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CHAPTER XII.

PUBLIC JUSTICE.

§ 1. Introduction.

Each State has its own separate judicial system, the Commonwealth jurisdiction being confined to the High Court of Australia (largely a Court of Appeal intermediate to the Privy Council although it has also original jurisdiction), the Commonwealth Court of Conciliation and Arbitration and the Federal Court of Bankruptcy. Full particulars regarding the judicial power of the Commonwealth will be found in Chapter III. of the Commonwealth Constitution which appeared on page 18 of Official Year Book No. 39.

In considering the crime statistics of the various States, due allowance must be made for certain factors, such as the relative powers of the higher and lower courts. In the case of lower courts, the actual number of laws in each State whose breach renders a person liable to fine or imprisonment must be taken into account. Again, the attitude of the magistracy and police towards certain classes of offences is a factor, for in the case of liquor laws or laws connected with vagrancy or gaming, the views of the magistrates, and instructions issued to the police, may be responsible for considerable variations in the numbers. The strength and distribution of the police forces, and the age-constitution and distribution of the population of the States, also influence the results. Due weight should be given also to the prevalence of undetected crime, but information on this point is not available for all States.

§ 2. Lower (Magistrates') Courts.

1. Powers of the Magistrates.—(i) *New South Wales*. There is no general limit to the powers of the magistrates in regard to offences punished summarily, their authority depending in each case on the statute which creates the offence and gives them jurisdiction. Except in the case of a very few statutes, and excluding cumulative sentences, the power of sentence is limited to twelve months. Imprisonment in default of fine is regulated by a scale limiting the maximum period according to the sum ordered to be paid, but in no case exceeding twelve months. Actions for debt and damage within certain limits also come within magisterial jurisdiction. In cases of liquidated debts and damages, whether liquidated or unliquidated, the amount is limited to £50 before a court constituted by a stipendiary magistrate. The amount in actions of debt before two or more Justices of the Peace is limited to £30 and in actions of damage to £10, but may extend to £30 with the consent of the defendant. Outside the Metropolitan Area of Sydney and certain other prescribed districts one justice of the peace may hear cases of debt, liquidated or unliquidated, or damage up to £5 and to £30 by consent of parties.

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

(iii) *Queensland*. Generally speaking, the maximum term of imprisonment which justices can inflict is six months, but in certain exceptional cases, such as offences against sections 233, 344, and 445 of the Criminal Code (betting houses, aggravated assaults, and illegally using animals), sentences of twelve months may be imposed.

There is provision for applying cumulative sentences, but in practice not more than one sentence is generally made cumulative on a previous sentence.

Magistrates have no power to deal with habitual offenders, but there are such powers vested in the Supreme Court.

(iv) *South Australia.* In South Australia the power of special magistrates to impose fine and imprisonment is defined by the special act creating the offence and conferring jurisdiction. In the case of minor indictable offences, triable summarily, a maximum penalty of £100 fine or 2 years' imprisonment is fixed by the Justices Act 1921-1943. Magistrates also have power to hear certain civil actions in which the amount claimed is less than £750.

(v) *Western Australia.* The powers of magistrates and justices in regard to offences triable summarily are governed by the act creating the offence and giving them jurisdiction. Imprisonment in default of payment of a fine is regulated by a scale limiting the period according to the amount of the fine but not to exceed six months.

The civil jurisdiction of magistrates and courts is restricted in general to £250, but disputed actions, the subject matter of which exceeds £100, must be tried by a judge. By consent of the parties, any action that might be brought in the Supreme Court may be dealt with in a Local Court. Justices may act in the case of illness or absence of the magistrate.

Magistrates are coroners and justices may be appointed as acting coroners.

Magistrates have appellate jurisdiction under some statutes and in country districts act as Chairmen of the Courts of Session. They may be appointed as Commissioners of the Supreme Court.

On the goldfields, the magistrate is also the warden.

(vi) *Tasmania.* Magistrates may hear and determine in Courts of Petty Sessions all offences other than those punishable on indictment. Stealing and analogous crimes where the property involved does not exceed £10 in value may be dealt with by magistrates unless the defendant objects.

No general limit is fixed in respect of sentences, the statute creating the offence almost invariably laying down the penalty. Where this is not the case, the Contravention of Statutes Act 1889 provides that a fine of £50 may be imposed. Generally speaking, sentences which justices can impose are limited to six months, although in several cases sentences of up to two years may be imposed. The aggregate term of cumulative sentences cannot exceed two years.

The civil jurisdiction of magistrates is divided into two categories. A Commissioner of the Court of Requests, who must be a legal practitioner, and is invariably a police magistrate, may hear actions for the recovery of debts and damages not exceeding £100. The jurisdiction of these courts may be increased by proclamation to £250, and this has been done in five instances. Courts of General Sessions, constituted by at least two justices, exercise similar powers, but the jurisdiction cannot exceed £50. Only one court has the maximum jurisdiction, the others being limited to £30.

2. Cases Tried at Magistrates' Courts.—The total number of arrest and summons cases tried at Magistrates' Courts in each State is given below for 1939 and for the years 1948 to 1952 :—

CASES TRIED AT MAGISTRATES' COURTS.

| State or Territory. | 1939. | 1948. | 1949. | 1950. | 1951. | 1952. |
|-------------------------|----------------|----------------|----------------|----------------|----------------|----------------|
| New South Wales .. | 144,848 | 198,456 | 205,817 | 214,894 | 242,165 | 269,197 |
| Victoria .. | 82,858 | 76,516 | 80,511 | 97,201 | 109,066 | 129,091 |
| Queensland(a) .. | 32,501 | 36,149 | 40,503 | 43,932 | 49,849 | 44,868 |
| South Australia .. | 22,776 | (a)25,376 | (a)28,340 | (a)31,964 | (a)30,953 | (a)33,688 |
| Western Australia .. | 24,111 | 26,257 | 27,373 | 29,521 | 31,985 | 40,674 |
| Tasmania .. | 9,498 | 9,060 | 11,713 | 12,403 | 14,649 | 16,964 |
| Northern Territory(a) | 1,494 | 1,598 | 1,190 | 1,269 | 1,178 | 1,657 |
| Aust. Cap. Territory .. | 284 | 777 | 1,018 | 1,237 | 1,500 | 1,610 |
| Total .. | 318,370 | 374,189 | 396,483 | 432,421 | 481,345 | 537,749 |

(a) Year ended 30th June following.

Investigation of the returns shows that considerable variations in the figures for single States are occasioned by breaches of new Acts, or the more stringent enforcement of the provisions of existing Acts. Any deductions drawn from the total returns as to the increase or decrease of criminality should, therefore, be based upon a careful analysis of the detailed list of offences.

3. Convictions at Magistrates' Courts.—The figures given in the previous table include a number of people who were charged without sufficient reasons, and, statistically, are not of general importance. A classification of convictions of persons who appeared before the lower courts in each State during 1952 is given in the following table :—

CONVICTIONS AT MAGISTRATES' COURTS, 1952.

| Class of Offence. | N.S.W. | Vic. | Qld.(a) | S.A.(a) | W.A. | Tas. | N.T.(a) | A.C.T. | Aust. |
|--|---------|---------|---------|---------|--------|--------|---------|--------|---------|
| Against the Person .. | 2,898 | 1,260 | 402 | 300 | 361 | 243 | 48 | 47 | 5,559 |
| Against Property .. | 14,794 | 6,319 | 2,510 | 1,640 | 3,085 | 881 | 101 | 126 | 29,456 |
| Forgery and Offences against the Currency | 166 | 23 | 4 | 5 | .. | 2 | .. | .. | 200 |
| Against Good Order .. | 108,221 | 29,376 | 24,919 | 7,917 | 7,917 | 1,898 | 1,015 | 555 | 181,818 |
| Other Miscellaneous .. | 123,766 | 78,556 | 13,431 | 20,367 | 26,746 | 12,008 | 247 | 713 | 275,834 |
| Total | 249,845 | 115,534 | 41,266 | 30,229 | 38,109 | 15,032 | 1,411 | 1,441 | 492,867 |

(a) Year ended 30th June following.

