding work and helping in other ways.

(vi) *Tasmania*. The number of convicted prisoners in confinement in Tasmanian gaols at the end of 1926 was 81. The completion of alterations to the Hobart gaol has facilitated the classification of offenders, and afforded greater opportunities for teaching trades. Youthful offenders are kept apart from ordinary prisoners.

(vii) *Psychology of the Criminal*. The Director of the State Psychological Clinic at Hobart recently stated that an examination of the prisoners in Hobart Gaol showed that nearly two-thirds were “deviates” from the normal, and he stressed the necessity for devising means for the discovery and possible correction of abnormal tendencies in childhood. He alluded also to the connexion between brain development and mental development, and pointed out that in Hobart Gaol 84 per cent. of the defectives were small-headed. In the Prisons Report for New South Wales for the year 1925 the Visiting Surgeon to the State Penitentiary remarks: “The majority of cases that have come under my observation this year are undoubtedly persons below the normal standard of mentality, and the question always arises, are they mentally responsible or no?” Attention is also drawn to the fact that many adult criminals are mentally and morally under the age of discretion. Intelligence tests conducted at the Pentridge Gaol, Melbourne, in 1924–5 showed a percentage of 61 in the sub-normal stage.

§ 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, 1922 TO 1926.

State.		1922.	1923.	1924.	1925.	1926.
New South Wales ..	{ Cases No.	38,828	48,760	53,997	70,798	77,365
	{ Amount £	163,803	198,558	220,442	249,418	288,735
Victoria ..	{ Cases No.	47,140	58,502	73,264	82,589	90,299
	{ Amount £	295,697	413,417	497,833	552,788	611,528
Queensland ..	{ Cases No.	16,023	18,329	17,607	17,226	18,255
	{ Amount £	122,684	155,314	178,018	189,742	218,742
South Australia ..	{ Cases No.	23,030	25,839	29,101	33,650	36,113
	{ Amount £	123,569	142,217	182,930	197,924	209,658
Western Australia ..	{ Cases No.	15,991	16,649	18,705	21,029	21,626
	{ Amount £	71,457	76,208	91,100	97,415	118,044
Tasmania ..	{ Cases No.	7,246	7,879	7,950	10,332	10,248
	{ Amount £	59,137	57,014	62,234	73,415	76,272
Total ..	{ Cases No.	148,258	175,958	200,624	235,624	253,906
	{ Amount £	836,347	1,042,728	1,232,557	1,360,702	1,522,979

The figures just given represent the returns from Petty Sessions Courts in New South Wales and Victoria, the Petty Debts Courts in Queensland, the Local Courts of South Australia and Western Australia, and the Courts 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 1922 to 1926.

The New South Wales returns refer to the total amounts of judgments in the District Courts, and are exclusive of judgments signed in the Supreme Court, for which the amount is not available.

SUPERIOR COURTS.—CIVIL CASES, 1922 TO 1926.

State.		1922.	1923.	1924.	1925.	1926.
New South Wales ..	{ Causes No.	1,386	1,557	1,618	1,563	1,786
	{ Amount £	500,862	578,774	259,327	257,211	274,605
Victoria ..	{ Causes No.	863	996	1,041	1,032	1,076
	{ Amount £	213,597	237,145	303,140	341,184	330,647
Queensland ..	{ Causes No.	187	245	225	242	274
	{ Amount £	21,914	17,645	9,861	13,114	16,168
South Australia ..	{ Causes No.	55	60	146	174	178
	{ Amount £	10,300	3,923	7,654	64,821	56,664
Western Australia ..	{ Causes No.	195	205	272	300	320
	{ Amount £	40,119	34,207	87,495	87,653	53,573
Tasmania ..	{ Causes No.	474	525	548	634	611
	{ Amount £	28,952	30,127	42,624	26,667	24,914
Total ..	{ Causes No.	3,160	3,588	3,850	3,945	4,245
	{ Amount £	815,744	901,821	710,101	790,650	756,571

3. **Divorces and Judicial Separations.**—The number of divorces and judicial separations in each State during the period 1922 to 1926 is shown below. The figures refer in the case of divorces to decrees made absolute in each year and include decrees for nullity of marriage.

DIVORCES AND JUDICIAL SEPARATIONS, 1922 TO 1926.

