

LAW, CRIME, ETC.

THE HIGH COURT OF AUSTRALIA.

The Commonwealth Constitution (section 71) provides that the judicial power of the Commonwealth shall be vested in a Federal Supreme Court, to be called the High Court of Australia, and to consist of a Chief Justice, and at least two other Justices. Power is also given to the Federal Parliament to create other Federal courts, or to invest other courts with Federal jurisdiction. Section 72 provides that the Justices shall be appointed by the Governor-General in Council, and shall not be removed, except on an address from both Houses of Parliament in the same session, on the ground of proved misbehaviour or incapacity; also that the Parliament shall fix the remuneration, which shall not be diminished during their continuance in office. The High Court is invested by the Constitution with both original and appellate jurisdiction. Section 73 provides that the High Court shall have jurisdiction to hear and determine appeals from all judgments, decrees, orders, and sentences of any Justice exercising the original jurisdiction of the court, or of any other Federal Court or court exercising Federal jurisdiction, or of the Supreme or any other court of a State, from which there was on 1st January, 1901, an appeal to the Privy Council, or of the Inter-State Commission, but as to questions of law only. The Parliament may regulate the mode in which the jurisdiction may be exercised, and may limit the jurisdiction by excluding specified cases, or classes of cases from it; but no such regulation or exception shall prevent the High Court from hearing and determining any appeal from the Supreme Court of a State in any matter in which, at the establishment of the Constitution—1st January, 1901—an appeal lay to the Privy Council. Section 74 provides that there shall be no appeal to the Privy Council “from a decision of the High Court upon any question, howsoever arising, as to the limits *inter se* of the constitutional powers of the Commonwealth and those of any State or States, or as to the limits *inter se* of the constitutional powers of any two or more States, unless the High Court shall certify that the question is one which ought to be determined by His Majesty in Council.” It is, however, provided that except as above-mentioned the “Constitution shall not impair any right which the King may be pleased to exercise by virtue of His Royal prerogative to grant special leave of appeal from the High Court to His Majesty in Council”; but the Parliament may limit

the matters in respect of which leave may be asked, and a Bill containing any such limitation shall be reserved by the Governor-General for the Royal pleasure. Section 73 provides that the judgment of the High Court, in its appellate jurisdiction, shall be final and conclusive; but this (except as regards the particular class of constitutional questions mentioned above) is qualified by the above provision, preserving the prerogative right of the King in Council to grant special leave of appeal from such a judgment. By section 75, the High Court is invested with original jurisdiction in all matters arising under any treaty; affecting consuls or other representatives of other countries; in which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party; between States, or between residents of different States, or between a State and a resident of another State; or in which a writ of mandamus or prohibition or an injunction is sought against an officer of the Commonwealth. By sections 76, 77, and 78, the Parliament is empowered to confer additional original jurisdiction on the High Court in any matter arising under the Constitution, or involving its interpretation, or under any laws made by the Parliament, also in matters of admiralty and maritime jurisdiction; and in those relating to the same subject-matter claimed under the laws of different States; the Parliament is also empowered to define the jurisdiction of any Federal court other than the High Court, and the extent to which such jurisdiction shall be exclusive of that which belongs to or is invested in the courts of the States; to invest any court of a State with Federal jurisdiction; and to confer "rights to proceed against the Commonwealth or a State in respect of matters within the limits of the judicial power." By section 79 the Parliament may prescribe the number of Judges by whom the Federal jurisdiction of any court may be exercised; and section 80 provides for trial by jury of any offence against any law of the Commonwealth, and for the venue of the trial.

Common-
wealth
Judiciary
Acts
1903-07.

In pursuance of the powers conferred upon it by the Constitution, and within the limits specified therein, the Commonwealth Parliament passed a Judiciary Act, which was assented to on 25th August, 1903, and has been amended by Acts of 1906 and 1907. The High Court consists of a Chief Justice and four other Justices; and its principal seat is at the seat of Government, where there shall be the principal registry of the court. A district registry in each other State is also provided for, and peripatetic sittings are to be held when required. Chamber business may be dealt with by a single Justice of the High Court, or (except in matters within the exclusive jurisdiction of the High Court) by a single Judge in Chambers of the Supreme Court of a State. A Full Court, consisting of any two or more Justices of the High Court, sitting together, may hear and determine any case or question referred by, and appeals from judgments of, any such single Justice or Judge; appeals from judgments of any other court exercising Federal jurisdiction, or of the Inter-State Commission; applications for a new

trial; and applications for leave or special leave to appeal to the High Court from a judgment of the Supreme Court of a State, or of any other court of a State from which, at the establishment of the Commonwealth, an appeal lay to the Privy Council. The jurisdiction of the High Court to hear and determine appeals from judgments of the Supreme Court of a State sitting as a Full Court, or of any other court of a State from which at the establishment of the Commonwealth an appeal lay to the Privy Council, and applications for a certificate that a question, decided by the High Court, as to the constitutional powers of the Commonwealth and a State, or of any two or more States, is one which ought to be determined by the Privy Council, shall be exercised by a Full Court consisting of not less than three Justices.

In addition to the original jurisdiction conferred by section 75 of the Constitution, previously mentioned, the High Court is, by section 30 of the Judiciary Act, invested with original jurisdiction in all matters arising under the Constitution, or involving its interpretation; and by section 33 is empowered to make orders or issue writs of mandamus, prohibition, ouster of office, and *habeas corpus* in certain cases. Part V. of the Act limits and defines the appellate jurisdiction; Part VI., as amended by the Act of 1907, defines the matters in which the jurisdiction of the High Court is exclusive; Part VII., as amended by the same Act, provides for the removal of causes arising under the Constitution, and pending in any State Court, to the High Court, and also provides that where in any cause pending in the Supreme Court of a State there arises any question as to the limits *inter se* of the constitutional powers of the Commonwealth and those of any State or States, or as to the limits *inter se* of the constitutional powers of any two or more States, it shall be the duty of the Court to proceed no further in the cause, and the cause is, by virtue of the Act and without any order of the High Court, removed to the High Court; Part VIII. treats of the members and officers of the High Court; Part IX. of suits by and against the Commonwealth and the States; Part X. of criminal jurisdiction, and Part XI. contains supplementary provisions, dealing with appearance of parties, application of laws, venue, and rules of court.

THE LEGAL SYSTEM IN VICTORIA.

The law of Victoria, in its basic principles and main provisions, is founded on the law of England. All laws in force in England in 1828 were, so far as they should be held to apply to the circumstances of Australia, by Imperial Statute made law in New South Wales (which then included Victoria); and in case of any doubt as to

the applicability, the Colonial Legislature was empowered to declare whether or not they did apply, or to establish any modification or limitation of them within the colony. The same Statute established a Legislature within New South Wales with power to make laws for that colony; and Supreme and other courts were constituted. On the separation of Port Phillip from New South Wales in 1851, the new colony of Victoria was invested with similar powers, which were widened on the establishment of responsible government in 1855. In order, therefore, to ascertain the law of Victoria as to any particular matter or point, considerable research is often involved. The first step is a search of the Victorian Statutes; and if the matter is fully dealt with there, the labour is concluded; but, if it has never been dealt with by any Victorian Act, recourse must be had to the Statutes of New South Wales, and the Imperial Statutes specially applicable to New South Wales passed between 1828 and 1851. If no law on the point is obtainable from these sources, the law of England in 1828 must be ascertained, which in most cases is found in the English text-books. Having found the apparent law from one of these sources, it is still necessary to search through series of law reports for decisions which may either modify or interpret the same.

LITIGATION AND LEGAL BUSINESS.

Supreme
Court civil
business.

The Supreme Court of Victoria was first established in 1852, and its constitution and powers remain substantially unaltered by recent legislation, although the procedure has been entirely remoulded by the "Judicature Act of 1883." There were in 1908, five judges, viz., a Chief Justice and four Puisne Judges.

The following is a statement of Supreme Court business during 1890, 1895, 1900, and the last five years:—

SUPREME COURT CIVIL CASES, 1890 TO 1908.

Year.	Writs of Summons.		Causes Entered for Trial.	Causes Tried.	Verdicts for—		Amount Awarded.
	Number Issued.	Amount Claimed.			Plaintiff.	Defendant.	
		£					£
1890 ..	6,619	687,503	535	297	229	65	68,592
1895 ..	2,115	140,292	254	187	101	33	41,487
1900 ..	825	137,083	161	106	62	31	101,896
1904 ..	767	129,361	159	98	36	19	5,513
1905 ..	623	88,079	117	96	21	9	3,986
1906 ..	533	56,867	128	64	22	19	7,358
1907 ..	564	56,182	106	61	26	10	2,408
1908 ..	673	97,221	114	62	26	12	7,621

There has been a considerable decline in litigation in the Supreme Court since 1890. In 1908, the writs issued were about one-tenth; the amount sued for was about one-seventh; and the causes which actually came to trial were about one-fifth of the corresponding numbers and amount in 1890. The business was, however, in excess of that for the year 1907. Notwithstanding the decrease in litigation, the census of 1901 showed the number of barristers and solicitors as 820, an increase of 90 over the number according to the previous census of 1891. The figures show that a very small proportion of writs result in actual trials, whilst a large number of trials are either abandoned before a verdict is given, postponed to the following year, or settled.

Decline in litigation.

The number of criminal cases tried in the superior courts, the Supreme Court and the Court of General Sessions, throughout the State in the last year of the three quinquennial periods ended 1900, and in each of the last five years was as follows:—

Criminal cases in superior courts.

CRIMINAL CASES — SUPREME COURT AND GENERAL SESSIONS, 1890 TO 1908.

Year.	Total Number of Cases Tried.	Total Number of Convictions.	Proportions of Convictions per 10,000 of Population.
1890 ...	964	662	5.92
1895 ...	735	462	3.90
1900 ...	652	451	3.78
1904 ...	605	398	3.30
1905 ...	758	454	3.74
1906 ...	623	397	3.24
1907 ...	636	392	3.14
1908 ...	647	466	3.68

This statement shows that there was a fall in 1908 as compared with 1890 of 33 per cent. in the total number of criminal cases tried in the higher courts, and of 30 per cent. in the number of convictions.

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 1908, there were 111 sessions lasting 340 days held in 47 places

County Courts business.

Particulars of litigation in 1890, 1895, 1900, and the last five years are as follows:—

COUNTY COURT CASES, 1890 TO 1908.

Year.	Number of Cases tried.	Amount sued for.	Amount awarded.	Costs awarded to—	
				Plaintiff.	Defendant.
		£	£	£	£
1890	12,635	340,028	127,433	15,363	6,072
1895	1,361	219,285	73,091	7,256	5,514
1900	789	160,676	49,595	5,188	2,782
1904	553	144,405	52,059	4,612	2,644
1905	582	145,884	47,481	4,096	2,383
1906	556	135,580	42,836	5,473	2,856
1907	633	133,962	43,662	4,579	2,485
1908	721	203,169	69,460	9,136	2,808

The number of cases tried continues below the average of ten years ago. The number in 1908 was higher than in any preceding year since 1900, but was only one-eighteenth of that in 1890; the amount sued for and awarded, and the costs awarded, have not fallen off to anything like the same extent. This would seem to indicate that the public is less inclined than formerly to institute legal proceedings for the settlement of disputes; and that the County Court is not resorted to for the recovery of petty and trade debts to the same extent as in former years.

Petty Sessions civil business.