The following table shows the number of convictions in 1939 and in each year from 1948 to 1952 :—

CONVICTIONS AT MAGISTRATES' COURTS.

| State or Territory. | 1939. | 1948. | 1949. | 1950. | 1951. | 1952. |
|-------------------------|---------|-----------|-----------|-----------|-----------|-----------|
| New South Wales .. | 126,353 | 183,367 | 189,955 | 199,619 | 224,514 | 249,845 |
| Victoria | 72,186 | 68,243 | 72,416 | 87,873 | 98,369 | 115,534 |
| Queensland(a) .. | 28,920 | 33,469 | 38,601 | 41,492 | 46,436 | 41,266 |
| South Australia .. | 20,429 | (a)22,834 | (a)25,496 | (a)28,675 | (a)27,432 | (a)30,229 |
| Western Australia .. | 22,539 | 24,360 | 25,388 | 27,315 | 29,763 | 38,109 |
| Tasmania | 8,722 | 7,701 | 10,206 | 10,961 | 12,765 | 15,032 |
| Northern Territory(a) | 1,394 | 1,516 | 1,127 | 1,145 | 980 | 1,411 |
| Aust. Cap. Territory .. | 260 | 714 | 917 | 1,151 | 1,442 | 1,441 |
| Total | 280,803 | 342,204 | 364,196 | 398,231 | 441,701 | 492,867 |

(a) Year ended 30th June following.

4. Convictions for Serious Crime at Magistrates' Courts.—(i) *General.* While the figures given in the preceding table refer to the entire body of convictions, the fact must not be overlooked that they include a large proportion of offences of a technical nature, many of them unwittingly committed, against various Acts of Parliament. Cases of drunkenness and minor breaches of good order, which, if they can be said to come under the heading of crime at all, at least do so in a very different sense from some other offences, also help to swell the list. The following table has therefore been prepared for the purpose of showing the convictions at magistrates' courts, for what may be regarded as the more serious offences, i.e., against the person and property, either separately or conjointly, and forgery and offences against the currency. Owing to the smallness of the population, the rates for the Northern and the Australian Capital Territories are subject to considerable variation.

(ii) *Number and Rates, Years 1939 and 1948 to 1952.*—The following table shows the number and rates of convictions for serious crime at magistrates' courts for the years 1939 and 1948 to 1952 :—

CONVICTIONS FOR SERIOUS CRIME AT MAGISTRATES' COURTS.

| State or Territory. | 1939. | 1948. | 1949. | 1950. | 1951. | 1952. |
|---|---------------|---------------|---------------|---------------|---------------|---------------|
| NUMBER. | | | | | | |
| New South Wales .. | 12,724 | 13,308 | 12,983 | 14,141 | 15,632 | 17,858 |
| Victoria .. | 5,727 | 4,964 | 4,675 | 5,204 | 6,495 | 7,602 |
| Queensland(a) .. | 2,402 | 2,434 | 2,481 | 2,699 | 3,041 | 2,916 |
| South Australia .. | 1,224 | (a) 1,440 | (a) 1,488 | (a) 1,654 | (a) 1,926 | (a) 1,945 |
| Western Australia .. | 2,614 | 2,578 | 2,320 | 2,901 | 3,115 | 3,446 |
| Tasmania .. | 959 | 805 | 940 | 810 | 829 | 1,126 |
| Northern Territory(a) | 44 | 194 | 112 | 43 | 144 | 149 |
| Aust. Cap. Territory .. | 59 | 129 | 145 | 183 | 171 | 173 |
| Total .. | 25,753 | 25,852 | 25,144 | 27,635 | 31,353 | 35,215 |
| Rate per 10,000 of population .. | 36.91 | 33.44 | 31.66 | 33.66 | 37.09 | 40.60 |

(a) Year ended 30th June following.

(iii) *Rate of Convictions, 1881 to 1951.* The rate of convictions at ten-yearly intervals over a period of seventy years is shown below ; only the more serious offences particularized on the preceding page have been taken into consideration.

**RATE OF CONVICTIONS FOR SERIOUS CRIME AT MAGISTRATES' COURTS :
AUSTRALIA.**

| | | | | | | | | |
|--------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|
| Year | 1881. | 1891. | 1901. | 1911. | 1921. | 1931. | 1941. | 1951. |
| Convictions per 10,000 persons | 69.3 | 44.8 | 29.1 | 24.6 | 29.2 | 37.1 | 33.6 | 37.1 |

5. *Committals to Higher Courts.*—(i) *General.* In a previous paragraph it has been pointed out that comparisons of criminality based on a consideration of the total returns from magistrates' courts are somewhat inadequate, inasmuch as the figures include numbers of cases which are merely technical breaches of laws having in some instances a purely local significance. The committals to higher courts give a better basis of comparison, although even in this connexion allowances must be made for the want of uniformity in jurisdiction. A classification of the offences for which persons appearing in the lower courts were committed to higher courts in each State and Territory for the year 1952 is shown in the following table :—

COMMITTALS TO HIGHER COURTS, 1952.

| Class of Offence. | N.S.W. | Vic. | Qld.(a) | S.A.(a) | W.A. | Tas. | N.T.(a) | A.C.T. | Aust. |
|--|--------------|--------------|------------|------------|------------|------------|-----------|-----------|--------------|
| Against the Person .. | 972 | 252 | 224 | 159 | 92 | 39 | 12 | 11 | 1,761 |
| Against Property .. | 3,314 | 1,238 | 370 | 337 | 274 | 163 | 16 | 8 | 5,725 |
| Forgery and Offences against the Currency .. | 92 | 88 | 3 | 32 | 1 | 5 | 7 | .. | 228 |
| Against Good Order .. | 49 | 14 | 2 | 4 | 1 | 7 | .. | 2 | 79 |
| Other Miscellaneous .. | 77 | 79 | 6 | 22 | 5 | 5 | .. | 2 | 196 |
| Total | 4,504 | 1,671 | 605 | 554 | 373 | 224 | 35 | 23 | 7,989 |

(a) Year ended 30th June following.

The following table shows the number of committals in 1939 and in each year from 1948 to 1952, with the rate of such committals per 10,000 of population :—

COMMITTALS TO HIGHER COURTS.

| State or Territory. | 1939. | 1948. | 1949. | 1950. | 1951. | 1952. |
|--------------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| NUMBER. | | | | | | |
| New South Wales | 2,288 | 3,113 | 3,776 | 3,513 | 3,706 | 4,504 |
| Victoria | 1,777 | 1,996 | 1,751 | 1,638 | 1,650 | 1,671 |
| Queensland(a) | 359 | 330 | 414 | 521 | 434 | 605 |
| South Australia | 259 | (a) 326 | (a) 393 | (a) 362 | (a) 480 | (a) 554 |
| Western Australia.. .. . | 129 | 160 | 186 | 211 | 209 | 373 |
| Tasmania | 82 | 72 | 137 | 195 | 197 | 224 |
| Northern Territory(a) | 12 | 23 | 12 | 9 | 28 | 35 |
| Australian Capital Territory | 18 | 9 | 24 | 38 | 30 | 23 |
| Total | 4,924 | 6,029 | 6,693 | 6,487 | 6,734 | 7,989 |
| Rate per 10,000 of population | 7.1 | 7.8 | 8.4 | 7.9 | 8.0 | 9.2 |

(a) Year ended 30th June following.