State.	1922.		1923.		1924.		1925.		1926.	
	Divorces.	Judicial Separations.								
New South Wales	684	9	739	13	838	7	1,071	11	834	12
Victoria	376	2	429	2	407	1	455	3	468	2
Queensland	47	..	75	2	105	..	85	2	99	1
South Australia	76	..	90	..	77	..	85	..	71	1
Western Australia	110	1	101	..	89	..	121	..	127	..
Tasmania	33	..	29	..	20	..	37	..	34	..
Northern Territory
Total	1,326	12	1,463	17	1,536	8	1,854	16	1,633	16

The average annual number of divorces and judicial separations in Australia at decennial periods from 1871 to 1920 and during the sexennium 1921-26 was as follows:—

DIVORCES AND JUDICIAL SEPARATIONS.—AUSTRALIA, 1871 TO 1926.

	1871-1880.	1881-90.	1891-1900.	1901-10.	1911-20.	1921-26.
Averages ..	29	70	358	401	707	1,564.

The bulk of the divorces and judicial separations refer to New South Wales and Victoria, the Acts of 1899 and 1889 in the respective States having made 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 connexion between the figures.

4. **Probates.**—The number of probates and letters of administration granted, together with the value of the estates concerned, are given below for each State for the period 1922 to 1926:—

PROBATES AND LETTERS OF ADMINISTRATION, 1922 TO 1926.

State.	1922.	1923.	1924.	1925.	1926.
New South Wales .. {	Number 5,681	6,281	6,410	6,909	7,064
Value £ 15,441,378	16,429,860	17,970,385	18,300,924	18,138,133	
Victoria .. {	Number 5,445	6,283	5,540	5,204	5,883
Value £ 12,641,263	15,070,725	12,831,268	13,227,243	14,313,367	
Queensland .. {	Number 1,002	1,073	922	807	1,173
Value £ 3,591,531	3,504,467	3,258,981	3,367,784	4,686,319	
South Australia .. {	Number 1,786	1,823	2,001	1,942	1,972
Value £ 3,683,202	4,043,547	4,065,615	4,366,425	4,182,041	
Western Australia .. {	Number 942	907	949	1,038	1,096
Value £ 979,214	1,358,846	1,630,479	1,724,727	1,897,539	
Tasmania .. {	Number 545	589	622	541	557
Value £ 1,211,764	1,283,638	1,281,006	1,262,103	1,412,543	
Northern Territory .. {	Number 27	19	20	23	43
Value £ 5,411	6,006	27,953	10,246	23,840	
Total .. {	Number 15,428	16,955	16,464	16,559	17,768
Value £ 37,553,768	41,787,089	41,074,687	42,349,452	44,653,782	

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

For several reasons comparisons drawn from these figures 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 methods of procedure thereunder in connexion with bankruptcy. The figures quoted in the table exclude private arrangements in Victoria, South Australia, and Western Australia, and the liquidations and compositions in Queensland and Tasmania.

The Bankruptcy Act (No. 37 of 1924) and the Bankruptcy Act (No. 3 of 1927) passed by the Commonwealth Parliament provide for the transfer of jurisdiction in Bankruptcy to the Commonwealth, and the regulations under these acts have been gazetted.

BANKRUPTCIES, 1922 TO 1926.

State.		1922.	1923.	1924.	1925.	1926.
New South Wales ..	Number ..	481	668	668	716	781
	Liabilities £	440,856	659,314	742,079	878,708	736,149
	Assets £	251,185	282,657	303,315	438,796	353,028
Victoria	Number ..	322	414	520	563	683
	Liabilities £	349,118	323,540	504,678	446,438	493,428
	Assets £	189,016	152,602	311,290	249,251	224,316
Queensland	Number ..	148	204	247	275	267
	Liabilities £	90,790	109,211	184,979	170,053	207,061
	Assets £	42,012	55,185	76,462	100,259	94,795
South Australia ..	Number ..	110	137	167	161	213
	Liabilities £	158,987	173,632	262,959	344,542	341,113
	Assets £	102,738	116,333	167,982	236,713	195,594
Western Australia ..	Number ..	36	41	44	44	60
	Liabilities £	36,510	50,449	36,488	37,962	51,451
	Assets £	16,961	24,018	23,388	11,219	37,785
Tasmania	Number ..	1	7	3	7	7
	Liabilities £	1,170	7,685	1,705	8,577	6,867
	Assets £	..	4,337	692	3,460	1,394
Northern Territory ..	Number ..	2	2	1	..	1
	Liabilities £	175	141	(a)	..	(a)
	Assets £	..	40	(a)	..	(a)
Total	Number ..	1,100	1,473	1,650	1,786	2,012
	Liabilities £	1,077,606	1,323,972	1,732,888	1,886,280	1,836,069
	Assets £	601,912	635,172	883,750	1,039,698	906,912

(a) Not stated.