Courts of Petty Sessions were held at 235 places in Victoria in 1908 by stipendiary magistrates and honorary justices. Clerks of courts of ten years' standing, who have passed the prescribed examination, and barristers of five years' standing are eligible for appointment as police magistrates; but there is no legal training or knowledge of the law required as a condition precedent to the appointment of a person as an honorary justice of the peace. The jurisdiction is limited to what may be called ordinary debts, damages for assault, and restitution of goods, where the amount in dispute does not exceed £50. Particulars of such cases heard during a series of years are as follows:—

COURTS OF PETTY SESSIONS: CIVIL CASES, 1890 TO 1908.

Year.	Cases heard.	Amount claimed.	Amount awarded.
		£	£
1890	30,466	196,917	132,663
1895	30,609	168,143	138,722
1900	17,577	95,890	80,960
1904	22,046	133,560	116,757
1905	26,393	142,673	121,525
1906	25,320	145,847	123,625
1907	26,255	147,044	123,732
1908	32,005	181,028	157,334

In addition to the ordinary civil cases above mentioned, and to the criminal jurisdiction hereinafter mentioned, Courts of Petty Sessions deal with other business of a civil and quasi-criminal nature. During the year 1908, 817 appeals against municipal ratings, 850 maintenance cases, 615 fraud summonses against debtors, 12,329 electoral revision cases, 5,494 cases relating to licences and certificates, and 1,821 miscellaneous cases were heard, and 428 persons alleged to be lunatics were examined.

INSOLVENCIES.

The number of failures and the declared assets and liabilities Insolven-
cies, &c. during the last five years were:—

INSOLVENCIES AND PRIVATE ARRANGEMENTS, 1904 TO 1908.

Year.	Insolvencies.			Private Arrangements.		
	Number.	Declared Liabilities.	Declared Assets.	Number.	Declared Liabilities.	Declared Assets.
		£	£		£	£
1904 ..	462	387,882	138,301	164	158,267	124,266
1905 ..	570	235,773	74,673	174	179,310	98,673
1906 ..	517	231,828	81,144	175	126,499	102,323
1907 ..	448	196,879	53,849	133	115,057	94,913
1908 ..	514	179,050	62,998	170	204,011	154,692

The number of insolvencies in 1908 was greater than in 1907, but about the average of recent years. It shows a considerable decrease, however, as compared with a few years ago. Thus the average number during the last five years was 502, and the declared liabilities £246,280, whereas during the ten years, 1879 to 1888, the average yearly number was 612, with declared liabilities of £661,720. During the eleven years, 1889 to 1899, when the failures resulting from the financial crisis swelled the returns, the yearly average number was 790, with declared liabilities of £2,037,292.

Insolvencies are of two kinds, voluntary and compulsory, and the following table contains the number of petitions of each kind in the last five years:—

Year.	Voluntary.	Compulsory.	Total.
1904 ...	436	26	462
1905 ...	536	34	570
1906 ...	485	32	517
1907 ...	431	17	448
1908 ...	484	30	514

In the following return will be found the occupations, in six classes, of those who became insolvent or compromised with their Occupations
of insol-
vents. creditors during the last five years, also the number of breadwinners

in each class at the census of 1901, and the proportion of the former to the latter. The total number of insolvents does not include 150 whose occupations were not returned:—

OCCUPATIONS OF INSOLVENTS, 1904 TO 1908.

Occupation Groups.	Number of Breadwinners, Census, 1901.	Number of Insolvents, 1904 to 1908.	Proportion of Insolvents to every 1,000 Breadwinners.
Professional	35,224	149	4·23
Domestic	66,815	126	1·89
Commercial	79,048	848	10·73
Transport and Communication	31,516	251	7·96
Industrial	146,233	1,181	8·08
Primary Producers	165,147	622	3·77
Total	523,983*	3,177	6·06

* Exclusive of 10,066 persons of independent means.

As might be expected, fewer breadwinners of the domestic and primary producing classes become insolvent than those of other classes, in proportion to their numbers in the community, whilst a greater proportion of the commercial than of any other class find it necessary to file their schedules or compound with their creditors.

Occupations of insolvents in detail.

The following figures show the occupations of insolvents for each of the five years 1904 to 1908:—

OCCUPATIONS OF INSOLVENTS.

Occupations.	Number of Insolvents during—				
	1904.	1905.	1906.	1907.	1908.
<i>Professional Class.</i>					
Barrister, solicitor	2	2	4	1	..
Chemist	3	2	..	1	1
Civil servant	6	13	15	8	4
Dentist	2	1	3	..	1
Police	5	11	10	4	1
Others	11	14	8	5	11
<i>Domestic Class.</i>					
Boardinghouse keeper	2	5	3	2	4
Hotelkeeper	17	16	8	24	11
Others	5	9	10	6	4

OCCUPATIONS OF INSOLVENTS—continued.

Occupations.	Number of Insolvents during—				
	1904.	1905.	1906.	1907.	1908.
<i>Commercial Class.</i>					
Agent	16	13	13	10	10
Butcher	15	7	9	9	20
Clerk, accountant	17	22	13	10	7
Commercial traveller, salesman, canvasser	8	7	10	10	8
Draper and assistants	13	6	10	13	15
Grocer and assistants	25	23	30	21	19
Hawker	5	2	1	3	3
Merchant, importer	8	8	7	2	20
Storekeeper	23	27	35	15	38
Others	45	57	60	43	37
<i>Transport and Communication Class.</i>					
Carrier, carter, driver	9	8	12	6	16
Railway service	32	45	63	29	6
Tramway employé	2	1	1	..	..
Others	1	1	5	10	4
<i>Industrial Class.</i>					
Blacksmith, farrier	2	8	7	9	15
Bootmaker	4	9	4	3	7
Builder, contractor	21	27	19	23	25
Carpenter	7	11	9	15	15
Coachbuilder, painter	12	13	5	5	..
Engineer, engine-driver	6	12	10	8	7
Labourer	80	111	95	84	92
Miller, baker	5	11	11	5	11
Saddler	4	4	4	1	3
Tailor, dressmaker	8	8	6	8	7
Watchmaker	8	2	1	..	..
Others	53	56	59	60	66
<i>Primary Producers.</i>					
Farmer	23	22	22	17	24
Grazier	3	5	1	2	5
Miner	72	91	73	69	114
Others	16	13	9	15	26
<i>Indefinite Class</i>	30	41	27	25	27
Total	626	744	692	581	684

DIVORCE.

Under the Divorce and Matrimonial Causes Act, passed in 1861, a petition might be presented to the Supreme Court (a) by a husband praying that his marriage might be dissolved, on the ground that his wife had, since the celebration thereof, been guilty of adultery; (b) by a wife praying that her marriage might be dissolved on the ground that since the celebration thereof, her husband had been guilty of incestuous adultery, or of bigamy with adultery, or of rape, or of

Divorce, &c.

sodomy, or bestiality, or of adultery, coupled with cruelty, or of adultery, coupled with desertion without reasonable excuse for two years.

Judicial separation was obtainable either by husband or wife on the ground of adultery, or cruelty, or of desertion, without cause for a period of two years.

The Divorce Act 1889 extended the grounds upon which divorces might be granted, those added being as follows:—

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

The Act further provides for simplifying and cheapening the mode of procedure, for the hearing and trying of suits in private at the discretion of the court, for prohibiting the publication of evidence, for the intervention of the Attorney-General where collusion is suspected, and for the abolition of applications or decrees for the restoration of conjugal rights. The Act can only be taken advantage of by persons domiciled in the State for at least two years.

Since jurisdiction was first conferred upon the Supreme Court of Victoria in matters matrimonial in 1861, 2,274 decrees for dissolution of marriage, and 90 decrees for judicial separation have been granted. Of these, 1,926 and 19 respectively have been granted since 1890; that is, during the 30 years ended 1890 only 348 decrees for

dissolution of marriage were issued, and 71 for judicial separation, or an average per annum of about twelve of the former and two of the latter; whereas, since the Divorce Act of 1889 received the Royal Assent in 1890 no less than 107 decrees per annum for dissolution of marriage have been granted, while the decrees for judicial separation have decreased to about one per annum.

The grounds on which divorces (*i.e.*, *Decrees Nisi*) were granted during the last two years were:—

			1907.	1908.
Desertion	...	...	84	100
Adultery	...	...	37	41
Desertion and adultery	...	...	7	4
Habitual drunkenness	...	...	5	5
Assaults (violent)...	...	...	—	1
Sentences for crime	...	...	1	—
Total	...	...	134	151

The following is a statement of the number of petitions and decrees for dissolution of marriage and judicial separation in the Australian States and the Dominion of New Zealand during the years 1890, 1895, 1900, and the last five years, also the proportion of decrees per 100,000 married couples living:—

Divorces in Australian States and New Zealand.

DIVORCES AND JUDICIAL SEPARATIONS IN AUSTRALIAN STATES AND NEW ZEALAND, 1890, 1895, 1900, AND 1904 TO 1908.

State.	Year.	Petitions for—		Decrees for—		Divorces and Separations per 100,000 Married Couples Living.
		Dissolution of Marriage.	Judicial Separation.	Dissolution of Marriage.	Judicial Separation.	
Victoria	1890	14	4	40	..	24
	1895	136	2	85	..	48
	1900	159	2	93	..	52
	1904	175	3	140	1	78
	1905	188	3	136	1	75
	1906	172	4	123	2	67
	1907	182	4	134	..	71
	1908	187	4	151	1	79
New South Wales	1890	72	9	42	9	32
	1895	348	22	299	11	169
	1900	301	34	216	14	112
	1904	278	20	214	8	101
	1905	298	38	170	15	83
	1906	264	25	174	10	80
	1907	359	36	221	14	99
	1908	373	17	225	8	96
Queensland	1890	8	1	8	2	18
	1895	6	2	4	..	6
	1900	24	1	12	1	18
	1904	11	3	13	1	19
	1905	12	3	4	1	7
	1906	20	3	12	3	20
	1907	11	3	12	1	17
	1908	14	6	11	2	16

DIVORCES AND JUDICIAL SEPARATIONS IN AUSTRALIAN STATES AND
NEW ZEALAND, 1890, 1895, 1900, AND 1904 TO 1908—*continued.*

State.	Year.	Petitions for—		Decrees for—		Divorces and Separations per 100,000 Married Couples Living.
		Dissolution of Marriage.	Judicial Separation.	Dissolution of Marriage.	Judicial Separation.	
South Australia	1890	5	3	2	..	4
	1895	12	1	5	..	9
	1900	11	1	7	1	15
	1904	13	..	4	..	7
	1905	11	..	6	..	10
	1906	14	1	3	1	7
	1907	16	..	11	..	18
	1908	20	..	8	..	13
Western Australia	1890	3	1	2	..	30
	1895	3	..	2	..	17
	1900	15	1	16	..	54
	1904	20	..	16	..	41
	1905	33	2	11	1	29
	1906	28	1	18	..	43
	1907	19	2	11	..	26
	1908	21	2	10	..	23
Tasmania	1890	4	1	2	..	9
	1895	4	..	3	1	17
	1900	11	1	4	..	16
	1904	8	1	2	..	8
	1905	9	..	2	..	7
	1906	11	..	5	..	19
	1907	5	..	8	..	30
	1908	13	..	7	..	25
Total, Australian States	1890	106	19	96	11	23
	1895	509	27	398	12	79
	1900	521	40	348	16	64
	1904	505	27	389	10	67
	1905	551	46	329	18	57
	1906	509	34	335	16	57
	1907	592	45	397	15	65
	1908	628	29	412	11	65
Dominion of New Zealand	1890	24	8	21	3	27
	1895	30	6	18	5	23
	1900	110	5	85	3	74
	1904	134	6	99	2	74
	1905	163	1	114	..	81
	1906	171	7	125	1	88
	1907	192	6	147	1	101
	1908	207	..	171	3	115

The grounds of divorce are now substantially the same in Victoria and New South Wales, and these were extended in New Zealand in 1898. The extension of the grounds upon which divorce may be obtained has had in New South Wales and New Zealand, as in Victoria, the effect of greatly increasing the number of petitions and decrees.

