

PART II.

LAW, CRIME, ETC.

Legal System
in Victoria.

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

LITIGATION AND LEGAL BUSINESS.

Supreme
Court civil
business.

The Supreme Court of Victoria was established in 1852, and its constitution and powers remain substantially unaltered by recent legislation, although the procedure was entirely remoulded by *The Judicature Act 1883* (now incorporated in the *Supreme Court Act 1928*). There were in 1938, five Judges, viz., a Chief Justice and four Puisne Judges.

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

VICTORIA—SUPREME COURT CIVIL CASES, 1934 TO 1938.

Heading.	1934.	1935.	1936.	1937.	1938.
Number of Places at which Sittings were held	4	4	5	5	5
Causes Entered—					
For Assessment of Damages	9	3	6	4	5
For Trial	137	163	156	143	167
Number of Causes Tried—					
By Juries of Six	24	32	16	20	14
By a Judge	62	60	64	52	30
Verdicts returned for—					
Plaintiff	50	54	55	54	27
Defendant	36	38	20	19	17
Amount Awarded £	19,877	13,902	29,369	25,525	8,810
Writs of Summons issued	694	674	626	679	699
Other Original Proceedings	*	249	288	302	274
Appellate Proceedings (other than Criminal Appeals heard and determined)—					
By Full Court	45	45	30	36	41
By a Judge	69	76	62	70	49
Fees Collected £	3,310	3,413	3,274	3,322	3,891

* Not available.

County Court business. County Courts have a jurisdiction, both in equity and common law cases, limited to £500; also in cases remitted by the Supreme Court. The cause of action must have arisen within 100 miles of the court in which proceedings are taken, which court must not be more than ten miles further away from defendant's residence than some other County Court in which the plaintiff might have sued. In 1938 there were 94 sessions, which were held in 34 places. Particulars of litigation in each of the last five years are as follows :—

VICTORIA—COUNTY COURT CASES, 1934 TO 1938.

Year.					Number of Causes Tried.	Amount Sued For.	Amount Awarded.
						£	£
1934	..	..	..	..	859	707,881	210,977
1935	..	..	..	..	825	515,402	209,292
1936	..	..	..	..	1,350	522,100	211,643
1937	..	..	..	..	1,385	560,926	199,972
1938	..	..	..	..	1,390	569,575	207,455

Petty Sessions civil business. In 1938, Courts of Petty Sessions by stipendiary magistrates and honorary justices were held at 227 places in Victoria. Clerks of courts of ten years' standing, who have passed the prescribed examination, and barristers of five years' standing are eligible for appointment as police magistrates, but there is no legal training or knowledge of the law required as a condition precedent to the appointment of a person as an honorary justice of the peace. The jurisdiction in civil cases is limited to what may be called ordinary debts, damages for assault, and restitution of goods, where the amount in dispute does not exceed £50. Particulars of civil cases, &c., heard during the last five years are as follows :—

VICTORIA—COURTS OF PETTY SESSIONS: CIVIL CASES,
ETC., 1934 TO 1938.

Heading.	1934.	1935.	1936.	1937.	1938.
Civil Cases—					
Number heard	82,783	88,828	101,024	100,818	103,718
Debts or Damages—					
Claimed	£ 726,678	765,160	877,991	835,370	915,052
Awarded	£ 525,030	560,039	610,411	607,495	710,492
Other Cases—					
Appeals against Rates	765	374	493	617	575
Children's Maintenance	146	17	9	36	62
Ejectment Cases	4,896	3,917	3,351	2,766	2,765
Examination of Lunatics	246	214	255	241	187
Fraud Summonses	3,093	2,949	5,556	5,562	4,641
Garnishee Cases	2,330	2,832	3,526	3,475	3,838
Licences and Certificates	16,283	18,437	17,931	18,219	18,824
Maintenance Cases	1,660	1,590	1,553	1,802	1,995
Prohibition Cases	140	99	86	69	74
Other	4,629	6,401	7,501	9,361	10,827

Writs by
the Sheriff.

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

VICTORIA—WRITS RECEIVED BY THE SHERIFF, 1934 TO
1938.

Year.	King's Writs against Person and Property.	Subjects' Writs against—		Total.
		The Person.	Property.	
1934	2	9	148	159
1935	13	17	171	201
1936	25	5	152	182
1937	24	5	120	149
1938	17	8	108	133

High Court of
Australia.

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

BANKRUPTCIES.

A Bankruptcy Act passed by the Federal Parliament in October, 1924, and amended in 1927, was brought into operation on 1st August, 1928. It supersedes the Bankruptcy and Insolvency Acts of the States, with the exception of any provisions relating to matters not dealt with in the Federal Act.

The number of sequestrations, &c., in Victoria during each of the five years ended 31st July, 1939, under the *Commonwealth Bankruptcy Acts* 1924-1933, and the amount of liabilities and assets relating thereto were as follows :—

VICTORIA—BANKRUPTCIES, 1934-35 to 1938-39.