(ii) *Rate of Committals, 1881 to 1951.* The rate of committals for serious crime at ten-yearly intervals since 1881 is shown below :—

RATE OF COMMITTALS TO HIGHER COURTS : AUSTRALIA.

| | | | | | | | | |
|-------------------------------|-------|-------|-------|-------|-------|-------|-------|-------|
| Year | 1881. | 1891. | 1901. | 1911. | 1921. | 1931. | 1941. | 1951. |
| Committals per 10,000 persons | 12 | 11 | 8 | 6 | 7 | 8 | 5 | 8 |

6. *Drunkenness.—(i) Cases and Convictions.* The number of arrest and summons cases of drunkenness and the convictions recorded during the year 1939 and the years 1949 to 1952 are given in the following table :—

DRUNKENNESS : CASES AND CONVICTIONS.

| State or Territory | 1939. | | 1949. | | 1950. | | 1951. | | 1952. | |
|--|---------------|---------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|----------------|
| | Cases. | Convictions. | Cases. | Convictions. | Cases. | Convictions. | Cases. | Convictions. | Cases. | Convictions. |
| New South Wales | 32,472 | 32,405 | 78,401 | 78,206 | 78,727 | 78,477 | 83,178 | 82,837 | 79,217 | 79,086 |
| Victoria | 11,609 | 11,421 | 17,972 | 17,799 | 21,248 | 21,003 | 23,151 | 22,854 | 21,751 | 21,526 |
| Queensland(a) | 11,202 | 11,118 | 24,813 | 24,767 | 26,914 | 26,855 | 28,176 | 28,144 | 22,994 | 22,932 |
| South Australia | 2,607 | 2,597 | (a) 5,393 | (a) 5,360 | (a) 5,861 | (a) 5,846 | (a) 5,902 | (a) 5,890 | (a) 6,317 | (a) 6,307 |
| Western Australia | 2,681 | 2,658 | 5,424 | 5,383 | 6,113 | 6,046 | 6,035 | 5,974 | 6,107 | 6,042 |
| Tasmania | 411 | 407 | 724 | 705 | 655 | 639 | 718 | 693 | 834 | 816 |
| Northern Terr.(a) | 686 | 677 | 680 | 674 | 652 | 644 | 564 | 524 | 434 | 424 |
| Aust. Cap. Terr. | 114 | 114 | 437 | 435 | 430 | 426 | 477 | 476 | 545 | 541 |
| Total | 61,782 | 61,397 | 133,844 | 133,329 | 140,600 | 139,936 | 148,201 | 147,422 | 138,199 | 137,676 |
| Rate per 10,000 of population.. | 88.0 | | 167.9 | | 170.5 | | 174.4 | | 158.7 | |

(a) Year ended 30th June following.

Under the heading "drunkenness" are included cases of ordinary drunkenness, drunkenness and disorderliness, and habitual drunkenness.

The number of convictions, as might naturally be expected, is almost identical with the number of cases.

(ii) *Convictions per 10,000 of Population.* In the twenties the convictions for drunkenness averaged approximately 100 per 10,000 of population, but the rate fell away considerably during the following years and was only 57.1 in 1931. Following that year, the average rose steadily to 84.1 in 1936 while the annual average for the period 1936 to 1939 was 82.7 and that for the years 1940 to 1945 was 90.8. Following an appreciable increase in the previous year the convictions per 10,000 rose very steeply in 1946 to 132.1 and increased to 170.5 in 1950 and to 174.4 in 1951, but declined to 158.7 in 1952.

The convictions for drunkenness taken by themselves are not altogether a satisfactory test of the relative sobriety of the inhabitants of each State as several important factors must be taken into consideration. The age and sex constitution of the people, for example, are by no means identical in all the States. Another factor is the distribution of the population. Arrest or summons for drunkenness obviously is more likely in the regions densely populated than in those sparsely populated. In addition, allowance must be made for the attitude of the magistracy, the police and the general public in regard to the offence. Due account also must be taken of the effect of legislation dealing with the limitation of hours during which liquor may be sold in hotels.

(iii) *Consumption of Intoxicants.* The following table shows the consumption of spirits, wine and beer per head of population in Australia during the years 1938-39 and 1948-49 to 1952-53 :—

CONSUMPTION OF INTOXICANTS IN AUSTRALIA PER HEAD OF POPULATION.

| Year. | Spirits. | | | Wine. | | Beer. | |
|---------|----------|-------|--|-------|--|-------|--|
| | Proof | Gals. | | Gals. | | Gals. | |
| 1938-39 | 0.22 | | | 0.65 | | 12.13 | |
| 1948-49 | 0.33 | | | 1.38 | | 17.87 | |
| 1940-50 | 0.32 | | | 1.50 | | 18.23 | |
| 1950-51 | 0.38 | | | 1.61 | | 19.72 | |
| 1951-52 | 0.32 | | | 1.80 | | 20.46 | |
| 1952-53 | 0.20 | | | 1.43 | | 21.05 | |

(iv) *Remedial Treatment of Drunkenness.* Legislation has been passed in each State providing for the commitment of inebriates to special Government institutions. The laws in the various States are as follows :—New South Wales, Inebriates Act 1912 ; Victoria, Inebriates Act 1928 ; Queensland, Inebriate Institutions Act 1896 ; South Australia, Inebriates Act 1908-1934, Convicted Inebriates Act 1913-1934 ; Western Australia, Inebriates Act 1912-1919 ; Tasmania, Inebriates Act 1885, Inebriate Hospitals Act 1892. Curative work was first undertaken by the Government of New South Wales in 1907. In most cases the institutes are connected with the gaols, and, naturally, custodial measures are still a strong feature in their management ; nevertheless, the results of remedial measures have been encouraging.

7. *First offenders.*—In all the States, statutes dealing with first offenders have been in force for many years. Existing legislation is as follows :—New South Wales, Crimes Act 1900 amended in 1924 and 1929, First Offenders (Women) Act 1919 as amended in 1929 ; Victoria, Crimes Act 1928 ; Queensland, Criminal Code Acts 1899 to 1945 ; South Australia, Offenders Probation Act of 1913-1951 ; Western Australia, Criminal Code Act 1913-1942 ; Tasmania, Probation of Offenders Act 1934. The method of procedure is practically the same in all cases, i.e., with regard to most first offenders convicted of a minor offence the magistrate or judge is empowered to allow the offender to go free on

recognizances being entered into for his good behaviour for a certain period. In practice, this humane law has been found to work excellently, very few of those convicted under it having been found to relapse into crime.

8. Children's Courts.—Special courts for the trial of juvenile offenders have been established in New South Wales, Victoria, Queensland, Western Australia and Tasmania, while Children's Courts, although not under that title, are provided for by the Maintenance Act 1926–1950 in South Australia. The object of these courts is to avoid, as far as possible, the unpleasant associations of the ordinary police court.

§ 3. Higher Courts (Judges' Courts).

1. Convictions at Higher Courts.—The following table shows for each State and Territory during 1952 and in Australia as a whole in that and the previous year, the number of convictions at Higher Courts for each of the principal offences.

CONVICTIONS AT HIGHER COURTS, 1952.

| Offence. | N.S.W. (a) | Vic. | Qld. (a) | S.A. | W.A. | Tas. | N.T. (a) | A.C.T. | Australia. | |
|--|---------------|------|-------------|------|--------|------|-------------|--------|------------|-------|
| | | | | | | | | | 1952. | 1951. |
| I. OFFENCES AGAINST THE PERSON. | | | | | | | | | | |
| Murder .. | 12 | 2 | 4 | 2 | 1 | 2 | 1 | .. | 24 | 20 |
| Attempted Murder .. | .. | .. | 4 | 2 | .. | .. | .. | .. | 6 | 5 |
| Manslaughter .. | 15 | 9 | 4 | 1 | 2 | .. | .. | .. | 31 | 42 |
| Rape .. | .. | 6 | 11 | 2 | .. | 1 | .. | 1 | 21 | 19 |
| Other Offences against | | | | | | | | | | |
| Females .. | 101 | 76 | 32 | 28 | 10 | 10 | 3 | 3 | 263 | 317 |
| Unnatural Offences .. | 110 | 52 | 22 | 16 | 21 | 6 | .. | .. | 227 | 200 |
| Abortion and Attempts to Procure .. | 1 | 3 | 1 | 1 | .. | .. | .. | .. | 6 | 6 |
| Bigamy .. | 52 | 16 | 10 | 4 | 9 | 3 | .. | 2 | 96 | 80 |
| Suicide, Attempted .. | .. | 2 | .. | .. | .. | 8 | .. | .. | 10 | 8 |
| Assault, Aggravated .. | 87 | 25 | 16 | 8 | 7 | 3 | 5 | .. | 151 | 165 |
| Assault, Common .. | 30 | 8 | 9 | 5 | .. | 1 | 1 | 2 | 56 | 38 |
| Other Offences against the Person .. | 3 | 3 | 7 | 17 | (c) 14 | 1 | .. | .. | 45 | 60 |
| Total .. | 411 | 202 | 120 | 86 | 64 | 35 | 10 | 8 | 936 | 960 |
| II. OFFENCES AGAINST PROPERTY. | | | | | | | | | | |
| Burglary and House-breaking .. | 669 | 372 | 184 | 118 | 67 | 43 | 4 | .. | 1,457 | 1,158 |
| Robbery and Stealing from the Person .. | 48 | 32 | 13 | 6 | 3 | 55 | .. | 8 | 165 | 176 |
| Embezzlement .. | 51 | 3 | 12 | 10 | 14 | 1 | 1 | .. | 92 | 82 |
| Larceny, Other .. | 204 | 133 | 31 | 52 | 40 | .. | 4 | .. | 464 | 379 |
| Receiving .. | 69 | 48 | 15 | 6 | 7 | 4 | 1 | .. | 150 | 97 |
| Fraud and False Pretences .. | 84 | 19 | 14 | 12 | 4 | 15 | 2 | .. | 150 | 98 |
| Other Offences against Property .. | 48 | 24 | 15 | 10 | 10 | 5 | 1 | .. | 113 | 78 |
| Total .. | 1,173 | 631 | 284 | 214 | 145 | 123 | 13 | 8 | 2,591 | 2,068 |
| III. FORGERY AND OFFENCES AGAINST THE CURRENCY. | | | | | | | | | | |
| .. | 8 | 18 | 5 | 14 | 1 | 6 | 1 | .. | 53 | 57 |
| IV. OFFENCES AGAINST GOOD ORDER. | | | | | | | | | | |
| .. | 24 | 8 | 6 | 1 | .. | 6 | 1 | .. | 46 | 35 |
| V. OTHER MISCELLANEOUS. | | | | | | | | | | |
| .. | 13 | 24 | 4 | 13 | 3 | 1 | 1 | .. | 59 | 53 |
| Grand Total .. | 1,629 | 883 | 419 | 328 | 213 | 171 | 26 | 16 | 3,685 | 3,173 |