The divorce rate is higher in Australia than in the United Kingdom, but lower than in most of the other principal countries of the world. The United States and Switzerland are the countries where the marriage knot is untied most frequently, and in the former country the enormous increase in the number of divorces in recent years has attracted the attention of sociologists. In Ireland, on the other hand, there was only one divorce during the five-year period, 1899-1903. The number of divorces in various countries and their proportions to the populations are shown in the following table:—

DIVORCES IN VARIOUS COUNTRIES.

Country.	Period.	Population.	Divorces (Annual Average).	
			Number.	Per 100,000 Popu- lation.
Australia	1904-8	4,100,203	386*	9
Austria	1898-1902	26,150,708	179	1
Belgium	"	6,693,548	705	11
Bulgaria	1896-1900	3,744,283	396	11
Denmark	1899-1903	2,449,540	411	17
England and Wales	"	32,527,843	568	2
France	"	38,961,945	8,864	23
German Empire	1898-1902	56,367,178	8,680	15
Prussia	"	34,472,509	5,291	15
Saxony	"	4,202,216	1,209	29
Bavaria	"	6,176,057	491	8
Hungary	1898-1902	19,254,559	2,130	11
Ireland	1899-1903	4,458,775	†	†
Italy	"	32,475,253	819	3
Netherlands	1897-1901	5,104,137	512	10
New Zealand	1904-8	895,226	133	15
Norway	1898-1902	2,221,477	129	6
Scotland	1899-1903	4,472,103	175	4
Servia	1896-1900	2,492,882	312	13
Sweden	1898-1902	5,136,441	390	8
Switzerland	"	3,315,443	1,053	32
United States	"	75,994,575	55,502	73

* Fourteen Judicial Separations included.

† Annual average less than one. Only one divorce granted during the five-year period.

CRIME.

ADMINISTRATION OF THE CRIMINAL LAW.

In nearly all cases where the criminal law has been broken, the alleged offender is brought at the very first opportunity before a Court of Petty Sessions, before two honorary justices or a police magistrate, or both, or in some cases a single magistrate, and the court, if the matter is one which comes within its summary jurisdiction, disposes of the case summarily. If the offence is an indictable one, the magistrates hold a preliminary investigation and, if they are satisfied that a *prima facie* case has been made out by the prosecution, the accused is committed for trial to a superior court. There are two superior courts with criminal jurisdiction, viz., the Supreme Court, and a Court of General Sessions, which are held at various places throughout the State. The latter court may deal with all cases of an indictable nature except such as are expressly excluded from its jurisdiction, viz., ten of the most serious crimes. A person may be brought before magistrates by three modes of procedure, viz., by an arrest by a police officer on warrant issued on a sworn information, or in a limited number of cases without warrant if the offence has been witnessed by the arresting constable; or by a summons. If at a coroner's inquest a verdict is returned of murder or manslaughter, the accused person is sent for trial to the Supreme Court without any investigation before magistrates. The Attorney-General or Solicitor-General has also the power of presenting any person for trial before a superior court without the necessity of a preliminary magisterial hearing; and upon the application of any person, properly supported by affidavit, a grand jury may be summoned, on the order of the Full Court, if the affidavit discloses that an indictable offence has been committed by a corporate body; or that such an offence has been committed by any person, and that some justice has refused to commit such person for trial; or in the case of a committal that no presentment has been made at the court at which the trial would in due course have taken place. The grand jury consists of 23 men, who investigate the charge, and if they are of opinion that a *prima facie* ground of action has been made out, the case is sent for trial. The cases which are presented under these latter forms of procedure are, however, very rare.

The Indeterminate Sentences Act came into force on 1st July, 1908. Its 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.

A Board, consisting of Mr. C. A. Topp, M.A. (chairman), Mr. W. R. Anderson, P.M., Secretary to the Crown Law Department, and the Rev J. H. Ingham, was appointed on 8th August, 1908, and has imposed indeterminate sentences by declaring 25 persons (23 males and 2 females) to be habitual criminals, as well as sentencing 16 other offenders to detention in a reformatory prison—making a total of 41 cases dealt with. The Inspector-General of Penal Establishments in his report for 1908 states that no prison has yet been set apart as a reformatory prison for habitual criminals, and none of these have yet arrived at the indeterminate stage of their sentences. For the accommodation of other offenders ordered to be detained in a reformatory prison during the Governor's pleasure, the Castlemaine Gaol is being utilized as a temporary expedient.

OFFENCES HEARD BY MAGISTRATES.

Prior to 1902, information relating to various offences was incomplete on account of there being no returns as to summons cases other than "against the person," "against property," and "other offences." As will be seen below, there is a large proportion of assaults and offences against good order initiated by summons, and the following are particulars of the different classes of offences in 1908, distinguishing between arrests and summons cases, multiple charges against the same individual being each counted as an offence:—

Arrests and summonses for various offences.

ARRESTS AND SUMMONSES FOR VARIOUS OFFENCES, 1908.

Nature of Offence.	Number of Offences for which—		Total Offences.	How disposed of—	
	Arrests were made.	Summonses were issued.		Summarily convicted, held to bail, &c.	Committed for trial.
Against the Person—					
Murder and attempts, manslaughter, shooting at, &c. ...	85	...	85	1	50
Assaults ...	535	888	1,423	771	4
Others ...	157	128	285	53	103
Against Property—					
Robbery, burglary, &c.	213	...	213	17	136
Larceny and similar offences ...	1,950	714	2,664	1,671	289
Wilful damage to property	243	392	635	392	1
Others ...	97	285	382	248	35
Against Good Order—					
Drunkenness ...	13,029	73	13,102	6,596	...
Others ...	4,688	6,210	10,898	8,594	2
Breaches of Licensing Act	...	1,397	1,397	1,010	...
Other offences ...	1,011	28,509	29,520	25,703	71
Total ...	22,008	38,596	60,604	45,056	691

These particulars include the arrests and summonses in Children's Courts detailed in the next table other than arrests of neglected children.

Of the 22,008 offences for which arrests were made, 1,826 were multiple charges, leaving the number of separate arrests, 20,182, in 11,367 of which the subjects were summarily convicted, in 8,282 they were discharged, and 533 they were committed for trial. Of the persons dealt with in the 38,596 summons cases, 32,087 were summarily convicted, 6,465 were discharged, and 44 were committed for trial. Of the total persons dealt with (58,778), the number summarily convicted was 43,454, 14,747 were discharged, and 577 were committed for trial.

The following table shows the number of arrests and summonses for various offences in Children's Courts during the year 1908:—

CHILDREN'S COURTS: ARRESTS AND SUMMONSES FOR VARIOUS OFFENCES, 1908.

Nature of Offence.	Number of Offences for which—		Total Offences.
	Arrests were made.	Summonses were issued.	
Against the Person—			
Assaults	8	38	46
Others	18	28	46
Against Property—			
Larceny, &c.	332	481	813
Wilful damage	22	226	248
Others	10	87	97
Against Good Order—			
Drunkenness	4	..	4
Others	128	839	967
Other Offences	1,051	399	1,450
Total	1,573	2,098	3,671

The arrests of neglected children, which numbered 744 in 1908, have been included in this table to indicate the business done by Children's Courts, but they are eliminated from all other criminal tabulations.

Of the offenders who were reported as having committed offences in the three years ended 1906, 44 per cent. were summoned, 47 per cent. were arrested, and 9 per cent. had not been arrested at the end of the year in which the offence was reported; but in 1907 and 1908, owing to the great increase in the number of summons cases, the rates were 58, 35, and 7 per cent. respectively. This increase in summons cases during the last two years has arisen principally through prosecutions under the new Licensing and Pure Food Acts, and also on account of more parents having been summoned for neglecting to send their children to school—the compulsory clauses of the Amending

Children's
Courts.

Offences
reported
and unde-
tected
crimes.

Education Act requiring children to attend a greater number of times than formerly. The following are particulars for the last five years:—

SUMMONSES, ARRESTS, AND UNDETECTED CRIMES, 1904 TO 1908.

Offences in respect to which persons were—	1904.	1905.	1906.	1907.	1908.
Brought before magistrates on summons ...	23,614	22,290	25,430	38,008	38,596
Arrested by the police ...	25,510	25,470	24,583	24,332	22,008
Not arrested ...	5,533	5,144	4,540	4,416	5,050
Total ...	54,657	52,904	54,553	66,756	65,654

In this table each separate charge against a person is considered as a separate offence; for instance, a charge of drunk and disorderly, of resisting the police, of riotous conduct, and of tearing uniform would appear as four separate offences, although all the events happened on the same occasion. Of the offences in respect of which persons were not arrested, 93 per cent. were offences against property, 3 per cent. were offences against the person, and the balance, 4 per cent., were of a miscellaneous character.

The arrests of neglected children, which are excluded from this and the following tables, numbered 526 in 1904, 585 in 1905, 817 in 1906, 1,121 in 1907, and 744 in 1908.

Neglected children arrested.

The following are particulars of cases brought before magistrates, from which it will be seen that about 75 per cent. of the persons are generally summarily convicted, 24 per cent. are discharged, whilst 1 per cent. are sent for trial to superior courts:—

Offences dealt with by magistrates.

ARRESTS AND SUMMONSES DEALT WITH BY MAGISTRATES, 1904 TO 1908.

Number of Persons.	1904.	1905.	1906.	1907.	1908.
Arrested or summoned ...	47,210	45,484	48,244	60,687	58,778
Discharged by magistrates ...	11,177	11,176	10,594	13,395	14,747
Summarily convicted or dealt with ...	35,469	33,656	37,066	46,731	43,454
Committed for trial ...	564	652	584	561	577
Persons summarily dealt with or committed per 1,000 of population ...	29.8	28.3	30.7	37.9	34.8

In regard to persons arrested included in these figures, minor charges are excluded, and only that charge which throughout the hearing of the case has been most prominent is taken account of; but in regard to summons cases, the unit is each separate charge or case.

CRIME AND DRUNKENNESS IN AUSTRALASIA.

Offences and
drunken-
ness in
Australia
and New
Zealand.

A proper comparison of crime cannot be made between different States or countries unless several considerations are taken into account. The first point necessary is that the criminal law, in the places compared, should be substantially the same; the second, that it should be administered with equal strictness; and the third, that proper allowances be made for differences in the age and sex constitution of the population. The last consideration is one that must also be taken into account in comparing crime in recent years with previous periods when the population was very differently constituted in regard to sex and age. The returns of the States and the Dominion of New Zealand do not afford sufficient data to enable one to allow for these differences; but in regard to the first two points above mentioned the basis and main provisions of the criminal law are the same in each State; and it must be presumed, in the absence of any evidence to the contrary, that the law is administered with equal strictness in each State. The following table shows, for a series of years, the number of charges against persons arrested or summoned for the only classes of offences for which complete comparisons can be made:—

CRIME IN AUSTRALIAN STATES AND DOMINION OF NEW ZEALAND,
1890, 1895, 1900, AND 1903 TO 1907.