Year ended 31st July—	Sequestration Orders and Orders for Administration of Deceased Debtors' Estates.	Compositions, Assignments, &c., under Part XI. of the Act.	Deeds of Arrangement under Part XII. of the Act.	Total.
NUMBER.				
1935 ..	201	10	181	392
1936 ..	195	5	143	343
1937 ..	227	12	103	342
1938 ..	255	9	121	385
1939 ..	295	7	129	431
LIABILITIES.				
	£	£	£	£
1935 ..	307,790	89,467	294,697	691,954
1936 ..	139,113	5,057	288,194	432,364
1937 ..	227,043	66,050	146,899	439,992
1938 ..	250,282	11,217	199,581	461,080
1939 ..	211,630	11,747	206,235	429,612
ASSETS.				
	£	£	£	£
1935 ..	59,391	58,100	209,945	327,436
1936 ..	31,206	5,329	201,299	237,834
1937 ..	29,924	13,601	91,465	134,990
1938 ..	74,138	5,553	114,401	194,092
1939 ..	64,087	13,063	133,329	210,479

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

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

DIVORCE.

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

The following table gives the number of petitions filed by husbands and wives respectively, and the number of decrees granted for divorce, judicial separation, and nullity of marriage during the year 1938 :—

VICTORIA—DIVORCES, 1938.

	Petitions filed by—			Decrees granted to—		
	Husbands.	Wives.	Total.	Husbands.	Wives.	Total.
Dissolution of Marriage ..	391	531	922	317	503	820
Judicial Separation ..	1	9	10	..	3	3
Nullity of Marriage ..	7	7	14	3	4	7
Total	399	547	946	320	510	830

The grounds upon which divorces were granted during the year 1938 were as follows :—

VICTORIA—DIVORCES, GROUNDS OF, 1938.

Grounds on which Granted.	Dissolution of Marriage.		Judicial Separation.		Nullity of Marriage.	
	Husbands' Petitions.	Wives' Petitions.	Husbands' Petitions.	Wives' Petitions.	Husbands' Petitions.	Wives' Petitions.
Adultery	81	97	..	3	..	..
Bigamy .. ..	..	..	..	..	2	4
Cruelty, repeated acts of ..	..	1	..	..	..	..
Desertion	228	385	..	..	..	..
Desertion and adultery ..	..	4	..	..	..	..
Drunkenness (habitual) ..	1	5	..	..	..	..
Drunkenness and cruelty .. ..	..	7	..	..	..	..
Impotence .. ..	..	..	..	..	1	..
Insanity	7	..	..	..	..	..
Sentences for crime .. ..	..	3	..	..	..	..
Sodomy .. ..	..	1	..	..	..	..
Total	317	503	..	3	3	4

Divorces, 1861 to 1938. In 1861 jurisdiction was conferred on the Supreme Court of Victoria in matrimonial matters. The Divorce Act of 1889, which received the Royal Assent on 13th May, 1890, considerably extended the grounds upon which divorce might be granted.

The following is a statement of the number of decrees granted in Victoria for dissolution of marriage and for judicial separation during the period 1861 to 1890, for the decennial periods 1891-1900 to 1921-30, and for each of the years 1931 to 1938.

VICTORIA—DIVORCES AND JUDICIAL SEPARATIONS,
1861 TO 1938.

Period.	Decrees Granted for—	
	Dissolution of Marriage.	Judicial Separation.
1861-1890	348	71
1891-1900	949	14
1901-1910	1,255	6
1911-1920	2,499	14
1921-1930	4,403	16
1931	417	2
1932	454	..
1933	495	..
1934	618	..
1935	599	3
1936	685	1
1937	796	1
1938	820	3
Total—1891 to 1938	13,990	60
Total—1861 to 1938	14,338	131

RACECOURSE LICENCES.

Racecourse licences and percentage fees.

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

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

VICTORIA—REVENUE FROM RACECOURSE LICENCES AND PERCENTAGE FEES, 1929-30 TO 1938-39.

Year ended 30th June.	Amount.	Year ended 30th June.	Amount.
	£		£
1930	27,789	1935	14,885
1931	23,246	1936	15,554
1932	16,457	1937	15,718
1933	15,575	1938	16,627
1934	15,050	1939	17,191

CRIME.

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

Administration of the criminal law.

CRIME AND DRUNKENNESS.

The statistics of crime and drunkenness for the years subsequent to 1932 have been compiled on a basis which differs from that for the years 1893 to 1932. The particulars for the years 1933 to 1938 represent, in respect of multiple charges, the total number of all offences with which arrested persons were charged whereas, for the period 1893 to 1932, only the most serious offence in each case was tabulated. Summons cases in 1933 to 1938 relate, as in previous years, to all offences with which a person was charged. The statistics for the last four years are comparable, therefore, with those for the years prior to 1893 appearing in earlier issues of the *Year-Book*.

Alteration in method of tabulation.

Offences and drunkenness.

The subjoined table shows, for a series of years, the numbers of arrest and summons cases, and also the numbers per 1,000 of the population, tabulated according to the only classes of offences for which complete comparisons can be made.