(a) Year ended 30th June, 1953 (b) Includes 6 convictions for causing death by dangerous driving. (c) Includes 5 convictions for causing death by negligent driving.

2. Convictions at Higher Courts, Years 1939 and 1948 to 1952.—The number of convictions at higher courts and the rate per 10,000 of population for these years are given below.

CONVICTIONS AT HIGHER COURTS.

| State or Territory. | 1939. | 1948. | 1949. | 1950. | 1951. | 1952. |
|--------------------------------------|--------------|--------------|--------------|--------------|--------------|--------------|
| NUMBER. | | | | | | |
| New South Wales(a) .. | 982 | 1,369 | 1,352 | 1,299 | 1,388 | 1,629 |
| Victoria | 690 | 806 | 669 | 722 | 761 | 883 |
| Queensland(a) .. . | 214 | 250 | 313 | 346 | 336 | 419 |
| South Australia .. . | 179 | 185 | 205 | 207 | 307 | 328 |
| Western Australia .. . | 71 | 107 | 110 | 149 | 141 | 213 |
| Tasmania | 39 | 58 | 109 | 148 | 163 | 171 |
| Northern Territory(a) .. | 11 | 86 | 39 | 44 | 44 | 26 |
| Australian Capital Territory | 14 | 7 | 23 | 49 | 33 | 16 |
| Total | 2,200 | 2,868 | 2,820 | 2,964 | 3,173 | 3,685 |
| Rate per 10,000 of population | 3.2 | 3.7 | 3.5 | 3.6 | 3.7 | 4.2 |

(a) Year ended 30th June following.

3. **Habitual Offenders**—In most States judges have power to declare as habitual criminals persons who have a certain scheduled number of previous convictions. A summary of the methods adopted in each State was given on pp. 497-8 of the Official Year Book No. 40.

4. **Capital Punishment**.—There were fourteen executions in Australia during the period 1939 to 1952. One took place in New South Wales (in 1939), six in Victoria (two in 1939, one in 1942 and three in 1951), three in South Australia (one in 1944, one in 1946 and one in 1950), one in Western Australia (in 1952), one in Tasmania (in 1946), and two in the Northern Territory (in 1952).

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

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

The average annual number of executions in Australia from 1861 to 1880 was 9; from 1881 to 1900, 6; from 1901 to 1910, 4; from 1911 to 1920, 2; from 1921 to 1930, 2; from 1931 to 1940, 1; and from 1941 to 1950, 0.5.

§ 4. Civil Courts.

1. **Lower Courts**.—The total number of plaints entered and the amounts awarded to plaintiffs during the year 1952 are shown in the following table. The figures represent the returns from the Small Debts Courts in New South Wales, Petty Session Courts in Victoria, Magistrates' Courts in Queensland, Local Courts of South Australia and Western Australia, Courts of Requests in Tasmania, Courts of Summary Jurisdiction in Northern Territory and Court of Petty Sessions in the Australian Capital Territory.

CIVIL CASES AT LOWER COURTS, 1952.

| Particulars. | N.S.W. | Vic. | Q'land. (a) | S. Aust. | W. Aust. | Tas. | N. T.(a) | A.C.T. | Total. |
|--------------|---------|---------|----------------|----------|----------|--------|----------|--------|-----------|
| Cases .. No. | 42,771 | 51,058 | 6,388 | 22,140 | 18,217 | 14,282 | 373 | 252 | 155,511 |
| Amount .. £ | 227,734 | 462,107 | 205,311 | 281,300 | 129,436 | 92,413 | 17,843 | 3,448 | 1,419,192 |

(a) Year 1952-53.

2. **Higher Courts.**—The following table shows the transactions on the civil side in the Higher Courts during the year 1952. The particulars given below include the number and amount of judgments entered by default or confession, or agreement, and differ from those in issues of the Official Year Book prior to No. 29, which related in most States only to causes actually tried during the year.

The New South Wales returns refer to judgments in the District Courts only, and exclude 3,282 judgments signed in the Supreme Court.

CIVIL CAUSES AT HIGHER COURTS, 1952.

| Particulars. | N.S.W. | Vic. | Q'land. (a) | S. Aust. | W. Aust. (b) | Tas. | N.T.(a) | A.C.T. | Total. |
|---------------|--------|-----------|----------------|----------|-----------------|---------|---------|--------|--------|
| Causes .. No. | 6,114 | 6,937 | 1,273 | 125 | 306 | 611 | 72 | 23 | 15,461 |
| Amount .. £ | (c) | 1,009,687 | 224,687 | 89,662 | 185,438 | 166,825 | (c) | 21,373 | (c) |

(a) Year 1952-53.

(b) Judgments signed and entered.

(c) Not available.

3. **Divorces and Judicial Separations.**—(i) *Number of Petitions and Divorces granted.* The following table shows the number of petitions for divorce, nullity of marriage and judicial separation filed in each State during 1953, and the number of divorce and nullity of marriage decrees made absolute and judicial separations granted during the year:—

PETITIONS FOR DIVORCE, ETC., AND DIVORCES, ETC. GRANTED, 1953.

| State or Territory. | Petitions for Divorce, Nullity of Marriage and Judicial Separation. | | | Decrees made Absolute for— | | Judicial Separations Granted. |
|-------------------------|---|--------------|--------------|----------------------------|----------------------|-------------------------------|
| | By Husband. | By Wife. | Total. | Divorce. | Nullity of Marriage. | |
| New South Wales .. | 1,838 | 2,476 | 4,314 | 3,725 | 21 | 6 |
| Victoria .. | 851 | 1,045 | 1,896 | (a) 2,096 | (a) 31 | 1 |
| Queensland .. | 331 | 399 | 730 | 725 | 5 | .. |
| South Australia .. | 372 | 552 | 924 | 628 | 8 | 2 |
| Western Australia .. | 320 | 300 | 620 | 535 | 4 | .. |
| Tasmania .. | 145 | 177 | 322 | 210 | .. | .. |
| Northern Territory .. | 18 | 13 | 31 | 12 | .. | .. |
| Aust. Cap. Territory .. | 19 | 26 | 45 | 31 | .. | 1 |
| Total .. | 3,894 | 4,988 | 8,882 | 7,962 | 69 | 10 |

(a) Dissolution of marriage granted.

(ii) *Number of Divorces, etc., granted, Years 1939 and 1949 to 1953.* The number of divorces and judicial separations in each State and Territory for these years is shown in the following table. The figures refer, in the case of divorces, to decrees made absolute in each year and include decrees for nullity of marriage.