State.	Year.	Number of Charges against Persons Arrested or Summoned for—				
		against the Person.	Offences against Property.	Drunkenness.	Other Offences.	Total.
Victoria	1890	4,091	5,036	18,501	36,456	64,084
	1895	2,500	4,068	11,143	21,844	39,555
	1900	2,238	3,540	15,878	29,189	50,845
	1903	1,936	3,968	12,630	29,384	47,918
	1904	1,846	3,257	13,881	30,140	49,124
	1905	1,932	4,032	14,458	27,338	47,760
	1906	1,811	3,797	14,029	30,376	50,013
	1907	1,757	3,646	14,783	42,154	62,340
New South Wales	1890	8,729	7,616	18,654	31,088	66,087
	1895	4,459	6,153	18,379	35,987	64,978
	1900	4,435	6,675	21,003	30,747	62,860
	1903	3,869	7,368	21,837	35,032	68,106
	1904	3,658	6,829	20,440	35,110	66,037
	1905	3,684	6,553	24,154	32,975	67,366
	1906	3,685	5,998	22,568	37,520	69,771
	1907	3,981	6,411	25,154	38,758	74,304

CRIME IN AUSTRALIAN STATES AND DOMINION OF NEW ZEALAND,
1890, 1895, 1900, AND 1903 TO 1907—continued.

State.	Year.	Number of Charges against Persons Arrested or Summoned for—				
		Offences against the Person.	Offences against Property.	Drunkenness.	Other Offences.	Total.
Queensland	1890	2,713	2,487	6,332	7,464	18,996
	1895	2,073	2,085	4,993	8,522	17,673
	1900	1,937	2,552	9,254	10,621	24,364
	1903	1,504	2,206	7,190	8,112	19,012
	1904	1,641	1,989	6,854	7,649	18,133
	1905	1,737	2,101	6,638	7,467	17,943
	1906	1,682	1,811	7,493	7,863	18,849
	1907	991	1,534	9,066	7,030	18,621
South Australia	1890	520	501	2,382	3,572	6,975
	1895	411	677	1,763	2,128	4,979
	1900	304	575	2,249	2,847	5,975
	1903	338	664	2,340	2,805	6,147
	1904	269	480	2,387	2,681	5,817
	1905	248	463	2,362	2,683	5,756
	1906	254	472	2,483	2,882	6,091
	1907	296	560	2,838	2,653	6,347
Western Australia	1890	371	536	1,181	2,602	4,690
	1895	654	1,080	2,154	4,489	8,377
	1900	1,037	1,746	3,070	8,920	14,773
	1903	797	2,146	3,572	10,613	17,128
	1904	729	1,423	3,597	9,121	14,870
	1905	644	1,460	3,509	8,949	14,562
	1906	579	1,384	3,588	8,833	14,384
	1907	529	1,558	3,591	8,290	13,968
Tasmania	1890	483	619	1,151	4,143	6,396
	1895	353	710	463	3,237	4,763
	1900	368	676	832	3,475	5,351
	1903	284	553	526	4,600	5,963
	1904	245	659	530	4,074	5,558
	1905	229	754	539	5,552	7,074
	1906	194	627	459	5,111	6,391
	1907	192	490	535	5,041	6,258
Total Australian States	1890	16,907	16,795	48,201	85,325	167,228
	1895	10,450	14,773	38,895	76,207	140,325
	1900	10,319	15,764	52,286	85,799	164,168
	1903	8,728	16,905	48,095	90,546	164,274
	1904	8,388	14,637	47,739	88,775	159,539
	1905	8,474	15,363	51,660	84,964	160,461
	1906	8,205	14,089	50,620	92,585	165,499
	1907	7,746	14,199	55,967	103,926	181,838
Dominion of New Zealand	1890	1,516	2,297	5,830	8,604	18,247
	1895	1,281	2,557	5,104	8,639	17,581
	1900	1,526	2,680	7,319	13,165	24,690
	1903	1,303	3,138	8,872	17,236	30,549
	1904	1,504	2,884	9,626	16,764	30,778
	1905	1,509	2,943	8,790	17,310	30,552
	1906	1,508	3,150	9,486	18,494	32,638
	1907	1,654	3,203	10,288	21,465	36,610

The following table shows the number of charges laid against persons arrested or summoned per 1,000 of the population in the Australian States and New Zealand during a series of years:—

PROPORTION OF VARIOUS OFFENCES TO POPULATION IN EACH AUSTRALIAN STATE AND THE DOMINION OF NEW ZEALAND, 1890, 1895, 1900, AND 1903 TO 1907.

State.	Year.	Charges against Persons Arrested or Summoned per 1,000 of the Population for—			
		Offences against the Person.	Offences against Property.	Drunkenness.	Other Offence
Victoria	1890	3·66	4·50	16·54	32·59
	1895	2·12	3·45	9·44	18·45
	1900	1·88	2·97	13·31	24·46
	1903	1·60	3·28	10·45	24·31
	1904	1·53	2·70	11·50	24·96
	1905	1·59	3·33	11·92	22·55
	1906	1·48	3·09	11·43	24·75
	1907	1·41	2·92	11·86	33·81
New South Wales	1890	7·92	6·91	16·93	28·21
	1895	3·53	4·87	14·53	28·46
	1900	3·28	4·93	15·51	22·70
	1903	2·72	5·19	15·39	24·70
	1904	2·54	4·74	14·17	24·35
	1905	2·50	4·44	16·39	22·37
	1906	2·44	3·97	14·94	24·85
	1907	2·57	4·14	16·22	25·00
Queensland	1890	7·03	6·45	16·41	19·35
	1895	4·58	4·60	11·03	18·82
	1900	3·95	5·21	18·90	21·68
	1903	2·93	4·30	14·02	15·82
	1904	3·16	3·83	13·20	14·73
	1905	3·30	4·00	12·63	14·20
	1906	3·16	3·40	14·06	14·76
	1907	1·83	2·83	16·75	12·99
South Australia	1890	1·64	1·60	7·53	11·35
	1895	1·18	1·94	5·06	6·11
	1900	·85	1·60	6·26	7·93
	1903	·92	1·81	6·39	7·65
	1904	·73	1·30	6·57	7·25
	1905	·66	1·24	6·30	7·16
	1906	·67	1·24	6·53	7·58
	1907	·76	1·44	7·32	6·84
Western Australia	1890	8·28	11·97	26·37	58·09
	1895	7·06	11·66	23·25	48·45
	1900	5·86	9·86	17·34	51·45
	1903	3·60	9·70	16·14	47·96
	1904	3·08	6·02	15·21	38·56
	1905	2·57	5·84	14·02	35·77
	1906	2·23	5·33	13·81	34·00
	1907	2·01	5·91	13·62	31·43

PROPORTION OF VARIOUS OFFENCES TO POPULATION IN EACH AUSTRALIAN STATE AND THE DOMINION OF NEW ZEALAND, 1890, 1895, 1900, AND 1903 TO 1907—*continued.*

State.	Year.	Charges against Persons Arrested or Summoned per 1,000 of the Population for—			
		Offences against the Person.	Offences against Property.	Drunkenness.	Other Offences.
Tasmania	1890	3.36	4.31	8.01	28.93
	1895	2.22	4.46	2.91	20.36
	1900	2.13	3.91	4.82	20.29
	1903	1.60	3.11	2.96	25.91
	1904	1.37	3.69	3.24	22.78
	1905	1.28	4.20	3.01	30.97
	1906	1.07	3.47	2.54	28.29
	1907	1.08	2.75	3.00	28.27
Australian States	1890	5.43	5.39	15.48	27.64
	1895	2.98	4.22	11.11	21.99
	1900	2.75	4.21	13.96	20.18
	1903	2.23	4.33	12.31	23.18
	1904	2.12	3.70	12.07	22.45
	1905	2.11	3.82	12.86	21.15
	1906	2.01	3.44	12.38	22.63
	1907	1.86	3.41	13.43	24.93
Dominion of New Zealand	1890	2.44	3.70	9.39	13.86
	1895	1.85	3.71	7.37	12.48
	1900	2.00	3.51	9.58	17.24
	1903	1.59	3.83	10.82	21.01
	1904	1.78	3.41	11.39	19.84
	1905	1.73	3.38	10.10	19.90
	1906	1.68	3.52	10.59	20.65
	1907	1.80	3.49	11.19	23.35

Almost all serious crimes are either offences against the person or offences against property, the only serious crimes included under "Other Offences" being forgery, counterfeiting, and perjury, which are very few in number, being in Victoria in 1907, only 64 out of a total of 42,154 included under that category. A large proportion of these cases are merely breaches of various Acts of Parliament, by-laws, &c., which indicate no degree of criminal instinct or intent on the part of the person charged. They also include a large number of offences against good order, including insulting behaviour, vagrancy, &c. A comparison of the relative proportions in the various States

of charges under the heading "Other Offences" is not of much value, on account of the differences in the laws of the States in these matters, and of the large proportion of the offences which are not crimes, but mere breaches of various Acts and by-laws.

Offences
against the
person.

Offences against the person set out in the first column of the preceding table, consist mainly of assault, but include murder, manslaughter, shooting, wounding, and all crimes of lust. A glance at the figures shows that since 1890 there has been a very large decline in these crimes in every State in proportion to population. South Australia easily holds the pride of place, then comes Tasmania, closely followed by Victoria, New Zealand, and Queensland, then Western Australia and New South Wales in that order.

Offences
against
property.

A decrease, as compared with 1890, will also be noticed in the proportion of offences against property in all the Australian States and New Zealand. The decrease in respect of these offences is, however, not nearly so marked as that in respect of offences against the person. Offences against property are far less rife in South Australia than in any other State or New Zealand, Tasmania coming next, followed by Queensland, Victoria, New Zealand, and New South Wales, in that order. These crimes are much commoner in Western Australia than in any other State, but the proportion in excess would be considerably reduced if allowance were made for the high ratio of adult males in the population of that State. Offences against property consist principally of larceny and similar offences; but include burglary, robbery, &c., cattle stealing, and wilful damage to property.

Drunken-
ness.

In every Australian State except Queensland there was a decrease in drunkenness cases before magistrates in 1907, as compared with 1890; but there was an increase in New Zealand. This offence is much less frequent in Tasmania than in any other State, South Australia coming next, and New Zealand, Victoria, Western Australia, New South Wales and Queensland following in that order. If allowance were made for the large proportion of adult males in Western Australia that State would show a proportion about equal to that of Victoria. In the latter State summons cases for drunkenness

were not included previous to 1902, but the number of such cases was so small that the comparison is not appreciably affected by their omission.

The offences for which arrests were made, together with the number of arrests under each class of offence for the last five years, will be found in the following table:—

CAUSES OF ARREST, 1904 TO 1908.

Offences.	1904.	1905.	1906.	1907.	1908.
Murder and Attempts to Murder	24	15	10	20	18
Manslaughter	7	7	4	15	8
Shooting at or Wounding with intent to do Bodily Harm; Wounding, &c.	67	46	41	41	48
Assaults, Common and Aggravated	570	576	612	546	469
Rape, Abduction, and Defilement of Females	72	75	76	82	72
Unnatural Offence and Assaults with intent	7	12	16	12	8
Other Offences against the Person	59	75	63	58	66
Offences against the Person and Property, including Robbery with Violence, Burglary, &c.	192	201	176	203	153
Horse, Sheep, and Cattle Stealing	101	103	92	71	84
Larceny and other Offences against Property	1,833	2,126	1,903	1,802	1,699
Forgery and Offences against the Currency	34	35	22	30	27
Drunkenness	13,789	14,373	13,943	14,703	13,029
Other Offences against Good Order	6,177	4,929	5,242	4,658	3,834
Offences relating to carrying out Laws	131	147	156	101	162
Smuggling and other Offences against the Revenue	75	106	62	62	73
Offences against Public Welfare	458	368	395	275	432
Total arrests	23,596	23,194	22,814	22,679	20,182

The sexes of persons brought up on summons are not recorded; but it usually happens that about 20 per cent. of the persons arrested

Males and females arrested.

are females. The males and females arrested, and the disposal of the cases, in 1908, were as follows:—

MALES AND FEMALES ARRESTED, 1908.