VICTORIA—OFFENCES AND DRUNKENNESS, 1890 TO 1938.

Year.	Number of Arrest and Summons Cases—				
	Offences Against the Person.	Offences Against Property.	Drunkenness.	Other Offences.	Total.
1890	4,091	5,036	18,501	36,456	64,084
1895*	2,344	3,336	11,143	20,843	37,666
1900*	2,103	3,106	15,878	28,003	49,090
1910*	1,663	3,052	12,719	34,626	52,060
1920*	1,909	4,877	7,154	42,758	56,698
1930*	1,680	5,078	8,132	41,859	56,749
1934	1,500	6,258	8,666	40,646	57,070
1935	1,500	6,716	10,221	47,536	65,973
1936	1,503	6,865	10,390	63,360	82,118
1937	1,351	7,244	10,433	55,194	74,222
1938	1,412	8,320	11,311	58,013	79,056
Number of Arrest and Summons Cases per 1,000 of Population.					
1890	3·66	4·50	16·54	32·59	57·29
1895*	1·98	2·82	9·41	17·60	31·81
1900*	1·76	2·60	13·31	23·47	41·14
1910*	1·30	2·38	9·92	27·00	40·60
1920*	1·26	3·23	4·73	28·27	37·49
1930*	·94	2·84	4·55	23·44	31·77
1934	·82	3·42	4·73	22·20	31·17
1935	·82	3·65	5·56	25·84	35·87
1936	·81	3·72	5·62	34·29	44·44
1937	·73	3·90	5·62	29·74	39·99
1938	·76	4·45	6·06	31·06	42·33

* See paragraph "Alteration in method of tabulation" on page 57.

**Offences
against the
person and
property.**

Almost all serious crimes are either offences against the person or offences against property. The first-named consist mainly of assault, but include murder, manslaughter, shooting, wounding, and all crimes of lust. Offences against property consist principally of larceny and similar offences; but include burglary, robbery, &c., cattle stealing, and wilful damage to property.

Other Offences.

The only serious crimes included under "Other Offences" are forgery, counterfeiting, conspiracy, and perjury. These were very few in number, there having been in Victoria in 1938 only 139 of such charges out of a total of 58,013 in the category to which they belong. A large proportion of the cases under the heading "Other Offences" were merely breaches of various Acts of Parliament, by-laws, &c., which indicate no degree of criminal instinct or intent on the part of the person charged. There were also among them a large number of offences against good order, including insulting behaviour, vagrancy, &c.

If it be desired to compare the above figures with those relating to other States or countries, it is necessary that consideration be given to several points. The first is that the criminal law in the places compared be substantially the same; the second, that it be administered with equal strictness; and the third, that proper allowances be made for differences in the age and sex constitution of the population. These points must also be taken into account in comparing crime in recent years with that in previous periods when there may have been differences in the law and when the population was very differently constituted in regard to sex and age.

Arrests and
summonses
for various
offences.

The following are particulars of the different classes of offences dealt with by magistrates in 1938.

VICTORIA—ARRESTS AND SUMMONSES FOR VARIOUS OFFENCES, 1938.

Nature of Offence.	Total.	Summarily Disposed of—				Committed for Trial.	
		Convicted.		Dismissed, Withdrawn, Struck Out.			
		M.	F.	M.	F.	M.	F.
Against the Person—							
Murder and attempts at	31	..	..	14	3	10	4
Manslaughter	8	..	..	1	1	6	..
Shooting at, wounding, &c.	55	3	..	13	..	36	3
Assaults	1,103	544	38	421	58	40	2
Others	215	24	4	31	10	137	9
Total	1,412	571	42	480	72	229	18
Against Property—							
Robbery, burglary, &c.	1,020	172	..	55	5	774	14
Larceny and similar offences	5,777	3,925	317	751	71	661	52
Wilful damage	453	321	23	95	7	7	..
Others	1,070	655	35	262	12	104	2
Total	8,320	5,073	375	1,163	95	1,546	68
Forgery and Offences against the Currency ..	98	3	..	6	..	83	6
Against Good Order—							
Drunkenness*	11,311	9,786	1,342	166	17	..	..
Others	7,374	5,440	441	1,320	170	3	..
Total	18,685	15,226	1,783	1,486	187	3	..
Other Offences—							
Breaches of—							
Education Act	4,689	3,618	700	277	94	..	..
Licensing Act	5,317	3,965	486	698	168	..	..
Motor Car Act	13,338	12,364	244	686	44	..	..
Traffic Regulations ..	10,576	9,973	288	287	28	..	..
Vermin and Noxious Weeds Act	620	294	97	162	67	..	..
Miscellaneous	16,001	12,744	995	1,992	207	49	14
Total	50,541	42,958	2,810	4,102	608	49	14
Grand Total	79,056	63,831	5,010	7,237	962	1,910	106

* See footnote on page 61.

Of the 79,056 cases dealt with, 68,841 were summarily convicted, 8,199 were dismissed, withdrawn, &c., and 2,016 committed for trial. These particulars include the cases disposed of in Children's Courts (other than arrests of neglected children).