In consequence of amendments in the returns made by the Crown law authorities in Tasmania, considerable alterations became necessary in the totals for that State for the years 1922 to 1925, and these involved corresponding changes in the aggregates for Australia for the same years.

(ii) *Deeds of Arrangement, etc.* The figures given above are, as explained, exclusive of private arrangements. For New South Wales the returns show that no compositions were effected in 1926. In Victoria during 1926 the deeds of arrangement numbered 204, the declared liabilities and assets being £287,767 and £222,693 respectively. Liquidations under the Insolvency Act in Queensland numbered 21, the total liabilities and assets amounting to £53,644 and £38,583 respectively. In South Australia, 226 compositions were arranged during the year. Under the Bankruptcy Amendment Act of 1893, 13 compositions, 12 schemes of arrangement, and 64 deeds of assignment were made in Western Australia, but particulars regarding the liabilities and assets involved are not available. In Tasmania, 34 liquidations, involving liabilities £17,363 and assets £15,561, and 19 compositions, involving liabilities £13,322 and assets £4,273, were arranged during 1926.

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 1903–26. 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 shows the transactions of the High Court for the quinquennium 1922-26 :—

COMMONWEALTH HIGH COURT.—TRANSACTIONS, 1922 TO 1926.

Items.	1922.	1923.	1924.	1925.	1926.
I. ORIGINAL JURISDICTION.					
Number of writs issued	183	82	88	138	160
Number of causes entered for trial	30	15	7	21	25
Verdicts for plaintiffs	6	5	4	8	6
Verdicts for defendants	9	1	1	3	6
Otherwise disposed of	61	9	2	10	13
Amount of judgments	£18,579	£5,525	£23,724	£11,810	£6,018
II. APPELLATE JURISDICTION.					
Number of appeals set down for hearing	96	72	101	76	80
Number allowed	39	27	39	24	36
Number dismissed	48	35	46	34	38
Otherwise disposed of	9	10	16	18	6
III. AMOUNT OF FEES COLLECTED.					
Amount in each year	£802	£586	£789	£1,185	£1,057

During the year 1926 the Court dealt also with other matters as follows :—

Appeals from Assessments under the Taxation Assessment Acts ..	22
Special cases stated for the opinion of the Full Court	11
Applications for Prohibition	1

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 1904-26, will be found in Chapter XIII.

§ 6. Cost of Administration of Justice.

1. Expenditure by the States.—The table below shows the expenditure from Consolidated Revenue during each of the last five years in connexion with the administration of justice in each of the States. Expenditure on police and on prisons are given on separate lines. 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.

STATE EXPENDITURE ON JUSTICE, 1922 TO 1926.

State.		1922.	1923.	1924.	1925.	1926.
		£	£	£	£	£
New South Wales ..	Police	1,205,557	1,219,244	1,317,320	1,331,978	1,370,659
	Gaols	145,887	138,137	150,052	162,411	174,902
	Other	395,691	415,420	428,437	428,726	444,295
Victoria ..	Police	600,856	755,698	741,126	768,939	840,653
	Gaols	80,363	101,233	99,732	117,577	114,397
	Other	233,452	252,995	259,626	265,748	285,321
Queensland ..	Police	455,519	461,446	497,484	554,879	563,391
	Gaols	34,068	34,635	38,239	39,874	44,255
	Other	144,341	149,492	170,350	190,495	175,264
South Australia ..	Police	216,109	221,635	246,646	250,915	263,857
	Gaols	34,520	37,388	41,257	46,240	49,165
	Other	50,459	64,549	65,447	70,431	68,805
Western Australia ..	Police	181,893	185,945	193,461	216,798	224,690
	Gaols	27,440	26,102	25,970	25,989	28,079
	Other	91,605	99,250	92,816	97,364	108,351
Tasmania ..	Police	77,096	78,313	81,318	84,340	88,725
	Gaols	9,643	9,475	9,426	9,446	10,858
	Other	32,921	33,487	38,381	37,680	37,001
Northern Territory (a)	Police	16,011	16,070	17,923	19,004	19,656
	Gaols	4,403	4,148	4,469	4,432	4,746
	Other	2,664	2,611	3,078	3,226	3,359
Total ..	Police	2,753,041	2,938,351	3,095,278	3,226,853	3,371,631
	Gaols	336,324	351,118	369,145	405,969	426,402
	Other	951,133	1,017,804	1,058,135	1,093,670	1,122,396