Disposal.	Arrests.		
	Males.	Females.	Total.
Summarily Convicted	9,267	2,100	11,367
Discharged by Magistrates	6,732	1,550	8,282
Committed for Trial	486	47	533
Total	16,485	3,697	20,182

SENTENCES PASSED.

Sentences
by Magis-
trates.

The results of summary disposal of cases by magistrates during 1908 were as follows:—

SUMMARY DISPOSAL BY MAGISTRATES OF PERSONS ARRESTED, 1908.

Sentence.	Males.	Females.	Total.
Fines paid	4,041	419	4,460
Imprisonment for—			
Under 1 month	3,377	1,331	4,708
1 and under 6 months	739	191	930
6 and under 12 months	119	47	166
1 year and over	85	12	97
Ordered to find bail or sentence suspended on entering surety ...	225	22	247
Admonished	560	52	612
Sent to Industrial Schools or Reformatory	74	5	79
Otherwise dealt with	47	21	68
Total sentenced	9,267	2,100	11,367
Discharged	6,732	1,550	8,282
Total summarily disposed of ...	15,999	3,650	19,649
Sentenced per 10,000 of population ...	145·9	33·3	89·8

In addition to the sentences of imprisonment, three prisoners were ordered a whipping with the birch.

The following were the sentences of the prisoners tried and convicted in superior courts during 1908 :—

Sentences in Superior Courts.

SENTENCES OF ARRESTED PRISONERS TRIED AND CONVICTED, 1908.

Sentence.	Males.	Females.	Total.
Fines paid	4	...	4
Imprisonment for—			
Under 1 month	7	4	11
1 and under 6 months	60	3	63
6 „ 12 „	54	2	56
1 „ 4 years	137	2	139
4 „ 7 „	16	...	16
7 „ 10 „	4	...	4
10 years and over	3	...	3
Death	4	...	4
Ordered to find bail or sentence suspended on entering surety	44	8	52
Sent to Reformatory	9	...	9
Sent to Lunatic Asylum	3	1	4
Total convicted	345	20	365
Acquitted	120	14	134
Not prosecuted	11	1	12
Convictions per 10,000 of population...	5.4	.3	2.9

In addition to being sent to gaol, seven persons were ordered to be kept in solitary confinement during various portions of their terms of imprisonment, and four prisoners were ordered 10 strokes each with a birch or cane. Prisoners remaining for trial from the previous year are included, but those awaiting trial at the end of the year are excluded.

It has been already stated that in making up the returns, a person arrested more than once is counted as a separate individual in respect to each arrest, but it is possible to ascertain approximately the number of distinct persons passing through the hands of the police by means of a close comparison of names, ages, birth-places, religions, occupations, &c., of the individuals dealt with. This is too laborious an investigation to be made every year, but it was done for 1884, and has been done again for the past two years, so far as the sexes,

Arrests of distinct individuals.

DISTINCT INDIVIDUALS ARRESTED, 1908.

Sex, Country, Age and Occupation of Persons Arrested.	Number of Arrests.	Number of Distinct Individuals Arrested.	Number of Times on which Distinct Individuals were Arrested.																						
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	22	25	
			SEX.																						
Males	16,485	13,072	11,029	1,367	385	145	62	27	23	10	9	1	3	6	2	..	2	..	..	..	..	1	..	1	1
Females	3,697	2,087	1,517	259	127	58	34	16	26	6	10	6	8	5	3	1	1	3	1	2	..	..	1	1	1
Total	20,182	15,159	12,546	1,626	512	203	96	43	49	16	19	7	11	11	5	1	3	3	1	2	1	1	1	2	1
COUNTRY.																									
Australia	12,676	9,504	7,953	1,037	318	131	57	23	29	8	8	5	7	5	4	..	..	3	..	2	1	1	1	1	1
New Zealand	241	193	165	15	9	1	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
United Kingdom	5,917	4,269	3,459	484	160	61	33	19	19	8	11	2	5	1	1	3	..	..	1	..	..	..	..	..	..
Other British Possessions	182	156	136	15	4	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Foreign Countries	1,166	947	833	75	21	9	3	1	1	..	..	..	2	1	..	..	..	..	..	..	..	..	1	..	..
AGE.																									
Under 10 years	10	10	10	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
10 to 15	157	147	138	8	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
15 to 20	950	843	759	65	15	4	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
20 to 25	1,963	1,665	1,474	137	28	11	6	7	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
25 to 30	2,494	1,962	1,662	190	61	22	11	3	6	2	1	3	1	..	..	..	..	..	..	..	..	..	..	..	..
30 to 40	5,128	3,777	3,115	401	128	54	30	11	17	1	2	..	8	4	..	..	..	..	2	1	1	..	1	1	1
40 to 50	5,105	3,598	2,848	442	153	74	28	10	15	5	10	2	1	1	4	..	..	..	1	1	1	..	..	..	..
50 to 60	2,768	1,941	1,539	241	85	26	18	7	7	5	2	1	1	5	1	1	2	..	..	..	..	..	..	..	..
60 to 70	1,173	860	696	103	34	10	3	4	2	2	3	1	1	1	..	..	..	..	..	..	..	..	..	..	..
70 to 80	382	320	278	32	7	1	..	1	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
80 years and over	52	36	27	7	..	1	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

birth-places, ages, and occupations of the persons arrested are concerned. The results for 1908 are given in the following table:—

DISTINCT INDIVIDUALS ARRESTED, 1908—*continued.*

Occupation.	Number of Arrests.	Number of Distinct Individuals Arrested.	Number of Times on which Distinct Individuals were Arrested.																								
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	22	25			
PROFESSIONAL CLASS.																											
Actor, actress, showman	23	19	16	2	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Barrister, solicitor	31	19	16	1	..	..	..	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Chemist	23	20	18	1	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Civil engineer, surveyor	13	9	7	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Dentist	15	12	11	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Jockey	50	44	39	4	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Journalist, reporter, authoress	19	12	9	..	2	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Medical practitioner	6	5	4	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Musician, teacher of music	38	27	24	2	..	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Nurse	12	9	8	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Teacher, tutor, governess	13	12	11	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Others	101	87	80	4	1	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
DOMESTIC CLASS.																											
Barman, barmaid, waiter, waitress	124	97	80	13	2	..	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Charwoman, laundryman, laundress	109	71	53	12	3	1	..	..	..	1	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..
Cook, domestic servant	842	563	454	56	24	12	5	1	3	..	2	..	1	1	1	1	1	..	..	..	..	..	1	..	..
Hairdresser.. .. .	57	49	42	6	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Others	166	151	139	9	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
COMMERCIAL CLASS.																											
Accountant, cashier, clerk	366	316	280	27	5	3	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Agent	91	79	68	10	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Butcher	159	126	107	14	2	1	..	..	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Canvasser, commercial traveller, salesman	258	200	167	24	4	1	2	..	1	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..
Dealer (undefined)	156	122	106	9	4	1	..	..	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Draper	40	36	33	2	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Grocer	51	38	35	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Hawker (undefined)	394	275	218	27	17	6	3	1	..	1	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Marine dealer, collector	63	47	37	6	3	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Others	280	236	206	23	3	1	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

Law, Crime, &c.

DISTINCT INDIVIDUALS ARRESTED, 1908—continued.

Occupation.	Number of Arrests.	Number of Distinct Individuals Arrested.	Number of Times on which Distinct Individuals were Arrested.																						
			1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	22	25	
TRANSPORT AND COMMUNICATION CLASS.																									
Cabman, driver	58	46	38	6	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Carrier, cartor, driver	291	269	250	16	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Groom	169	131	108	15	5	2	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Shipmaster, officer, seaman	622	521	457	45	11	2	3	2	1	..	..	..	1	..	..	..	..	..	..	..	..	..	..	..
Steward, stewardess, ship servant	49	39	37	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Wharf labourer, stevedore	74	56	45	8	1	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Others	78	50	44	4	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	1	..	..
INDUSTRIAL CLASS.																									
Baker, miller	109	99	91	7	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Blacksmith, farrier	114	92	82	7	2	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..
Boot, shoe maker	268	199	157	26	10	3	2	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Bricklayer, stonemason	140	119	102	13	4	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Carpenter	316	239	203	19	12	2	..	..	1	..	1	..	..	..	..	..	1	..	..	..	..	..	..	..
Compositor, printer, publisher	92	75	69	4	1	..	..	..	..	..	..	..	..	1	..	..	..	..	..	..	..	..	..	..
Dressmaker, milliner, sewing machinist, tailor, tailress	106	85	70	9	6	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Engineer, engine-driver, fireman, stoker	489	405	354	36	4	5	5	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Labourer, road	114	85	67	12	3	1	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
" (undefined)	7,223	5,510	4,498	657	203	78	31	15	11	7	4	..	1	2	2	..	1	..	..	..	..	..	..	..
Painter	163	134	118	12	..	1	2	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Plasterer	51	39	31	6	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Plumber	80	58	43	10	3	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Tinsmith	69	61	55	5	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Others	1,020	823	705	79	23	10	1	2	..	1	..	..	1	..	..	..	..	..	..	..	..	..	..	..
PRIMARY PRODUCERS.																									
Drover, shearer, station employé, wool classer	208	180	155	22	3	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Farmer, market gardener	198	177	160	11	2	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Gardener	172	146	127	14	3	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Labourer, farm	609	465	376	61	14	8	2	3	..	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..
Miner	453	402	362	31	7	2	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Others	170	139	121	12	3	1	1	..	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
INDEFINITE CLASS.																									
Prostitute	1,258	493	270	82	48	26	17	9	15	2	5	2	4	4	2	..	2	1	1	1	..	1	1	1	
No occupation, over 15 years	1,740	1,177	932	123	58	18	12	6	9	3	3	3	3	..	..	1	..	..	..	..	..	..	..	..
" under 15 years	149	139	130	8	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Others	30	25	21	3	1	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..	..

Of the total number of arrests, 20,182, only 15,159, or 75 per cent., were of distinct individuals. Of these 12,546, or 83 per cent., were arrested only once; 1,626, or 11 per cent., twice; 512, or 3 per cent., three times; 203, or 1 per cent., four times; and 272, or 2 per cent., five times and over—one of these persons having been arrested twenty times, 2 twenty-two times, and 1 as many as twenty-five times. The following table gives a comparison of 1884 with 1908, from which it will be seen that there has been a marked decrease in the number of persons arrested more than once:—

DISTINCT PERSONS ARRESTED, 1884 AND 1908.

Year.	Distinct Persons Arrested.						Percentage Arrested.				
	Number.			Per 100,000 of the Population.			Once.	Twice.	Thrice.	Four Times.	More than Four Times.
	Males.	Females.	Total.	Males.	Females.	Total.					
1884 ...	16,229	3,628	19,857	3,309	820	2,129	78	14	4	2	2
1908 ...	13,072	2,087	15,159	2,058	331	1,198	83	11	3	1	2

The tendency of females to be arrested over and over again is much greater than that of males, for, while only 16 per cent. of the males who fell into the hands of the police were arrested more than once, as many as 27 per cent. of the females were so arrested.

The distinct persons arrested for drunkenness during 1908 numbered 9,584, and, of these, 1,740, or 18 per cent., were arrested more than once, viz.:—1,066 twice, 336 thrice, 143 four times, 61 five times, and 134 more than five times, of whom 1 was arrested twenty-two times.

Whilst the number of distinct persons arrested for drunkenness was 9,584, the charges of drunkenness brought against them numbered 13,029; these persons were also charged with 1,585 other offences, so that the total number of charges of all kinds against

Individuals arrested more than once.

Sexes of those arrested more than once.

Distinct persons arrested more than once for drunkenness.