DIVORCES AND JUDICIAL SEPARATIONS.

| State or Territory. | 1939. | | 1949. | | 1950. | | 1951. | | 1952. | | 1953. | |
|---------------------|--------------|-----------------------|--------------|-----------------------|--------------|-----------------------|--------------|-----------------------|--------------|-----------------------|--------------|-----------------------|
| | Divorces. | Judicial Separations. | Divorces. | Judicial Separations. | Divorces. | Judicial Separations. | Divorces. | Judicial Separations. | Divorces. | Judicial Separations. | Divorces. | Judicial Separations. |
| N.S. Wales .. | 1,545 | 8 | 2,655 | 5 | 3,450 | 6 | 3,328 | 4 | 3,362 | 7 | 3,746 | 6 |
| Victoria(a) .. | 801 | 4 | 1,778 | 2 | 1,602 | 2 | 1,729 | 1 | 1,613 | 3 | 2,127 | 1 |
| Queensland .. | 624 | .. | 731 | 1 | 791 | 1 | 707 | 1 | 711 | .. | 730 | .. |
| S. Australia .. | 243 | .. | 592 | .. | 664 | 2 | 641 | 1 | 584 | 1 | 636 | 2 |
| W. Australia .. | 244 | .. | 569 | .. | 724 | .. | 683 | .. | 585 | .. | 539 | .. |
| Tasmania .. | 80 | .. | 266 | .. | 152 | .. | 194 | .. | 217 | .. | 210 | .. |
| Nor. Territory .. | (b) 2 | .. | 12 | .. | 6 | .. | 13 | .. | 6 | .. | 12 | .. |
| Aust. Cap. Ter. | 6 | 1 | 19 | .. | 25 | .. | 25 | .. | 17 | .. | 31 | 1 |
| Total .. | 3,145 | 13 | 6,622 | 8 | 7,414 | 11 | 7,320 | 7 | 7,095 | 11 | 8,031 | 10 |

(a) Dissolution of marriage granted.

(b) Year ended 30th June following.

(iii) *Average Annual Number of Divorces granted, Years 1871 to 1950.* The average annual number of divorces and judicial separations in Australia for each decennial period from 1871 to 1950 was as follows :—

DIVORCES AND JUDICIAL SEPARATIONS : AUSTRALIA.

Year 1871-80. 1881-90. 1891-1900. 1901-10. 1911-20. 1921-30. 1931-40. 1941-50.
Average 29 70 358 399 744 1,699 2,521 6,192

(iv) *Grounds of Decree on which Divorce, etc., granted, Year 1953.* The grounds on which divorces, including nullity of marriage, were made absolute and judicial separations granted during 1953 in each State and Territory are shown in the following table :—

DIVORCES AND JUDICIAL SEPARATIONS : GROUNDS ON WHICH GRANTED, 1953.

| Grounds on which Decrees were Granted. | N.S.W. | | Vic.(a) | | Qld. | | S.A. | | W.A. | | Tas. | | N.T. | | A.C.T. | | Aust. | |
|--|--------------|-----------------------|--------------|-----------------------|------------|-----------------------|------------|-----------------------|------------|-----------------------|------------|-----------------------|-----------|-----------------------|-----------|-----------------------|--------------|-----------------------|
| | Divorces. | Judicial Separations. | Divorces. | Judicial Separations. | Divorces. | Judicial Separations. | Divorces. | Judicial Separations. | Divorces. | Judicial Separations. | Divorces. | Judicial Separations. | Divorces. | Judicial Separations. | Divorces. | Judicial Separations. | Divorces. | Judicial Separations. |
| Adultery .. | 783 | 4 | 557 | 1 | 204 | .. | 240 | .. | 212 | .. | 44 | .. | 7 | .. | 10 | 1 | 2,057 | 6 |
| Adultery and Desertion .. | .. | .. | 43 | .. | 3 | .. | .. | .. | 2 | .. | 1 | .. | .. | .. | .. | .. | 49 | .. |
| Bigamy .. | 12 | .. | 12 | .. | 3 | .. | .. | .. | 4 | .. | .. | .. | .. | .. | .. | .. | 32 | .. |
| Cruelty .. | 119 | 1 | 9 | .. | .. | .. | 107 | 1 | 4 | .. | 2 | .. | .. | .. | .. | .. | 237 | 2 |
| Cruelty and Drunkenness .. | 89 | .. | 24 | .. | .. | .. | .. | .. | 1 | .. | 1 | .. | .. | .. | .. | .. | 118 | .. |
| Desertion .. | 2,655 | 1 | 1,437 | .. | 514 | .. | 255 | 1 | 146 | .. | 161 | .. | 5 | .. | 18 | .. | 5,191 | 2 |
| Drunkenness .. | 62 | .. | 7 | .. | .. | .. | 10 | .. | 6 | .. | 1 | .. | .. | .. | .. | .. | 86 | .. |
| Gaol for Crime .. | 16 | .. | 3 | .. | .. | .. | .. | .. | 2 | .. | .. | .. | .. | .. | .. | .. | 21 | .. |
| Impotency .. | 8 | .. | 22 | .. | 2 | .. | 4 | .. | .. | .. | .. | .. | .. | .. | .. | .. | 36 | .. |
| Insanity .. | .. | .. | 12 | .. | 3 | .. | 3 | .. | .. | .. | .. | .. | .. | .. | .. | .. | 18 | .. |
| Maintenance .. | .. | .. | .. | .. | .. | .. | 3 | .. | 11 | .. | .. | .. | .. | .. | .. | .. | 14 | .. |
| Non-Consummation .. | .. | .. | .. | .. | 1 | .. | .. | .. | 4 | .. | .. | .. | .. | .. | .. | .. | 5 | .. |
| Separation for over 5 years .. | .. | .. | .. | .. | .. | .. | 9 | .. | 151 | .. | .. | .. | .. | .. | .. | .. | 160 | .. |
| Other .. | 2 | .. | 1 | .. | 1 | .. | 3 | .. | .. | .. | .. | .. | .. | .. | .. | .. | 7 | .. |
| Total .. | 3,746 | 6 | 2,127 | 1 | 730 | .. | 636 | 2 | 539 | .. | 210 | .. | 12 | .. | 31 | 1 | 8,031 | 10 |

(a) Dissolution of marriage granted.

(v) *Ages of Husband and Wife at Time of Divorce.* The following table shows, in each age group at the time when the divorce decree was made absolute, the number of husbands and wives who were divorced during 1953.

DIVORCES : AGES OF PARTIES AT TIME OF DIVORCE, AUSTRALIA, 1953.
(NOTE.—Excludes nullity of marriage.)

| Ages of Husbands (Years). | Ages of Wives (Years). | | | | | | | | | | | Total Husbands. |
|---------------------------|------------------------|------------|--------------|--------------|--------------|--------------|------------|------------|------------|--------------|-------------|-----------------|
| | Under 21. | 21 to 24. | 25 to 29. | 30 to 34. | 35 to 39. | 40 to 44. | 45 to 49. | 50 to 54. | 55 to 59. | 60 and over. | Not stated. | |
| Under 21 .. | 2 | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. | 3 |
| 21 to 24 .. | 27 | 102 | 43 | 2 | .. | .. | .. | .. | .. | .. | .. | 174 |
| 25 to 29 .. | 22 | 367 | 706 | 129 | 34 | 5 | 1 | 1 | .. | .. | 1 | 1,266 |
| 30 to 34 .. | 3 | 99 | 667 | 608 | 107 | 14 | 4 | 1 | .. | .. | 5 | 1,598 |
| 35 to 39 .. | .. | 16 | 196 | 628 | 578 | 117 | 17 | .. | .. | 1 | 1 | 1,554 |
| 40 to 44 .. | .. | 8 | 54 | 194 | 5'4 | 400 | 67 | 15 | 3 | 1 | 1 | 1,247 |
| 45 to 49 .. | .. | 4 | 17 | 65 | 170 | 334 | 238 | 45 | 6 | .. | .. | 879 |
| 50 to 54 .. | .. | 1 | 3 | 17 | 48 | 115 | 209 | 161 | 31 | 4 | 3 | 592 |
| 55 to 59 .. | .. | 2 | 3 | 6 | 13 | 31 | 69 | 117 | 59 | 26 | .. | 326 |
| 60 and over .. | .. | 1 | 1 | 3 | 10 | 16 | 28 | 39 | 75 | 103 | 1 | 276 |
| Not stated .. | .. | 1 | 2 | 1 | 1 | 1 | 1 | .. | 2 | .. | 38 | 47 |
| Total Wives | 54 | 601 | 1,692 | 1,743 | 1,465 | 1,033 | 634 | 379 | 176 | 135 | 50 | 7,962 |

(vi) *Divorces Granted—Duration of Marriage and Issue of Persons Involved.* The following table shows the number of divorce decrees made absolute in 1953, classified according to the legal duration of the marriage (i.e., the period from the date of marriage to the date when the decree nisi was made absolute) and the issue involved. In respect of 42 per cent. of the divorces finalized in that year the marriages had been celebrated within the previous 10 years. Of the couples divorced, 34 per cent. had no children, 30 per cent. had one child, 20 per cent. had two children, 9 per cent. had three children and 7 per cent. had four or more children.