Arrest and
summons
cases.

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

VICTORIA—ARREST AND SUMMONS CASES, 1934 TO 1938.

Year.	Arrest Cases.		Summons Cases.		Total.
	Males.	Females.	Males.	Females.	
1934	16,280	2,009	35,161	3,620	57,070
1935	17,833	2,111	42,197	3,832	65,973
1936	18,798	2,218	56,471	4,631	82,118
1937	18,534	2,070	50,108	3,510	74,222
1938	20,893	2,292	52,085	3,786	79,056

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

VICTORIA—DISPOSAL OF ARREST AND SUMMONS CASES, 1934 TO 1938.

Year.	Total.	Summarily Convicted.	Discharged by Magistrates.	Committed for Trial.
1934	57,070	45,748	9,791	1,531
1935	65,973	54,666	9,720	1,587
1936	82,118	70,752*	9,884*	1,482
1937	74,222	64,772*	7,905*	1,545
1938	79,056	68,841*	8,199*	2,016
Number per 10,000 of Population.				
1934	311·7	249·8	53·5	8·4
1935	358·7	297·2	52·9	8·6
1936	444·4	382·9*	53·5*	8·0
1937	399·9	349·0*	42·6*	8·3
1938	423·2	368·5*	43·9*	10·8

* The convictions in 1936, 1937 and 1938, in respect of drunkenness include those cases in which offenders were discharged by magistrates on a first appearance. In previous years such cases were not treated as convictions.

The table which follows shows the number of cases which were disposed of in Children's Courts during the year 1938. The jurisdiction of this Court is limited to children under the age of seventeen years.

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

Nature of Offence.	Total.	Summarily Disposed of—				Committed for Trial.	
		Convicted.		Dismissed, Withdrawn, Struck Out.		M.	F.
		M.	F.	M.	F.		
Against the Person—							
Assaults	98	73	1	20	1	3	..
Others	2	2	..	..	..	..	..
Total	100	75	1	20	1	3	..
Against Property—							
Larceny, &c.	3,249	2,787	103	341	15	3	..
Wilful Damage	210	183	13	14	..	..	..
Others	36	25	..	11	..	..	..
Total	3,495	2,995	116	366	15	3	..
Against Good Order—							
Drunkenness	5	5	..	..	..	..	..
Others	165	132	3	30	..	..	..
Total	170	137	3	30	..	..	..
Other Offences, &c.—							
Traffic Offences	1,162	1,100	15	45	2	..	..
Other Offences	627	519	14	93	1	..	..
Neglected Children	697	231	188	191	87	..	..
Total	2,486	1,850	217	329	90	..	..
Grand Total	6,251	5,057	337	745	106	6	..

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

VICTORIA—CHILDREN'S COURTS: CASES DISPOSED OF 1934 TO 1938.

Nature of Offence.	1934.	1935.	1936.	1937.	1938.
Against the Person—					
Assaults	36	73	98	86	98
Others	3	9	25	9	2
Against Property—					
Larceny, &c.	1,558	1,988	1,991	2,475	3,249
Wilful Damage	163	164	226	199	210
Others	27	26	41	30	36
Against Good Order—					
Drunkenness	5	7	9	13	5
Others	185	252	382	294	165
Traffic Offences	1,345	1,741	2,187	954	1,162
Other Offences				538	627
Neglected Children				582	697
Total	3,322	4,260	4,959	5,180	6,251
Summarily Convicted	2,723	3,541	4,003	4,212	5,394
Summarily Dismissed, &c.	597	708	954	966	851
Committed for Trial	2	11	2	2	6

The following statement gives particulars of the manner of by magistrates in 1938.

Children's Courts—Cases, in which the cases in the Children's Courts were disposed how dealt with.

VICTORIA—CHILDREN'S COURTS: CASES, HOW DEALT WITH, 1938.

How dealt with.	Males.	Females.	Total.
Adjourned for period without probation	713	30	743
Released on probation	1,664	79	1,743
Committed to care of Children's Welfare Department	376	150	526
Committed to reformatory	156	4	160
Committed to care of a private person or institution	33	28	61
Fined	1,529	28	1,557
Released under Section 356 of <i>Crimes Act 1928</i>	9	..	9
Dismissed on payment of costs or damages or both	20	1	21
Discharged upon surety	6	..	6
Sentenced to imprisonment, the execution of which has been suspended	36	..	36
Convicted and discharged	297	2	299
Discharged with a caution	218	15	233
Summarily Convicted	5,057	337	5,394
Summarily Dismissed, &c.	745	106	851
Committed for Trial	6	..	6
Grand Total	5,808	443	6,251

**Children's
Courts—Pro-
bation Cases.**

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

**VICTORIA—CHILDREN'S COURTS: PROBATION CASES,
1934 TO 1938.**

Year.	Cases Released on Probation.	Results of Probation.		
		Satisfactory.	Fair.	Unsatisfactory.
		%	%	%
1934	779	86	7	7
1935	1,004	82	8	10
1936	924	82	8	10
1937	1,113	84	7	9
1938	1,743	86	5	9

**Arrest cases
summarily
disposed of by
magistrates.**

The following is a statement of the arrest cases summarily disposed of by magistrates during 1938.