Drunkards charged with other offences.

drunkards was 14,614, as compared with 22,008 charges of all descriptions. Thus 66 per cent. of the offences for which persons were arrested during 1908 were committed by persons who were arrested for drunkenness.

Birthplaces
of distinct
persons
arrested
and
committed
for trial.

The following is a statement of the principal countries in which distinct persons arrested during 1908 were born, and of their proportions per 10,000 of the persons of such nationalities living in the State at the census of 1901:—

BIRTHPLACES OF DISTINCT PERSONS ARRESTED AND COMMITTED
FOR TRIAL, 1908.

Birthplace.	Distinct Persons Arrested.			
	Total Number.	Summarily Convicted, Held to Bail, &c.	Committed for Trial.	Convicted after Commitment.
Victoria	8,331	4,969	351	234
Other Australian States	1,263	734	49	33
New Zealand	193	98	10	6
England and Wales	1,945	993	47	39
Scotland	746	343	10	9
Ireland	1,578	801	23	18
China	158	109	4	1
Other Countries	945	481	37	24
Total	15,159	8,531	531	364
Proportion per 10,000 of the Population.				
Victoria	95·10	56·72	4·01	2·67
Other Australian States	194·03	112·76	7·53	5·07
New Zealand	213·97	108·65	11·09	6·65
England and Wales	166·09	85·05	4·01	3·33
Scotland	208·67	95·94	2·80	2·52
Ireland	256·54	130·22	3·74	2·93
China	253·61	174·96	6·42	1·61
Other Countries	308·59	157·07	12·08	7·84
Total	126·18	71·01	4·42	3·03

The proportion of Victorian arrests of distinct persons does not afford a proper comparison with the proportions indicated for other Australian States, Great Britain, and foreign countries. The Victorian born population includes a large number of children, of whom,

as has been shown, few are arrested, whereas the number of children in the State born in places outside Victoria is very small. It is obvious, therefore, that the ratio obtained by comparing the arrests of natives with the corresponding population will be much less than the ratios relating to the arrests of persons born in other States and countries. If the proportion arrested of Victorian adult males were taken it would, in all probability, approximate to the corresponding proportions for natives of other Australian States.

The ages of those arrested in 1908, and the degree of instruction Age and degree of instruction. possessed by them, are shown in the following table:—

AGE AND DEGREE OF INSTRUCTION OF DISTINCT PERSONS ARRESTED, 1908.

Ages.	Superior Education.	Read and Write Well.	Read Only, or Read and Write Imperfectly.	Unable to Read.	Total.
Under 10 years ..	..	..	10	..	10
10 to 15 ..	..	..	145	2	147
15 to 20 ..	..	3	820	20	843
20 to 25 ..	..	17	1,608	40	1,665
25 to 30 ..	1	13	1,909	39	1,962
30 to 40 ..	10	36	3,621	110	3,777
40 to 50 ..	3	40	3,425	130	3,598
50 to 60 ..	13	10	1,804	114	1,941
60 to 70 ..	..	11	761	88	860
70 to 80 ..	..	1	261	58	320
80 years and over ..	..	..	32	4	36
Total ..	27	131	14,393	605	15,159

About 4 per cent. of the persons arrested in 1908 were entirely Education of persons arrested. illiterate, 95 per cent. could read only, or read and write imperfectly, and 1 per cent. were possessed of superior education or could read and write well.

The statistics to hand relating to the United Kingdom give the Crime in United Kingdom. commitments for trial and convictions in the superior courts. The following table shows the number of commitments for trial and convictions, and their respective proportions to the population of each division of the United Kingdom during the last year of the three

decennial periods ended 1900, and during each of the five years ended 1907:—

CRIME IN THE UNITED KINGDOM, 1880, 1890, 1900, AND
1903 TO 1907.

Country.	Year.	Commitments for trial.	Convictions.	Proportion per 10,000 of Population of—	
				Commitments.	Convictions.
England and Wales ...	1880	14,770	11,214	5·74	4·36
	1890	11,974	9,242	4·16	3·21
	1900	10,331	8,157	3·20	2·53
	1903	12,122	9,882	3·63	2·96
	1904	12,472	10,233	3·69	3·03
	1905	12,690	10,483	3·72	3·07
	1906	13,190	10,823	3·82	3·13
	1907	13,054	10,834	3·74	3·10
Scotland ...	1880	2,583	2,046	6·97	5·52
	1890	2,312	1,825	5·77	4·56
	1900	2,167	1,835	4·88	4·14
	1903	2,590	2,114	5·66	4·62
	1904	2,631	2,208	5·69	4·77
	1905	2,832	2,314	6·06	4·95
	1906	2,631	2,157	5·57	4·56
	1907	2,451	2,007	5·13	4·22
Ireland ...	1880	4,716	2,383	9·06	4·58
	1890	2,061	1,193	4·39	2·54
	1900	1,682	1,087	3·76	2·43
	1903	1,733	1,169	3·93	2·65
	1904	1,837	1,296	4·17	2·94
	1905	2,060	1,367	4·69	3·11
	1906	2,072	1,303	4·72	2·97
	1907	2,193	1,338	5·01	3·06
Total United Kingdom	1880	22,069	15,643	6·37	4·52
	1890	16,347	12,260	4·36	3·27
	1900	14,180	11,079	3·45	2·69
	1903	16,445	13,165	3·88	3·11
	1904	16,940	13,737	3·96	3·21
	1905	17,582	14,164	4·07	3·28
	1906	17,893	14,283	4·10	3·27
	1907	17,698	14,179	4·01	3·22

Proportion
of commit-
ments for
trial and
convictions
in Aus-
tralian Stat-
New Zea-
land, and
Britain.

From the following table it will be observed that, in proportion to the population, the commitments in Scotland and Ireland were above those in South Australia and Tasmania, and the commitments in England and Wales above those in the latter State, also that the convictions in Scotland were higher than in Victoria, South Australia, and Tasmania; and the convictions in England and Ireland exceeded those in the two latter States; in all other cases the commitments

and convictions in the three portions of the United Kingdom were below those in the Australian States and New Zealand:—

PROPORTION OF COMMITMENTS AND CONVICTIONS TO EVERY 10,000 PERSONS LIVING IN THE AUSTRALIAN STATES, NEW ZEALAND, AND THE UNITED KINGDOM, 1903 TO 1907.

Commitments for Trial to every 10,000 of Population.			Convictions after Commitment to every 10,000 of Population.		
New Zealand	...	9.99	Western Australia	...	7.43
Western Australia	...	9.93	New South Wales	...	5.33
New South Wales	...	9.25	Queensland	...	5.00
Queensland	...	9.00	New Zealand	...	4.97
Victoria	...	5.98	Scotland	...	4.62
Scotland	...	5.62	Victoria	...	3.46
Ireland	...	4.50	England and Wales	...	3.06
South Australia	...	3.95	Ireland	...	2.95
England and Wales	...	3.72	South Australia	...	2.44
Tasmania	...	3.44	Tasmania	...	1.92

From the following figures, it appears that in the five years 1903 to 1907, conviction followed commitment with more certainty in England and Scotland than in any of the Australian States and New Zealand, but Western Australia, in this respect, stood above Ireland. All the other Australian States and New Zealand occupy positions below these, New Zealand being at the bottom of the list with 49 convictions to every 100 commitments:—

Proportion of convictions to commitments in Australian States, New Zealand, and Britain.

PROPORTION OF CONVICTIONS TO COMMITMENTS IN THE AUSTRALIAN STATES, NEW ZEALAND, AND THE UNITED KINGDOM, 1903 TO 1907.

	Per Cent.		Per Cent.
England and Wales	82.26	Victoria	57.77
Scotland	82.22	New South Wales	57.60
Western Australia	74.81	Tasmania	55.63
Ireland	65.42	Queensland	55.56
South Australia	61.74	New Zealand	49.76

Drunken-
ness, 1904
to 1908.

The following are the number and proportion per 1,000 of the population of persons arrested or summoned for drunkenness during the last five years:—

PERSONS ARRESTED OR SUMMONED FOR DRUNKENNESS, 1904 TO 1908.

Year.	Number of Persons -			Proportion per 1,000 of Population.
	Arrested.	Summoned.	Total.	
1904 ...	13,789	92	13,881	11·50
1905 ...	14,373	85	14,458	11·92
1906 ...	13,943	86	14,029	11·43
1907 ...	14,70	80	14,783	11·86
1908 ...	13,029	73	13,102	10·36

Drunken-
ness—Com-
parison
with pre-
vious years.

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

Period.	Average 5 years	...	...	...	Index Number.
1874-8	...	...	...	...	100
1879-85	7	...	...	...	88
1886-92	7	...	...	...	106
1893-97	5	...	...	...	65
1898-1902	5	...	...	...	83
1903-7	5	...	...	...	78
1908	...	...	...	...	71

Young
persons
charged
with
drunken-
ness.

A very considerable decrease in drunkenness is shown during the five years 1893-7, which was a period of general depression. Since 1897, however, the arrests for drunkenness have again increased, though the proportion to population has been much below that existing before 1893.

The following table shows the number of persons under 20 years of age arrested for drunkenness, also the proportion per 100,000 of the population, from which it will be seen that very few young persons are arrested for this offence:—

ARRESTS OF PERSONS UNDER 20 YEARS OF AGE CHARGED WITH DRUNKENNESS, 1895 TO 1908.

Year.	Number.	Proportion per 100,000 of the Population.
1895 ...	185	15·62
1900 ...	222	18·60
1904 ...	142	11·76
1905 ...	131	10·80
1906 ...	148	12·06
1907 ...	153	12·27
1908 ...	133	10·51

The following is a statement of the number of charges of drunkenness made against persons in each State and in New Zealand during 1907, also the number of convictions and the percentage of the latter to the former:—

Apparent leniency of magistrates in drunkenness cases in Victoria.

PERCENTAGE OF CONVICTIONS FOR DRUNKENNESS IN AUSTRALIAN STATES AND DOMINION OF NEW ZEALAND, 1907.

State.	Charges of Drunkenness.	Convictions.	
		Total.	Percentage of Charges.
Victoria	14,783	9,094	61·52
New South Wales	25,154	25,008	99·42
Queensland	9,066	9,002	99·29
South Australia	2,838	2,735	96·37
Western Australia	3,591	3,535	98·44
Tasmania	535	531	99·25
Australia	55,967	49,905	89·17
Dominion of New Zealand	10,288	10,186	99·01
Australasia	66,255	60,091	90·70

It will be seen from the last column in the above table that the percentage of convictions in Victoria was much less than in the other States and the Dominion of New Zealand, nearly every case resulting in a conviction in the latter places, and about two out of every three cases in the former. These figures seem to denote a comparative leniency on the part of magistrates in drunkenness cases in Victoria, but investigations show that in Victoria an offender on his first appearance is generally discharged, and that those who have been arrested on a Saturday and detained in custody until Monday, are similarly dealt with. In some cases also, when an offender has been admitted to bail after arrest, he is discharged on putting a donation in the poor-box. In all these cases no conviction is recorded in Victoria, but in the other States a conviction is entered on the records in nearly every case, whether any punishment is inflicted or not.