DIVORCES : DURATION OF MARRIAGE AND ISSUE OF PARTIES, AUSTRALIA, 1953
(NOTE.—Excludes nullity of marriage.)

| Duration of Marriage (Years). | Number of Children. | | | | | | | | | | | Total Divorces made absolute. | Total children. | |
|-------------------------------|---------------------|--------------|--------------|--------------|--------------|------------|------------|------------|------------|-----------|-----------|-------------------------------|-----------------|---------------|
| | 0 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | | | Over 10 |
| Under 1 year .. | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 1 | .. |
| 1 and under 2 .. | 24 | 2 | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | 26 | 2 |
| 2 .. | 95 | 23 | 1 | .. | .. | .. | .. | .. | .. | .. | .. | .. | 119 | 25 |
| 3 .. | 123 | 46 | 5 | 1 | .. | .. | .. | .. | .. | .. | .. | .. | 175 | 59 |
| 4 .. | 231 | 110 | 13 | 1 | .. | .. | .. | .. | .. | .. | .. | .. | 355 | 139 |
| 5 .. | 276 | 187 | 46 | 5 | 1 | .. | .. | .. | .. | .. | .. | .. | 515 | 298 |
| 6 .. | 255 | 215 | 76 | 13 | 1 | .. | .. | .. | .. | .. | .. | .. | 560 | 410 |
| 7 .. | 236 | 219 | 95 | 16 | 10 | 1 | .. | .. | .. | .. | .. | .. | 577 | 502 |
| 8 .. | 182 | 189 | 81 | 23 | 3 | 2 | 1 | .. | .. | .. | .. | .. | 481 | 448 |
| 9 .. | 158 | 160 | 110 | 22 | 10 | 1 | .. | .. | .. | .. | .. | .. | 461 | 491 |
| 10 .. | 166 | 151 | 94 | 32 | 5 | .. | 1 | .. | .. | .. | .. | .. | 449 | 461 |
| 11 .. | 158 | 174 | 106 | 38 | 10 | 3 | 1 | 1 | .. | .. | .. | .. | 491 | 568 |
| 12 .. | 130 | 129 | 102 | 42 | 15 | 3 | 1 | .. | .. | .. | .. | .. | 422 | 540 |
| 13 .. | 109 | 115 | 74 | 36 | 10 | 2 | 2 | .. | .. | .. | .. | .. | 348 | 433 |
| 14 .. | 71 | 79 | 85 | 28 | 15 | 2 | 2 | 1 | .. | .. | .. | .. | 283 | 422 |
| 15 .. | 53 | 71 | 74 | 39 | 15 | 5 | 4 | .. | .. | .. | .. | .. | 261 | 445 |
| 16 .. | 59 | 75 | 70 | 34 | 12 | 5 | 1 | .. | .. | .. | .. | .. | 256 | 396 |
| 17 .. | 65 | 49 | 61 | 33 | 14 | 3 | 4 | 1 | .. | .. | .. | .. | 230 | 372 |
| 18 .. | 42 | 48 | 68 | 35 | 7 | 1 | 3 | 3 | .. | .. | .. | 1 | 208 | 372 |
| 19 .. | 45 | 43 | 45 | 31 | 7 | 7 | 4 | 1 | 1 | .. | .. | .. | 184 | 328 |
| 20 .. | 21 | 38 | 48 | 31 | 11 | 6 | 1 | 2 | .. | 1 | .. | .. | 159 | 330 |
| 21 to 24 years .. | 83 | 130 | 148 | 82 | 46 | 21 | 10 | 5 | 6 | 1 | 1 | 2 | 535 | 1,146 |
| 25 to 29 .. | 81 | 78 | 101 | 80 | 52 | 29 | 14 | 8 | 2 | 2 | .. | .. | 447 | 1,047 |
| 30 to 34 .. | 42 | 57 | 57 | 50 | 37 | 14 | 10 | 3 | 4 | .. | 2 | 1 | 277 | 683 |
| 35 to 39 .. | 16 | 13 | 17 | 20 | 13 | 6 | 3 | 3 | .. | 2 | 2 | .. | 95 | 266 |
| 40 to 44 .. | 7 | 3 | 3 | 8 | 6 | 4 | 2 | 2 | 2 | 2 | .. | .. | 39 | 139 |
| 45 years and over .. | 1 | .. | 1 | 1 | 2 | 1 | 1 | 1 | .. | .. | .. | .. | 8 | 31 |
| Not stated .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. | .. |
| Total Divorces.. | 2,730 | 2,404 | 1,581 | 701 | 302 | 116 | 65 | 31 | 15 | 6 | 7 | 4 | 7,962 | .. |
| Total Children .. | .. | 2,404 | 3,162 | 2,103 | 1,208 | 580 | 390 | 217 | 120 | 54 | 70 | 45 | .. | 10,353 |

(vii) *Number of Divorced Persons at Censuses 1891 to 1947.* The following table shows the number and proportions of divorced males and females in Australia at each Census from 1891 to 1947. A classification of these persons by age appeared in earlier issues of the

Official Year Book (see No. 39, page 269). Prior to 1911 no record was made of divorced persons in South Australia, so comparisons cannot be made to extend beyond that date.

DIVORCED PERSONS AT CENSUS DATES: AGE DISTRIBUTION, AUSTRALIA.

| Sex. | Number. | | | | | | Proportion per 10,000, 15 years of age and over. | | | | | |
|------------|--------------|--------------|-------|-------|--------|--------|--|--------------|-------|-------|-------|-------|
| | 1891. (a) | 1901. (a) | 1911. | 1921. | 1933. | 1947. | 1891. (a) | 1901. (a) | 1911. | 1921. | 1933. | 1947. |
| Males .. | 332 | 1,234 | 2,368 | 4,233 | 10,298 | 25,052 | 3 | 10 | 15 | 23 | 42 | 89 |
| Females .. | 228 | 1,149 | 2,140 | 4,304 | 10,888 | 27,516 | 3 | 10 | 15 | 24 | 46 | 96 |

(a) Excludes South Australia.

4. **Bankruptcies.**—Particulars relating to bankruptcy in each State up to the end of 1927 were incorporated under this heading in issues of the Official Year Book prior to No. 23. Under the terms of the Bankruptcy Act 1924–1950 jurisdiction in bankruptcy and insolvency was taken over by the Commonwealth from 1st August, 1928. The Act made provision for the declaration of districts, and each State (except Queensland) and the Northern Territory have been declared bankruptcy districts. The bankruptcy district of New South Wales includes the Australian Capital Territory. Queensland has been divided into three districts corresponding to the three Supreme Court districts in that State. Operations under the Act for the year ended 31st July, 1953 are shown in the following table. For the purposes of comparison, the annual averages for five-yearly periods between the years 1929 and 1953 are appended to the table.