**VICTORIA—ARREST CASES SUMMARILY DISPOSED OF
BY MAGISTRATES, 1938.**

Sentence.	Males.	Females.	Total.
Fines paid	5,703	436	6,139
Imprisonment for—			
Under 1 month	3,591	717	4,308
1 month and under 6 months	1,412	149	1,561
6 months and under 12 months	247	17	264
1 year and under 2 years	45	1	46
2 years .. ..	..	..	..
Admonished	4,957	540	5,497
Ordered to find bail or sentence sus- pended on entering surety	470	64	534
Sent to Reformatory Schools, &c.	219	7	226
Otherwise dealt with	285	40	325
Total Convicted	16,929	1,971	18,900
Dismissed, Withdrawn, Struck Out	2,166	228	2,394
Total summarily disposed of	19,095	2,199	21,294

Committals for trial of distinct persons.

Particulars of the distinct persons tried before superior courts in 1938 are shown below in respect of arrest cases only. Where a person was charged with more than one offence, the principal offence only has been taken into account.

VICTORIA—COMMITTALS FOR TRIAL OF DISTINCT PERSONS, 1938.

(Arrest cases only.)

Offences.	Distinct Persons Charged.	Result of Trial—	
		Withdrawn, Discharged.	Convicted.
Against the Person—			
Murder	5	4	1
Attempted Murder	5	4	1
Manslaughter	6	6	..
Wounding or inflicting grievous bodily harm, &c.	37	19	18
Rape and other offences against females	78	22	56
Unnatural offences	11	2	9
Bigamy	15	2	13
Other	8	3	5
Against Property—			
Robbery and Stealing from the Person..	60	31	29
Burglary, Housebreaking, &c. ..	295	58	237
Stealing Horses, Cattle, and Sheep ..	21	10	11
Other Larceny	251	95	156
Fraud and False Pretences	43	5	38
Arson and attempts at	8	2	6
Other	47	26	21
Forgery and offences against the Currency	25	1	24
Other offences—			
Perjury and Subornation	10	4	6
Effecting a Public Mischief	1	..	1
Conspiracy	7	1	6
Other	5	1	4
Total	938	296	642

The following table contains for the year 1938 a classification according to offence and age of distinct persons arrested who were convicted after commitment for trial.

Offences.	Ages (Years).								
	Under 16.	16 to 17.	18 to 19.	20 to 24.	25 to 29.	30 to 39.	40 to 59.	60 and Over.	Total.
MALES.									
Against the Person	6	14	19	12	20	15	10	96
Against Property	39	82	101	89	102	54	4	471
Forgery and Offences against the Currency	1	4	6	3	2	8	..	24
Other Offences	1	5	1	5	5	..	17
Total	46	101	131	105	129	82	14	608
FEMALES.									
Against the Person	1	..	2	4	..	7
Against Property	5	6	7	4	5	..	27
Forgery and Offences against the Currency
Other Offences
Total	5	7	7	6	9	..	34

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

VICTORIA—PERSONS ARRESTED OR SUMMONED FOR DRUNKENNESS 1934 TO 1938.

Year.	Number of Persons—			Number per 1,000 of Population.
	Arrested.	Summoned.	Total.	
1934	8,593	73	8,666	4·73
1935	10,200	21	10,221	5·56
1936	10,339	51	10,390	5·62
1937	10,409	24	10,433	5·62
1938	11,282	29	11,311	6·06

The continuity of the above statistics has not been materially affected by the alteration in the method of tabulation referred to on page 57.

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

Drunkness—Comparison with previous years.

Period.	Index Number.	Period.	Index Number
1874-78	100	1923-27	41
1879-85	88	1928-32	30
1886-92	106	1933	35
1893-97	65	1934	32
1898-1902	84	1935	38
1903-07	77	1936	38
1908-12	68	1937	38
1913-17	59	1938	41
1918-22	32		

A considerable decrease in drunkenness is shown for the five years 1893-97, which was a period of general depression. In the five years following an increase occurred, but since that time the arrests for this offence have declined. In the middle of the year 1915 an Act was passed reducing the number of hours during which alcoholic liquors could be sold in hotels, and a further reduction was made in the following year. This possibly accounts for the marked decrease in the number of arrests for drunkenness in the period immediately following. It is noticeable that a further fall was recorded during the depression period subsequent to 1929.

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

VICTORIA—ARRESTS OF PERSONS UNDER 20 YEARS OF AGE CHARGED WITH DRUNKENNESS, 1934 TO 1938.

Year.	Number.	Number per 100,000 of the Population under 20 years of age.
1934	88	13·81
1935	94	14·68
1936	96	14·93
1937	108	16·72
1938	95	14·06

REGULATION OF LIQUOR TRADE.