(a) See 2, Federal Expenditure, next page.

The rise in expenditure during the last few years was due chiefly to increases in wages and salaries and heavier outlay on stores and supplies.

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

STATE EXPENDITURE ON JUSTICE—PER HEAD, 1922 TO 1926.

State.		1922.	1923.	1924.	1925.	1926.
		s. d.	s. d.	s. d.	s. d.	s. d.
New South Wales ..	Police	11 1	11 0	11 8	11 7	11 9
	Gaols	1 4	1 3	1 4	1 5	1 6
	Other	3 8	3 9	3 10	3 9	3 10
Victoria ..	Police	7 7	9 4	8 11	9 2	9 11
	Gaols	1 0	1 3	1 2	1 5	1 4
	Other	2 11	3 1	3 2	3 2	3 4
Queensland ..	Police	11 7	11 5	11 11	12 11	12 11
	Gaols	0 10	0 10	0 11	0 11	1 0
	Other	3 8	3 8	4 1	4 5	4 0
South Australia ..	Police	8 5	8 5	9 2	9 1	9 5
	Gaols	1 4	1 5	1 6	1 8	1 9
	Other	2 0	2 6	2 5	2 7	2 6
Western Australia ..	Police	10 7	10 6	10 7	11 8	12 0
	Gaols	1 7	1 6	1 5	1 5	1 6
	Other	5 4	5 7	5 1	5 3	5 9
Tasmania ..	Police	7 0	7 2	7 6	7 9	8 5
	Gaols	0 11	0 10	0 10	0 10	1 0
	Other	3 0	3 1	3 6	3 6	3 6
Northern Territory (a)	Police	90 2	90 5	99 7	104 0	104 5
	Gaols	24 10	23 4	24 10	24 3	25 2
	Other	15 0	14 8	17 1	17 8	17 10
Total ..	Police	9 9	10 3	10 6	10 9	11 2
	Gaols	1 2	1 3	1 3	1 4	1 5
	Other	3 5	3 6	3 7	3 8	3 9

(a) See 2 below.

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 connexion with the administration of justice in the various States has risen from 10s. per inhabitant in 1901 to 16s. 4d. in 1926. Police expenditure increased by 5s. 5d. per head, the average for gaols by 3d. per head, while the expenditure on courts and the remaining machinery of justice increased by 8d. per head during the period. Increased salaries and allowances, and the heavier cost of materials and equipment were largely responsible for the rise in the rate per head during the last few years.

2. Federal Expenditure.—(i) *High Court.* With the exception of that for the Northern Territory, the expenditure shown in the foregoing tables is that incurred by the State Governments only, and does not include expenditure in connexion with the Federal High Court, which is given hereunder for the period 1921–22 to 1926–27 :—

EXPENDITURE ON FEDERAL HIGH COURT, 1921-22 TO 1926-27.

Year.			Amount.	Year.			Amount.
			£				£
1921–22	..	..	33,776	1924–25	..	..	34,769
1922–23	..	..	35,458	1925–26	..	..	35,500
1923–24	..	..	35,645	1926–27	..	..	36,494

(ii) *Total Expenditure.* Other items of expenditure during 1926–27 by the Commonwealth Attorney-General's Department include—Secretary's office, £26,801; Crown Solicitor, £24,465; Court of Conciliation and Arbitration, £23,162; Public Service Arbitrator, £4,220; Investigation Branch, £10,189. Including the High Court expenditure, but excluding that in connexion with Patents and Copyright, the total expenditure by the federal law authorities in 1926–27 amounted to £150,392.