FEDERAL BANKRUPTCY ACT: OPERATIONS, 1952-53

| Particulars. | N.S.W. | Vic. | Qld. | S. Aust. | W. Aust. | Tas. | Nor. Terr. | Aus-tralia. |
|---|---------------|-----------|---------|----------|----------|---------|------------|-------------|
| Sequestration Orders and Orders for Administration of Deceased Debtors' Estates | Number.. | 251 | 129 | 102 | 77 | 37 | 40 | 636 |
| | Liabilities £ | 598,961 | 262,764 | 293,762 | 194,389 | 138,393 | 33,541 | 1,521,830 |
| | Assets .. £ | 322,789 | 139,280 | 259,331 | 113,358 | 76,978 | 16,028 | 927,764 |
| Compositions without Bankruptcy Part XI. | Number.. | 1 | 3 | .. | 17 | 20 | .. | 41 |
| | Liabilities £ | 2,512 | 12,389 | .. | 58,034 | 173,567 | .. | 246,502 |
| | Assets .. £ | 719 | 13,594 | .. | 56,503 | 189,989 | .. | 260,805 |
| Deeds under Part XI. | Number.. | .. | 1 | .. | 6 | 7 | .. | 14 |
| | Liabilities £ | .. | 3,592 | .. | 68,345 | 25,581 | .. | 97,518 |
| | Assets .. £ | .. | 3,708 | .. | 32,155 | 26,890 | .. | 62,753 |
| Deeds of Arrangement, Part XII. | Number.. | 46 | 51 | 14 | .. | .. | 4 | 115 |
| | Liabilities £ | 443,997 | 318,499 | 123,396 | .. | .. | 10,537 | 896,429 |
| | Assets .. £ | 361,889 | 226,512 | 123,399 | .. | .. | 9,460 | 721,260 |
| Total, 1952-53 | Number.. | 298 | 184 | 116 | 100 | 64 | 44 | 806 |
| | Liabilities £ | 1,045,490 | 597,244 | 417,158 | 320,768 | 337,524 | 44,078 | 2,762,279 |
| | Assets .. £ | 685,397 | 383,094 | 382,730 | 202,016 | 293,857 | 25,488 | 1,972,582 |

FIVE YEARLY AVERAGES.

| | | | | | | | | |
|-----------------------|---------------|-----------|-----------|---------|-----------|-----------|---------|-----------|
| 5 years ended 1952-53 | Number.. | 184 | 102 | 79 | 59 | 45 | 23 | 492 |
| | Liabilities £ | 493,208 | 286,421 | 229,258 | 172,537 | 151,078 | 26,792 | 1,361,105 |
| 5 years ended 1947-48 | Number.. | 95 | 50 | 25 | 33 | 17 | 7 | 227 |
| | Liabilities £ | 163,417 | 100,174 | 27,584 | 86,490 | 26,288 | 3,946 | 407,899 |
| 5 years ended 1942-43 | Number.. | 430 | 296 | 133 | 355 | 81 | 44 | 1,339 |
| | Liabilities £ | 661,001 | 297,571 | 219,236 | 995,722 | 235,944 | 27,937 | 2,437,817 |
| 5 years ended 1937-38 | Number.. | 490 | 380 | 183 | 543 | 108 | 57 | 1,761 |
| | Liabilities £ | 700,657 | 595,056 | 259,592 | 1,565,025 | 228,624 | 55,870 | 3,405,755 |
| 5 years ended 1932-33 | Number.. | 960 | 689 | 304 | 631 | 343 | 94 | 3,021 |
| | Liabilities £ | 1,920,031 | 1,419,060 | 605,707 | 1,032,299 | 871,133 | 114,901 | 5,063,391 |
| 5 years ended 1929-30 | Number.. | 1,552,490 | 1,005,694 | 493,083 | 782,432 | 1,215,154 | 81,785 | 5,130,717 |
| | Assets .. £ | .. | .. | .. | .. | .. | .. | .. |

It is pointed out that the procedure in certain States has been influenced largely by the procedure in force prior to the passing of the Commonwealth Act, and that therefore, no particular significance attaches to the large number of compositions, etc., in South Australia and Western Australia.

The Bankruptcy Act 1930 created a Federal Court of Bankruptcy and provided for the appointment of a Judge or two Judges thereto. In 1930 a Commonwealth Judge in Bankruptcy was appointed, in addition to the State Judges, to deal with bankruptcy work in New South Wales and Victoria, as the Courts in these States were unable to cope with the business. All the bankruptcy cases in these States are now heard in the Federal Court which sits in Sydney and Melbourne alternately.

5. **High Court of Australia.**—Under the provisions of Section 71 of the Commonwealth Constitution, the judicial power of the Commonwealth is vested in a Supreme Court called the High Court of Australia, and in such other courts as the Parliament creates or invests with federal jurisdiction. The High Court of Australia possesses both original and appellate jurisdiction. The powers of the Court are defined in the Commonwealth Constitution, and in the Judiciary Act 1903-1950. The Court consists of a Chief Justice and six other judges. Sittings of the Court are held in the capitals of the various States as occasion may require. The High Court functions as a Court of Appeal for Australia. The following statement shows the transactions of the High Court for 1952 and 1953.

TRANSACTIONS OF THE HIGH COURT OF AUSTRALIA.

| Original Jurisdiction. | | | Appellate Jurisdiction. | | |
|---------------------------------------|---------|------------|---|-------|-------|
| | 1952. | 1953. | | 1952. | 1953. |
| Number of writs issued | 151 | 173 | Number of appeals set down for hearing .. | 113 | 124 |
| Number of causes entered for trial .. | 39 | 48 | Number allowed .. | 40 | 35 |
| Verdicts for plaintiffs .. | 42 | 67 | Number dismissed .. | 63 | 64 |
| Verdicts for defendants | 15 | 16 | Otherwise disposed of | 10 | 18 |
| Otherwise disposed of.. | 18 | 10 | | | |
| Amount of judgments | £85,388 | £1,006,978 | | | |

During 1952 and 1953 respectively the High Court dealt also with the following : Appeals from Assessments under Taxation Assessment Act, 53, 68 ; Special cases stated for the opinion of the Full Court, 16, 13 ; Applications for Prohibitions, etc., 37, 47. The fees collected amounted to £1,521 in 1952 and £8,633 in 1953.

6. **Commonwealth Court of Conciliation and Arbitration.**—Information regarding this Court, which was established under the Conciliation and Arbitration Act 1904-1952, will be found in Chapter VIII.—Labour, Wages and Prices, of this volume and in the *Labour Report* issued by this Bureau.

§ 5. Police and Prisons.

1. **General.**—Early issues of the Official Year Book (*see* No. 4, p. 918) contain a *résumé* of the evolution of the police force in Australia up to the passing of the Police Act 1862 (25 Vic. No. 16) in New South Wales.

2. **Duties of the Police.**—In addition to the ordinary employment attaching to their office, the police are called upon to perform many duties which in other countries are carried out by other officials. Much of the time of the several forces is taken up in extraneous duties not connected with the protection of life and property, while the cash value of the services rendered to other Government departments is considerable.

3. **Strength of Police Force.**—The strength of the police force including probationers, cadets, special constables and women police, in each State and Territory at the end of 1939 and the years 1948 to 1952 is shown in the following table.

The police forces (with the exception of the small body of Commonwealth police maintained in the Northern Territory and in the Australian Capital Territory) are entirely under State control, but, by arrangement, the Commonwealth Government utilizes their services in various directions, such as acting as aliens registration officers, and policing the various regulations, etc.

STRENGTH OF POLICE FORCES.

| State or Territory. | Area of State in Sq. Miles. | No. of Police. | | | | | |
|--------------------------------------|-----------------------------|----------------|--------|--------|--------|--------|--------|
| | | 1939. | 1948. | 1949. | 1950. | 1951. | 1952. |
| New South Wales | 309,433 | 3,907 | 4,333 | 4,382 | 4,449 | 4,527 | 4,688 |
| Victoria .. | 87,884 | 2,333 | 2,385 | 2,597 | 2,751 | 2,879 | 2,992 |
| Queensland(a) .. | 670,500 | 1,460 | 1,982 | 2,040 | 2,220 | 2,455 | 2,449 |
| S. Australia(a) .. | 380,070 | 905 | 975 | 996 | 972 | 1,055 | 1,091 |
| W. Australia(a) .. | 975,920 | 600 | 730 | 759 | 787 | 877 | 929 |
| Tasmania(a) .. | 26,215 | 296 | 340 | 363 | 392 | 420 | 418 |
| Nor. Territory(a) .. | 523,620 | 48 | 65 | 58 | 61 | 48 | 50 |
| Aust. Cap. Terr. .. | 939 | 17 | 40 | 43 | 45 | 57 | 60 |
| Total .. | 2,974,581 | 9,566 | 10,850 | 11,238 | 11,677 | 12,318 | 12,677 |
| Population to each Police Officer .. | .. | 733 | 721 | 720 | 715 | 696 | 693 |

(a) 30th June of year following.