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

To 31st December, 1938, 1,819 hotels had been closed by the Board or had surrendered their licences. Of these hotels 528 were located in metropolitan districts, and the compensation paid amounted to £580,252, or an average of £1,099 each. There were 1,291 hotels closed in country districts, and compensation amounting to £649,044 was paid, or an average of £507 each. The total sum paid in compensation in all districts of the State was £1,234,646, or an average of £679 for each hotel.

In addition to the above closings, the following have been deprived of their licences as a result of the local option poll held on 21st October, 1920:—5 spirit merchants, 4 grocers, 1 club, and 4 Australian wine licensees. The amount of compensation awarded was £550. Since 1922, 7 grocers' and 89 Australian wine licences have been taken away, for which compensation to the amount of £19,556 has been awarded.

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

Since 1922 plans have been passed by the Board for new and improved licensed premises, the estimated cost thereof being £4,977,676, exclusive of the cost of sewerage and new equipment.

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

VICTORIA—NUMBER OF HOTELS, 1885 TO 31ST DECEMBER, 1938.

Year.	Estimated Population.	Number of Hotels.*	Average Number of Persons to each Hotel.
1885	969,200	4,339	223
1906	1,219,832	3,520	347
1930	1,792,605	1,803	994
1931	1,803,570	1,781	1,013
1932	1,813,387	1,770	1,025
1933	1,824,479	1,759	1,037
1934	1,837,490	1,749	1,051
1935	1,843,023	1,744	1,057
1936	1,851,593	1,725	1,073
1937	1,859,487	1,711	1,087
1938	1,873,760	1,706	1,098
Increase, 1885 to 31st December, 1938	904,560	..	875
Decrease, 1885 to 31st December, 1938..	..	2,633	..

* Including Roadside Licences.

While the population has increased by 93 per cent. since 1885, the number of hotels has decreased by 61 per cent. The average number of persons to an hotel is now 393 per cent. more than it was in that year. During the period 1885 to 31st December, 1938, 227 hotels were closed as the result of local option polls, 1,819 were deprived of their licences by the Licences Reduction Board, or surrendered their licences thereto, and 664 were closed voluntarily. During the period 1907 to 31st December, 1938, 77 new licences were granted.

Licensing Fund. The revenue for the year ended 30th June, 1939, amounted to £277,920. The amounts received from the various sources were:—Licences, certificates, &c., £254,640; interest on investments, £10,982; fees and fines, £11,916; and miscellaneous, £382. The expenditure which totalled £304,320 consisted of the following items:—Annual payments to municipalities, £59,532; compensation, £14,880; transferred to Police Superannuation Fund under section 311 of Act No. 3717, £23,000; transferred to revenue under section 312 of Act No. 3717, as amended by Acts Nos. 4571 and 4613, £162,203; Licensing Poll expenses, £25,767; and salaries, expenses, &c., £18,938. The amount at credit of the fund at 30th June, 1939, was £410,976, of which £341,000 was invested.

Hours for sale of intoxicants. The trading hours of hotels in Victoria are from 9 a.m. to 6 p.m., but trading is not permitted on Sundays, Anzac Day (25th April), and Good Friday. The various legislative enactments, which from time to time have curtailed such trading hours, are given in the *Year-Book* for 1935–36, page 110.

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

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

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

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

	1930.		1938.
For abolition of licences ..	418,902 (42·86%)	..	368,676 (33·57%)
Against abolition of licences ..	552,339 (56·50%)	..	721,704 (65·73%)
Informal	6,271 (0·64%)	..	7,648 (0·70%)
Total Electors who voted ..	977,512	..	1,098,028
Total Electors on rolls ..	1,029,420	..	1,151,263
Proportion of Electors who voted	94·96%		95·38%

**Consumption
of beer.**

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

CONSUMPTION OF BEER IN VICTORIA, 1934-35 TO 1938-39.

Year.	Quantity of Beer Consumed.	Per head of Population.
	gallons.	gallons.
1934-35 ..	16,958,500	9.23
1935-36	19,538,800	10.60
1936-37 ..	20,750,800	11.20
1937-38 ..	23,099,800	12.41
1938-39 ..	23,555,700	12.56

GAOLS AND PRISONERS.**Gaols and
prisoners.**

There are five gaols in Victoria, including the Pentridge Penal Establishment, and five reformatory prisons, also two police gaols which are used as receiving stations. The following statement contains information for the year 1938 in regard to the accommodation for prisoners, the daily average number in confinement, the number received during the year, and the number in confinement at the end of the year.

VICTORIA—GAOL ACCOMMODATION AND PRISONERS, 1938.