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

Consumption of intoxicating liquors.

principally from a return prepared to the order of the British House of Commons, dated 21st December, 1906:—

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

Countries.	Yearly Average Quantity Consumed, 1904 to 1908.			Proportion per Head.		
	Spirits.	Beer.	Wine.	Spirits.	Beer.	Wine.
	gallons.	gallons.	gallons.	gallons.	gallons.	gallons.
British—						
Victoria ..	825,200	14,711,300	801,400	·67	11·92	·65
New South Wales ..	1,188,300	14,167,900	946,400	·79	9·37	·63
Queensland ..	428,200	5,333,000	1,470,000	·80	9·98	·28
South Australia ..	134,900	3,143,600	485,200	·35	8·18	1·26
Western Australia ..	311,000	5,045,600	255,600	1·23	19·91	1·01
Tasmania ..	95,000	1,604,600	26,900	·52	8·83	·15
Australia ..	2,932,600	44,006,000	2,662,900	·73	10·73	·65
New Zealand ..	693,400	8,704,600	131,300	·77	9·71	·14
	1903 to 1907.					
British—						
United Kingdom	40,239,400	1,223,916,400	12,451,600	·93	28·4	·29
Dominion of Canada	5,382,300	31,810,000	576,000	·93	5·5	·10
Cape of Good Hope	1,545,500	4,399,800	5,607,000	·63	1·8	2·3
Natal ..	367,800	1,128,000	68,400	·33	·98	·06
Newfoundland ..	81,600	796,100	8,800	·36	·34	·04
	1901 to 1905.					
Foreign—						
Austria ..	55,823,000	407,189,000	107,118,000	2·07	15·2	4·0
Belgium ..	9,425,000	333,449,600	7,106,000	1·35	48·0	1·02
Bulgaria ..	506,000	1,285,000	50,463,600	·13	·33	13·2
Denmark ..	6,404,000	51,823,500	..	2·54	20·6	..
France ..	52,980,000	309,821,600	1,199,950,000	1·36	7·9	30·7
German Empire ..	90,605,000	1,638,917,600	85,360,000	1·55	26·1	1·45
Holland ..	3,083,000	..	2,006,400	1·50	..	·37
Hungary ..	37,435,000	33,392,000	79,499,000	1·89	11·67	3·9
Italy ..	8,558,000	5,918,000	828,696,000	·26	·18	25·1
Norway ..	1,386,000	7,796,800	..	·60	3·46	..
Portugal ..	..	..	95,704,400	..	..	18·3
Roumania ..	5,795,000	1,465,000	28,124,800	·97	·24	4·5
Russian Empire ..	131,408,000	134,534,500	..	·95	·97	..
Servia ..	..	1,628,000	6,463,600	..	·62	2·46
Spain ..	..	..	340,445,600	..	..	18·5
Sweden ..	7,638,000	65,150,800	..	1·46	12·5	..
Switzerland ..	3,322,000	47,260,400	50,872,800	·99	14·1	15·1
United States ..	99,155,000	1,260,982,000	32,448,500	1·21	15·4	·40

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

Consumption of drink in various countries compared.

By comparing the figures for Australia in the foregoing table with those of several other countries it will be seen that the consumption of intoxicants was proportionately less in Australia. As regards spirits, whilst the consumption in Australia was three-fourths of a gallon per head per year, in Denmark it amounted to 2½ gallons; in Austria to 2 gallons; in Hungary to nearly 2 gallons; in Germany, Holland, and Sweden to 1½ gallons; in France, Belgium, and the United States to more than a gallon; and in the United Kingdom and the Russian Empire to nearly a gallon. The greatest beer-producing countries of the world are the German Empire, the United States, and the United Kingdom, in that order; but in consumption per head of the population Belgium, with 48

gallons; the United Kingdom, with 28½ gallons; Germany, with 26 gallons; and Denmark, with 20½ gallons, are the foremost. The particulars in this table would indicate that Belgium consumes more beer than any other country in the world, but the statistics of the States composing the German Empire show that Bavaria is entitled to that distinction, with a consumption of 54½ gallons per head. The consumption in Würtemberg was also high, reaching 42 gallons, and that in Baden was about 38 gallons per head. The Australian consumption of 10¾ gallons does not appear to be large by comparison with those figures, Western Australia, with 20 gallons per head, being the only State which approaches those countries. The chief wine-producing countries of the world—France and Italy—are also the greatest consumers, the former consuming nearly 31 gallons, and the latter 25 gallons per head. Spain, with 18½ gallons; Portugal, with 18 gallons; Switzerland, with 15 gallons; and Bulgaria, with 13 gallons, are also large consumers. The inhabitants of the British Empire are small wine-drinkers. At the Cape of Good Hope the consumption is highest, with 2½ gallons per head; Australia consumes nearly two-thirds of a gallon per head; the United Kingdom about one-third of a gallon; and Canada one-tenth of a gallon.

With the assistance of the figures in the preceding table, it is possible to estimate for Australia, with some degree of accuracy, the approximate expenditure in a year of the people on intoxicating liquors, and this is done in the following table, taking as a basis the yearly average consumption over a period of five years:—

Expenditure by the people on intoxicating liquor.

AUSTRALASIAN DRINK BILL.—YEARLY AVERAGE, 1904 TO 1908.

State of—	Expenditure by the People on—					
	Spirits.	Beer.	Wine.	Total.		
				Amount.	Per Head.	Per Adult Individual
	£	£	£	£	£ s. d.	£ s. d.
Victoria ..	1,444,100	2,206,700	400,700	4,051,500	3 5 8	6 1 1
New South Wales ..	2,079,00	2,125,200	473,200	4,677,900	3 1 10	5 19 7
Queensland ..	749,300	799,900	73,700	1,622,900	3 0 9	5 16 9
South Australia ..	233,100	471,500	242,600	950,200	2 9 5	4 16 6
Western Australia ..	544,200	756,800	127,800	1,428,800	5 12 9	9 1 1
Tasmania ..	166,200	240,700	13,400	420,300	2 6 3	4 12 3
Australia ..	5,219,400	6,600,800	1,331,400	13,151,600	3 4 2	6 0 11
Dominion of New Zealand	1,213,500	1,305,700	65,600	2,584,800	2 17 9	5 2 7

These figures show that the average yearly expenditure on drink in Australia during the quinquennium, 1904 to 1908, amounted to over 13 millions sterling, and including New Zealand, to nearly 15¼ millions. In Victoria over 4 millions were spent, or £626,400 less than in New South Wales. Western Australia, according to population, is at the top of the list with £5 12s. 9d. per head, and this is

accounted for by the large adult population resident there. Victoria and New South Wales are next with £3 5s. 8d. and £3 1s. 10d. respectively per head. Tasmania is the most temperate of the Australian States, the consumption of alcoholic liquors only entailing a yearly expense of £2 6s. 3d. per head of the population, as against an average for the Commonwealth of £3 4s. 2d. In South Australia also the expenditure is comparatively low, amounting to £2 9s. 5d. per head.

The following table shows the average quantity and the proportion per head of alcoholic liquors consumed in Victoria during the five-year periods ended 1885 and 1908 :—

AVERAGE CONSUMPTION OF SPIRITS, BEER, AND WINE IN VICTORIA, 1881 TO 1885 AND 1904 TO 1908.

Average of five years ended—	Quantity Consumed.			Proportion per head.		
	Spirits.	Beer.	Wine.	Spirits.	Beer.	Wine.
1885	gallons 1,130,000*	gallons 14,110,800	gallons 713,500	gallons 1·21*	gallons 15·45	gallons ·78
1908	825,200	14,711,300	801,400	·67	11·92	·65

* Average of three years ended 1885.

After allowing for the increase of population, the fall between the five-year periods ended 1885 and 1908 in the quantities consumed per head represents a reduced consumption in the period ended 1908 of 668,500 gallons of spirits, 4,362,190 gallons of beer, and 161,500 gallons of wine.

The Licences Reduction Board provided for by the Licensing Act of 1906 was appointed on 21st May, 1907. A Compensation Fund was also instituted, which is raised by means of a percentage fee of £3 for every £100 of purchases of liquor, to be paid by every hotelkeeper annually. The total amount paid into this fund was £48,233 in 1907, £48,504 in 1908, and £49,283 in 1909. The duties of the Board are to close sufficient hotels to absorb the funds in hand, and to re-assess the licence-fees thus lost and distribute them among the remaining houses which the Board thinks will benefit by the closing; also to fix the amount of the compensation that can ever be paid to the owner and occupier of each hotel in the State, no matter when such hotel may be closed. The maximum compensation is to be based on the results of three years preceding the Act of 1906, the period being 1904-6 in the case of owners and 1903-5 in the case of licensees, the object being to stop the unearned increment to those hotels that remain in consequence of their rivals being closed, and also by taking the basis on a past period to prevent any inflation of returns. Up to 16th August, 1909, 293 hotels had been closed by the Board, or had surrendered their licences. Compensation has so far been awarded in 214 cases, and the total sum paid has been

Average consumption of alcoholic liquors, 1881 to 1885 and 1904 to 1908.

Licences Reduction Board.

£102,982, or an average of £481 each. Sixty-nine of these hotels were located in the Greater Melbourne district, and their compensation totalled £60,235, or an average of £873 each; there were 145 in country districts, whose owners and licensees received £42,747, or an average of £295 each. In the appended table particulars are given regarding these hotels and the licensing districts in which they were situated :—

OPERATIONS OF THE LICENCES REDUCTION BOARD
TO 16TH AUGUST, 1909.

Licensing District.	Licences, 31st December, 1906.			Hotels closed by Board.	Compensation awarded.	
	Number in Existence.	Statutory Number.	Number in Excess.		Owner.	Licensee.
GREATER MELBOURNE.						
Bourke	82	25	57	17	5,556 §	1,230 §
Barkly (Collingwood)	27	13	14	7	4,570	655
Broadmeadows	23	10	13	5	...	...
Cardigan	58	18	40	15	10,226	1,597
Collingwood East	22	18	4	2	1,189	212
Darling (Collingwood)	30	16	14	6	3,640	485
Emerald Hill	58	27	31	13	7,663	1,335
Gipps	84	12	72	16	14,281	3,218
Latrobe	53	17	36	1	1,240	170
Lonsdale	51	28	23	1	858	1
Port Melbourne	46	24	22	8	...	...
Princes Hill	34	20	14	2	1,791	318
Total Greater Melbourne	568	228	340	93	51,014	9,221
COUNTRY.						
Allansford	12	11	1	1	...	...
Ararat	17	7	10	1	170	35
Ballarat West	83	35	48	7	3,420	656
Barkly (Bendigo)	34	20	14	4	1,500	290
Beaconsfield	26	21	5	3	...	...
Beaufort	26	11	15	1	172	10
Beechworth	33	14	19	8	1,428	105
Branxholme	12	11	1	1	...	...
Bridgewater	23	9	14	1	201	40
Bright	26	10	16	2	160*	25*
Bullarook	8	4	4	1	302	100
Bungaree	21	9	12	3	712	155
Buninyong	25	11	14	6	1,188	286
Carisbrook	11	5	6	1	201	52
Castlemaine	49	12	37	11	1,568	357
Chiltern	15	6	9	8	...	...
Clunes	36	11	25	10	2,086	288
Creswick	22	10	12	3	544	128
Darling (Bendigo)	71	13	58	8	4,354	635
Dargo	6	6	...	1	75	...
Dowling Forest	19	9	10	3	680	156
Dunmunkle	19	11	8	1	300	60
Dunolly	24	11	13	3	390	36
Eaglehawk	42	17	25	3	969	125

OPERATIONS OF THE LICENCES REDUCTION BOARD TO 16TH AUGUST,
1909—continued.