The figures for New South Wales for 1952 exclude 14 "black trackers" and cadet trackers (i.e., natives employed in detection of offenders chiefly in outlying districts) and 4 matrons, while the Victorian returns exclude one black tracker. For Queensland the figures exclude 24 black trackers, for South Australia 3 wardresses, for Western Australia 22 black trackers and 4 female searchers, and for the Northern Territory 28 black trackers. Women police are employed in all the States, the respective numbers for 1952 included in the table above being:—New South Wales 36, Victoria 29, Queensland 9, South Australia 18, Western Australia 8, Tasmania 5 and Australian Capital Territory 2. Their work is mainly preventive, relating particularly to females and neglected children. They also carry out escort duties in respect of female prisoners.

4. Prison Accommodation and Prisoners, 1952.—The table below shows the number of prisons in each State, the accommodation therein, and the number of prisoners under sentence at the end of 1952:—

PRISON ACCOMMODATION AND PRISONERS, 1952.

| Particulars. | N.S.W. (a) | Vic. | Qld.(a) | S. Aust. | W. Aust. (a) | Tas.(a) | N.T.(a) | Total. |
|-----------------------------|---------------|-------|---------|----------|-----------------|---------|---------|--------|
| No. of Prisons .. | 15 | 9 | 7 | 16 | 19 | 2 | 2 | 70 |
| Accommodation in— | | | | | | | | |
| Separate cells .. | 2,285 | 1,203 | 593 | 681 | 504 | 154 | 12 | 5,432 |
| Wards .. | .. | 347 | 145 | 202 | 207 | .. | 19 | 920 |
| Prisoners at end of year .. | 2,231 | 1,248 | 538 | 437 | 374 | 154 | 44 | 5,026 |

(a) Year ended 30th June following.

The figures refer to prisoners under sentence and exclude aborigines and debtors. There are no gaols in the Australian Capital Territory, but there is a lock-up consisting of six cells attached to the police station at Canberra, and a similar lock-up at Jervis Bay, where offenders are held while awaiting trial or serving short sentences not exceeding one week imposed by the Magistrate's Court.

5. Prisoners in Gaol, 1939 and 1948 to 1952.—The number of prisoners in gaol at 31st December in each of the years 1939 and 1948 to 1952 and the proportion per 10,000 of the population are shown in the following table. The figures refer to prisoners under sentence and exclude aborigines and debtors.

PRISONERS IN GAOL.

| State or Territory. | 1939. | 1948. | 1949. | 1950. | 1951. | 1952. |
|-----------------------------|---------|---------|---------|---------|---------|---------|
| NUMBER. | | | | | | |
| New South Wales(a) .. | 1,355 | 1,715 | 1,853 | 1,885 | 2,070 | 2,231 |
| Victoria .. | 1,144 | 912 | 993 | 981 | 1,048 | 1,248 |
| Queensland .. | 261 (a) | 376 (a) | 406 (a) | 454 (a) | 472 (a) | 538 (a) |
| South Australia .. | 199 | 230 | 234 | 261 | 316 | 437 |
| Western Australia(a) .. | 244 | 314 | 333 | 342 | 362 | 374 |
| Tasmania(a) .. | 108 | 93 | 122 | 114 | 142 | 154 |
| Northern Territory .. | 23 (a) | 40 (a) | 41 (a) | 52 (a) | 34 (a) | 44 (a) |
| Total .. | 3,334 | 3,680 | 3,982 | 4,089 | 4,444 | 5,026 |
| Per 10,000 of population .. | 4.8 | 4.7 | 4.9 | 4.9 | 5.2 | 5.7 |

(a) 30th June of year following.

In recent years the proportion of prisoners in gaol to the total population has remained about 5 per 10,000. This figure compares very favorably with that obtaining in 1891, when the proportion was a high as 16 per 10,000.

§ 6. Cost of Administration of Justice.

1. Expenditure by the States.—The table below shows the expenditure from Consolidated Revenue during 1952-53 in connexion with the administration of justice in each of the States.

Net costs are shown instead of gross expenditure as it is difficult to obtain comparable figures of the total costs of the various services under this heading. It will be noted that in South Australia the receipts for legal fees and registrations exceed the actual expenditure under "Justice".

NET EXPENDITURE ON ADMINISTRATION OF JUSTICE, 1952-53.

| State. | Net Expenditure. | | | Per Head of Population. | | |
|----------------------|------------------|------------|-----------|-------------------------|---------|----------|
| | Justice. | Police. | Prisons. | Justice. | Police. | Prisons. |
| | £ | £ | £ | s. d. | s. d. | s. d. |
| New South Wales .. | 888,898 | 4,861,020 | 781,228 | 5 1 | 28 5 | 4 7 |
| Victoria .. | 569,485 | 3,384,261 | 397,086 | 4 9 | 28 8 | 3 4 |
| Queensland .. | 298,119 | 2,550,408 | 176,269 | 4 9 | 40 10 | 2 10 |
| South Australia .. | -22,295 | 1,172,732 | 163,730 | -0 7 | 31 3 | 4 4 |
| Western Australia .. | 40,108 | 1,061,948 | 141,105 | 1 4 | 34 8 | 4 7 |
| Tasmania .. | 116,521 | 448,478 | 63,772 | 7 7 | 29 0 | 4 2 |
| Total .. | 1,890,836 | 13,478,847 | 1,723,190 | 4 4 | 31 0 | 4 0 |
| 1951-52 .. | 1,599,109 | 12,011,760 | 1,560,028 | 3 9 | 28 4 | 3 8 |
| 1950-51 .. | 979,263 | 9,361,578 | 1,177,452 | 2 5 | 22 7 | 2 10 |
| 1949-50 .. | 755,785 | 7,758,518 | 1,006,421 | 1 11 | 19 4 | 2 6 |
| 1938-39 .. | 315,881 | 3,499,202 | 417,679 | 0 11 | 10 1 | 1 2 |

2. **Commonwealth Expenditure.**—The expenditure shown in the previous table is that incurred by the State Governments only, and does not include expenditure of the Commonwealth Attorney-General's Department which is shown hereunder for the years 1938-39 and 1948-49 to 1952-53.

EXPENDITURE OF THE COMMONWEALTH ATTORNEY-GENERAL'S DEPARTMENT.

(£.)

| Year. | | | | | Gross Expenditure. | Receipts. | Net Expenditure. |
|---------|----|----|----|----|-----------------------|-----------|---------------------|
| 1938-39 | .. | .. | .. | .. | 281,497 | 111,036 | 170,461 |
| 1948-49 | .. | .. | .. | .. | 745,106 | 176,310 | 568,796 |
| 1949-50 | .. | .. | .. | .. | 820,560 | 183,398 | 637,162 |
| 1950-51 | .. | .. | .. | .. | 1,096,274 | 204,362 | 891,912 |
| 1951-52 | .. | .. | .. | .. | 1,348,721 | 238,676 | 1,110,045 |
| 1952-53 | .. | .. | .. | .. | 1,438,139 | 286,746 | 1,151,393 |

The expenditure for each year includes that in connexion with patents and copyright which amounted in 1952-53 to £333,762. The Commonwealth took over jurisdiction in bankruptcy in August, 1928, and the expenditure thereon in 1952-53 amounted to £96,573. Revenue of the Attorney-General's Department for the year 1952-53 amounted to £286,746, comprising £183,050 for patents, copyright, trade marks and designs, £31,323 for bankruptcy and £72,463 miscellaneous, including fees and fines.

In addition to the foregoing, during 1952-53, £118,545 was expended in the Northern Territory for the upkeep of the police force and prison services.

Expenditure in connexion with the Australian Capital Territory police in 1952-53 amounted to £74,492.