Name of Institution.	Number of Prisoners.							
	For whom there is Accommodation.		Daily Average.		Total Received (including transfers).		In Confinement, at end of year.*	
	Males.	Females	Males.	Females	Males.	Females	Males.	Females
Pentridge ..	895	83	664.0	43.5	5,178	888	721	43
Pentridge Reformatory Prison	68	3	68.1	1.4	169	1	60	1
Ballarat Gaol ..	66	18	28.6	..	296	1	28	1
Beechworth Reformatory Prison	78	..	56.2	..	32	..	55	..
Bendigo Gaol ..	116	28	19.6	..	198	8	14	..
Castlemaine Reformatory Prison	91	..	87.0	..	125	..	89	..
Geelong Gaol ..	179	..	85.7	..	360	1	81	..
Geelong Reformatory Prison ..	21	..	14.8	..	7	..	12	..
McLeod Settlement Reformatory Prison ..	52	..	48.8	..	44	..	49	..
Sale Gaol ..	26	9	6.5	..	70	1	3	..
Police Gaols ..	25	4	4.4	..	159	1	..	..
Total ..	1,617	145	1,083.7	44.9	6,638	901	1,112	45

* Including 69 males and 4 females awaiting trial.

Prisoners received and discharged. The number of prisoners received at and discharged from the gaols and reformatory prisons (excluding police gaols) in Victoria is given in the following table for the year 1938:—

VICTORIA—PRISONERS RECEIVED AT AND DISCHARGED FROM GAOLS AND REFORMATORY PRISONS, 1938.
(Exclusive of Police Gaols.)

Heading.	Males.	Females.	Total.
Number in Confinement at 31st December, 1937—			
Convicted	955	34	989
Awaiting trial	38	3	41
Total	993	37	1,030
Received during 1938—			
Convicted of—			
Felony	1,437	74	1,511
Misdemeanour	1,756	308	2,064
Other offences	1,221	363	1,584
Transfers from—			
Other Gaols and Reformatory Prisons ..	479	5	484
Hospitals, Asylums, Reformatory Schools, &c.	24	1	25
For Trial, not subsequently convicted ..	1,562	149	1,711
Total	6,479	900	7,379
Discharged during 1938—			
By remission of sentence	434	20	454
On expiration of sentence and payment of fines	3,539	681	4,220
Bailed to appeal	71	18	89
On bond from Court, Judge's Order, Attorney-General's Order, &c.	25	4	29
By special authority	26	9	35
On parole	180	1	181
Died	4	..	4
Executed .. .. .	..	..	..
Deported	5	..	5
Absconded	12	..	12
Transfers to—			
Other Gaols and Reformatory Prisons ..	485	6	491
Hospitals, Asylums, Reformatory Schools, &c.	47	5	52
Unconvicted	1,532	148	1,680
Total	6,360	892	7,252
Number in Confinement at 31st December, 1938—			
Convicted	1,043	41	1,084
Awaiting trial	69	4	73
Total	1,112	45	1,157

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

VICTORIA—PRISONERS UNDER SENTENCE, 1929 TO 1938.

At 31st December.	Males.	Females.	Total.	Total number per 10,000 of Population.	At 31st December.	Males.	Females.	Total.	Total number per 10,000 of Population.
1929	1,099	46	1,145	6·44	1934	1,191	34	1,225	6·67
1930	1,259	40	1,299	7·25	1935	1,118	41	1,159	6·29
1931	1,364	43	1,407	7·80	1936	1,057	37	1,094	5·91
1932	1,275	64	1,339	7·38	1937	955	34	989	5·32
1933	1,297	50	1,347	7·38	1938	1,043	41	1,084	5·71

A statement is given below of the daily average number of prisoners in detention in the gaols of the State in the last year of each of the decennial periods 1871 to 1931 inclusive, and in each of the last five years. The rate per 10,000 of the population, aged fifteen years and over, was, in 1938, 44 per cent. less than in 1901, and 3 per cent. more than the yearly average in the quinquennial period 1925-29.

VICTORIA—DAILY AVERAGE NUMBER OF PRISONERS IN CONFINEMENT, 1871 TO 1938.

Year.	Daily Average Number of Prisoners in Confinement.			Number per 10,000 of Population, aged 15 years and over.		
	Males.	Females.	Total.	Males.	Females.	Total.
1871 ..	1,345	274	1,619	54·77	15·46	38·30
1881 ..	1,294	304	1,598	45·25	12·35	30·03
1891 ..	1,550	350	1,900	38·78	10·07	25·43
1901 ..	951	200	1,151	23·92	5·06	14·53
1911 ..	713	100	813	15·73	2·16	8·87
1921 ..	741	54	795	14·56	·98	7·40
1931 ..	1,391	50	1,441	22·59	·78	11·43
1934 ..	1,320	55	1,375	19·83	·80	10·14
1935 ..	1,220	44	1,264	18·27	·63	9·28
1936 ..	1,179	43	1,222	17·56	·61	8·91
1937 ..	1,072	41	1,113	15·94	·58	8·10
1938 ..	1,084	45	1,129	16·02	·64	8·16

Indeterminate sentences.

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

The principal provisions are—

1. The adoption of the indeterminate sentence for (a) habitual criminals, and (b) certain classes of other offenders.
2. The appointment of an Indeterminate Sentences Board.
3. The establishment of reformatory prisons.
4. A system of probation applicable to adults as well as minors.