Licensing District.	Licences, 31st December, 1906.			Hotels closed by Board.	Compensation awarded.	
	Number in Existence.	Statutory Number.	Number in Excess.		Owner.	Licensee.
					£	£
<i>COUNTRY—continued.</i>						
Eltham	13	10	3	3	...	...
Franklin	31	11	20	7	783	211
Fryers	18	6	12	2	163	59
Geelong East	26	20	6	3	1,860	220
Geelong West	31	22	9	3	1,932	300
Gisborne	15	9	6	1	90	47
Glenorchy	10	8	2	1	160	48
Golden Square	57	26	31	6	3,286	445
Goulburn	26	12	14	1	120	1
Heathcote	24	9	15	1	92	59
Horsham	16	10	6	1	115	50
Huntly	21	8	13	1	141	15
Inglewood	20	8	12	3	437	28
Kangaroo Flat	31	15	16	2	527	12
Koroit	15	11	4	2	...	...
Kyneton	31	14	17	5	899	112
Lancefield	19	7	12	1	...	...
Landsborough	8	6	2	2	177*	1*
Maldon	23	10	13	2	117	20
Mansfield	13	8	5	2	340	82
Numurkah	27	13	14	1	255	75
Penshurst	8	6	2	1	...	...
Port Fairy	14	11	3	2	...	...
Portland	10	7	3	1	...	...
Rosedale	7	6	1	1	57	3
Rushworth	19	9	10	4	300†	1†
Rutherglen	19	13	6	1	221	40
Sebastopol	22	11	11	4	1,285	161
Serpentine	6	5	1	1	75	30
Stawell	28	9	19	13	170*	50*
Strathfieldsaye	17	6	11	2	289	64
Talbot	24	12	14	11	220*	23*
Taradale	17	7	10	3	516	5
Timor	25	12	13	7	988‡	81‡
Towong	21	14	7	2	250	33
Walhalla	22	9	13	1	115	...
Warrenheip	12	6	6	2	500	32
Warrnambool	19	12	7	3	...	...
Total Country	1,427	682	745	200	36,900	5,847
Grand Total	1,995	910	1,085	293	87,914	15,068

NOTE.—Where blanks occur the compensation has not yet been awarded.

* Compensation for one hotel only. —† Compensation for two hotels only. —‡ Compensation for four hotels only. —§ Compensation for six hotels only.

The following statement shows the number of hotels in Victoria ^{Hotels, 8} in 1885 and 1909, and the persons to each hotel in both years. The ^{and 1909.} year 1885 has been selected because it was in that year that an important alteration was made in the liquor licensing laws:—

NUMBER OF HOTELS, 1885 AND 1909.

Year.				Population.	Number of Hotels.	Persons to each Hotel.
1885	...	...	...	969,202	4,265	227
1909	...	...	...	1,282,928	3,157	406
Increase	...	...	...	313,726	...	179
Decrease	...	...	...	...	1,108	...

While the population increased by 32 per cent., the number of hotels decreased by 26 per cent., and the number of persons to an hotel is now about 79 per cent. more than in 1885. During the period 1885-1909, 217 hotels were closed as the result of local option polls, 293 hotels were deprived of their licences by the Licences Reduction Board, or surrendered their licences to the Board, and 598 closed voluntarily.

The Lotteries Gaming and Betting Act 1906 provides that all race-courses must be licensed, for which a fee of £1 per annum is charged. In addition to this fee it is stipulated that there shall be paid annually a sum equal to 3 per cent. of the gross revenue derived from all sources. Where the gross revenue is less than £1,500, but more than £600, the annual sum payable is 2 per cent., and where the gross revenue is £600 or less no percentage is charged. The amounts paid into the Consolidated Revenue for licence fees and percentages on receipts during the past three years were as follows:—

	£
1906-7	4,962
1907-8	5,297
1908-9	5,800

GAOLS AND PRISONERS.

There are nine gaols in Victoria, including the Pentridge Penal ^{Gaols and} Establishment—Ararat, Portland, and Maryborough gaols having ^{Prisoners.} been closed several years ago—and the figures below show that there

is still accommodation in the gaols for more than twice the average number of prisoners in confinement. The Castlemaine Gaol was converted into a reformatory prison on 17th November, 1908. The following statement gives for the year 1908 the accommodation, the daily average in confinement, the number received during the year, and the number in confinement at the end of the year:—

GAOL ACCOMMODATION AND PRISONERS, 1908.

Name of Institution.	Number of Prisoners.							
	For whom there is Accommodation.		Daily Average.		Total Received.		In Confinement, 31.12.08.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Pentridge ..	800	..	454	..	391	..	446	..
Ballarat ..	62	18	23	2	323	44	21	1
Beechworth ..	66	15	34	..	171	5	34	..
Bendigo ..	116	28	23	1	350	38	23	1
Castlemaine ..	99	..	4	..	51	5	6	..
Coburg Female Prison ..	..	324	..	71	..	89	..	78
Geelong ..	187	29	92	..	312	15	91	..
Melbourne ..	249	60	157	24	2,958	941	136	22
Sale ..	30	5	5	..	72	4	6	..
Total ..	1,609	479	792	98	4,628	1,241	763	102

There are also seven police gaols which are used as receiving stations, but the daily average number of prisoners detained therein during 1908 was only seven.

Prisoners in confinement in Australian States and New Zealand.

The following is a statement of the average number of prisoners in detention in the gaols of the State at the end of decennial periods from 1871, and during the past five years, from which it will be seen that the decrease in later years is very considerable. The rate per 10,000 of population, aged fifteen years and over, was, in 1908, 73 per cent. less than in 1871, 61 per cent. less than in 1881, and 59 per cent. less than in 1891.

PRISONERS IN CONFINEMENT, 1871 TO 1908.

Year.	Average number of Prisoners in confinement.			Per 10,000 of population, 15 years and over.
	Males.	Females.	Total.	
1871 ...	1,345	274	1,619	38·30
1881 ...	1,294	304	1,598	26·65
1891 ...	1,550	350	1,900	25·47
1901 ...	951	200	1,151	14·53
1904 ...	890	137	1,027	12·30
1905 ...	922	121	1,043	12·41
1906 ...	902	115	1,017	11·91
1907 ...	832	88	920	10·60
1908 ...	799	98	897	10·22

The following is a statement of the number of prisoners in confinement in the Australian States and New Zealand, also the proportion per 10,000 of the population on the 31st December in each of the years, 1904 to 1908 :—

Prisoners in confinement, 1871 to 1908—decrease.

PRISONERS IN GAOLS IN AUSTRALIAN STATES AND DOMINION OF NEW ZEALAND, 1904 TO 1908.

State	Number of Prisoners in confinement on the 31st December.					Prisoners per 10,000 of the Population.				
	1904.	1905.	1906.	1907.	1908.	1904.	1905.	1906.	1907.	1908.
Victoria	1,062	990	927	916	869	8·77	8·12	7·49	7·28	6·82
New South Wales	1,877	1,678	1,519	1,490	1,499	12·88	11·25	9·95	9·51	9·36
Queensland	561	585	507	501	493	10·75	10·13	9·47	9·17	8·83
South Australia	295	281	257	256	245	7·92	7·43	6·70	6·46	6·02
Western Australia	475	465	433	440	382	19·60	18·25	16·54	16·68	14·11
Tasmania	103	92	89	96	94	5·72	5·08	4·94	5·29	5·06
Australia	4,373	4,041	3,732	3,699	3,582	10·98	9·97	9·05	8·78	8·34
Dominion of New Zealand	750	810	891	847	879	8·75	9·18	9·80	9·11	9·15

POLICE PROTECTION.

Strength of
police force
in Australia
and New
Zealand.

The following figures denote the numerical strength of the police force in Australia and New Zealand, and the proportion of same to population on 31st December, 1908:—

POLICE IN AUSTRALIAN STATES AND NEW ZEALAND, 1908.

State.	Number.			Proportion per 10,000 of Population.
	Metropolitan.	Country.	Total.	
Victoria	881	671	1,552	12·19
New South Wales	1,085	1,332	2,417	15·10
Queensland	298	662	960	17·20
South Australia	195	215	410	10·07
Western Australia	146	347	493	18·20
Tasmania	57	176	233	12·54
Total Australia	2,662	3,403	6,065	14·12
Dominion of New Zealand	105	663	768	7·99

It will be seen that Western Australia has the greatest police protection in proportion to population, Queensland and New South Wales having the next greatest, and New Zealand by far the lowest. Of course, where the population is scattered, it is natural that more police in proportion to population will be required than in a densely populated centre where the area requiring protection is comparatively small.

Expenditure
on police,
gaols, &c.

In the 43½ years ended 30th June, 1908, the total amount expended in connexion with the police, and the penal establishments and gaols of Victoria was £12,523,849, viz., £10,042,611 on the former, and £2,481,238 on the latter. The following table shows the amounts and the amount per head of population expended in connexion with the police, and the penal establishments and gaols of Victoria during each of the five years ended with 1907-8:—

EXPENDITURE ON POLICE AND GAOLS, 1903-4 TO 1907-8.

Year.	Amount Expended (exclusive of Pensions and the Cost of Buildings) on—			Amount per Head of Population.
	Police.	Gaols and Penal Es- tablishments.	Total.	
	£	£	£	s. d.
1903-4	269,647	49,226	318,873	5 3
1904-5	269,339	48,529	317,868	5 3
1905-6	270,661	49,175	319,836	5 3
1906-7	276,957	49,741	326,698	5 3
1907-8	281,751	49,645	331,396	5 3

The following were the amounts expended on police and gaols in the Australian States and New Zealand during the year 1907-8:—

Expenditure on police and gaols in Australasia.

EXPENDITURE ON POLICE AND GAOLS IN AUSTRALIAN STATES AND NEW ZEALAND, 1907-8.

State.	Amount Expended (exclusive of Pensions and the Cost of Buildings) on—			Amount per Head of Population.	
	Police.	Gaols.	Total.	s.	d.
	£	£	£		
Victoria	281,751	49,645	331,396	5	3
New South Wales	442,804	64,841	507,645	6	6
Queensland	176,997	23,216	200,213	7	4
South Australia	87,333	16,510	103,843	5	3
Western Australia	120,582	31,915	152,497	11	7
Tasmania	37,122	5,465	42,587	4	8
Australia	1,146,589	191,592	1,338,181	6	4
Dominion of New Zealand	156,611	45,461	202,072	4	4

One execution took place in 1908, but there were none in the preceding three years. Since the first settlement of Port Phillip in 1835, 169 criminals have been executed within the State, of whom only three were females. The following table shows the crimes for which they were executed, also their birthplaces and religions:—

Executions.

OFFENCES FOR WHICH CRIMINALS WERE EXECUTED, ALSO THEIR BIRTHPLACES AND RELIGIONS, 1842 TO 1908.

Offence—

Murder	130
Attempt to murder	17
Rape	9
Carnally knowing and abusing a girl under 12 years of age	1
Unnatural offence on a child	1
Robbery with violence	9
Burglary and wounding	1
Arson	1
Total	169

Birthplace—

Victoria	15
Other Australian States and New Zealand	9
England and Wales	69
Scotland	8
Ireland	42
China	8
Other Countries	18

Religion—

Protestants	100
Roman Catholics	57
Mahomedans, Buddhists, Confucians, &c.	7
No religion (Aborigines)	5

Coroners'
inquests.

In 1908 the number of coroners' inquiries into the causes of deaths of individuals was 1,332, which was below the average number of the preceding five years. In 709 cases death was found to be due to disease or natural causes, in 406 cases to accident, in 121 to suicide, in 78 to external causes which could not be ascertained, in 7 to homicide, in 1 to execution, in 3 to intemperance, and in 3 to unspecified or doubtful causes; in 4 a verdict of "still born" was returned. Of those due to violence, 66 per cent. were due to accidental causes, 1 per cent. to homicide, and 20 per cent. to suicide, while in 13 per cent. of the cases the cause or motive of the violence which caused death was doubtful. The number of inquests during the last five years was 6,731, in 3,780 of which death was found to be due to disease or natural causes, in 2,911 to violence, and in 40 to other causes.