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

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

**VICTORIA—PRISONERS UNDER INDETERMINATE
DETENTION, 1934-35 TO 1938-39.**

Name of Reformatory Prison.	Year Ended 30th June.				
	1935.	1936.	1937.	1938.	1939.
Pentridge Reformatory Prison	69	59	64	56	71
Beechworth Reformatory Prison	62	70	65	59	52
Castlemaine Reformatory Prison	77	89	77	100	90
Geelong Reformatory Prison	9	14	18	16	10
McLeod Settlement, French Island	53	53	55	48	50
Total	270	285	279	279	273

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

From 1st July, 1908, to 30th June, 1938, admissions to the several reformatories totalled 3,919 (3,872 males and 47 females). Particulars of those released on parole or probation (inclusive of cases released more than once) and of those otherwise dealt with during the same period are given hereunder :—

Heading.	Number.	Per Cent.
Reconvicted or returned to prison	1,428	36.44
Probation satisfactorily completed	1,523	38.86
Still on parole or probation	370	9.44
Deaths—		
In institutions	21	0.54
On parole or probation	23	0.59
Escapes	136	3.47
Released by Special Authority, deported, &c.	139	3.54
In institutions at 30th June, 1938	279	7.12
Total admission to 30th June, 1938	3,919	100.00

POLICE PROTECTION.

Numerical
Strength of
Police Force
in Victoria.

The following table shows the numbers in the various ranks of the police force in Victoria on 31st December, 1938.

VICTORIA—POLICE FORCE, CLASSIFICATION AND
NUMERICAL STRENGTH AT 31st DECEMBER, 1938.

Designation.	Number.		
	Metropolitan.	Country.	Total.
<i>Foot.</i>			
Chief Commissioner	1	..	1
Superintendents	3	7	10
Inspectors	8	7	15
Sub-Inspectors	21	5	26
Sergeants, First class	37	13	50
Sergeants, Second class	36	10	46
Senior Constables	165	76	241
Senior Constable (brevet rank)	1	..	1
First Constables	590	324	914
Constables	561	97	658
Total	1,423	539	1,962
<i>Detectives.</i>			
Superintendent	1	..	1
Inspector	1	..	1
Sub-Inspectors	4	..	4
Sub-Inspector (brevet rank)	1	..	1
Sergeant, First class	1	..	1
Sergeants, Second class	10	..	10
Senior Detectives	23	1	24
First Detectives	61	12	73
Detectives	45	1	46
Total	147	14	161
<i>Mounted.</i>			
Senior Constable (brevet rank)	1	..	1
First Constables	8	86	94
Constables	17	36	53
Total	26	122	148
Grand Total	1,596	675	2,271

The above particulars include 8 police-women, but exclude 3 matrons and 1 black tracker.

The following statement gives the numerical strength of the police force in Victoria and the number of inhabitants to each police officer at the end of each of the last ten years.

VICTORIA—POLICE FORCE, NUMERICAL STRENGTH,
1929 to 1938.

Year.	Total Strength including Police-women.	Number of Inhabitants to each Police-officer.	Year.	Total Strength including Police-women.	Number of Inhabitants to each Police-officer.
1929	2,148	828	1934	2,170	847
1930	2,115	848	1935	2,247	820
1931	2,107	856	1936	2,289	809
1932	2,121	855	1937	2,280	815
1933	2,148	849	1938	2,271	825

Expenditure on police, gaols, &c.

The next table shows the total amount and the amount per head of population expended from Consolidated Revenue in connexion with the police, and with the penal establishments and gaols of Victoria, in each of the five years ended 30th June, 1939.

VICTORIA—EXPENDITURE ON POLICE AND GAOLS,
1934-35 TO 1938-39.

Year ended 30th June.	Amount Expended (exclusive of Pensions) on—					Amount per Head of Population.
	Maintenance, &c.		Buildings.		Total.	
	Police.	Gaols and Penal Establishments.	Police.	Gaols and Penal Establishments.		
	£	£	£	£	£	s. d.
1935 ..	654,846	106,385	10,904	2,450	774,585	8 5
1936 ..	693,892	110,189	20,205	3,926	828,212	9 0
1937 ..	755,505	116,904	38,328	3,992	914,729	9 11
1938 ..	777,953	117,850	39,011	4,490	939,304	10 1
1939 ..	780,068	119,254	35,665	7,101	942,088	10 1

Executions. During the thirty-three years ended with 1938 there were only eleven executions in Victoria, one of which took place in 1908, one in 1912, two in 1916, two in 1918, one in 1922, one in 1924, one in 1932, and two in 1936. Since the first settlement of Port Phillip in 1835, 179 criminals (175 males and 4 females) have been executed within the State on account of the following offences:— Murder, 139; attempted murder, 17; robbery with violence, 9; burglary and wounding, 1; sexual offences, 12; and arson, 1.

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

VICTORIA—INQUESTS, 1934 TO 1938.

Year.	Inquests into the Deaths of—			Total Persons per 1,000 Deaths.
	Males.	Females.	Total Persons.	
1934	1,132	532	1,664	89·2
1935	1,230	468	1,698	92·0
1936	1,239	511	1,750	93·2
1937	1,255	483	1,738	93·4
1938	1,234	535	1,769	93·3