

PART II.

LAW, CRIME, ETC.

Legal System
in Victoria.

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

LITIGATION AND LEGAL BUSINESS.

Supreme
Court civil
business.

The Supreme Court of Victoria was established in 1852, and its constitution and powers remain substantially unaltered by recent legislation, although the procedure was entirely remoulded by *The Judicature Act* 1883 (now incorporated in the *Supreme Court Act* 1928). There were in 1939, six Judges, viz., a Chief Justice and five Puisne Judges.

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

VICTORIA—SUPREME COURT CIVIL CASES, 1935 TO 1939.

Heading.	1935.	1936.	1937.	1938.	1939.
Number of Places at which Sittings were held	4	5	5	5	7
Causes Entered—					
For Assessment of Damages	3	6	4	5	6
For Trial	163	156	143	167	169
Number of Causes Tried—					
By Juries of Six	32	16	20	14	23
By a Judge	60	64	52	30	50
Verdicts returned for—					
Plaintiff	54	55	54	27	59
Defendant	38	20	19	17	14
Amount Awarded	£ 13,902	29,369	25,525	8,810	15,914
Writs of Summons issued	674	626	679	699	747
Other Original Proceedings	249	288	302	274	140
Appellate Proceedings (other than Criminal Appeals heard and determined)—					
By Full Court	45	30	36	41	45
By a Judge	76	62	70	49	57
Fees Collected	£ 3,413	3,274	3,322	3,891	3,901

County Court business. County Courts have a jurisdiction, both in equity and common law cases, limited to £500 ; also in cases remitted by the Supreme Court. The cause of action must have arisen within 100 miles of the court in which proceedings are taken, which court must not be more than ten miles further away from defendant's residence than some other County Court in which the plaintiff might have sued. In 1939 there were 88 sessions, which were held in 28 places. Particulars of litigation in each of the last five years are as follows :—

VICTORIA—COUNTY COURT CASES, 1935 TO 1939.

Year.					Number of Causes Tried.	Amount Sued For.	Amount Awarded.
						£	£
1935	..	..	..	..	825	515,402	209,292
1936	..	..	..	..	1,350	522,100	211,643
1937	..	..	..	..	1,385	560,926	199,972
1938	..	..	..	..	1,390	569,575	207,455
1939	..	..	..	..	1,210	605,738	216,929

Petty Sessions civil business. In 1939, Courts of Petty Sessions by stipendiary magistrates and honorary justices were held at 222 places in Victoria. Clerks of courts of ten years' standing, who have passed the prescribed examination, and barristers of five years' standing are eligible for appointment as police magistrates, but there is no legal training or knowledge of the law required as a condition precedent to the appointment of a person as an honorary justice of the peace. The jurisdiction in civil cases is limited to what may be called ordinary debts, damages for assault, and restitution of goods, where the amount in dispute does not exceed £50. Particulars of civil cases, &c., heard during the last five years are as follows :—

VICTORIA—COURTS OF PETTY SESSIONS: CIVIL CASES, ETC., 1935 TO 1939.

Heading.	1935.	1936.	1937.	1938.	1939.
Civil Cases—					
Number heard	88,828	101,924	100,818	103,718	112,423
Debts or Damages—					
Claimed £	765,160	877,991	835,370	915,052	824,288
Awarded £	560,039	610,411	607,495	710,492	705,971
Other Cases—					
Appeals against Rates	374	493	617	575	716
Children's Maintenance	17	9	36	62	23
Ejectment Cases	3,917	3,351	2,766	2,765	2,917
Examination of Lunatics	214	255	241	187	210
Fraud Summonses	2,949	5,556	5,562	4,641	6,248
Garnishee Cases	2,832	3,526	3,475	3,838	4,354
Licences and Certificates	18,437	17,931	18,219	18,824	17,479
Maintenance Cases	1,590	1,553	1,802	1,995	1,943
Prohibition Cases	99	86	69	74	80
Other	6,401	7,501	9,361	10,827	12,555

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

VICTORIA—WRITS RECEIVED BY THE SHERIFF, 1935 TO 1939.

Year	King's Writs against Person and Property.	Subjects' Writs against—		Total.
		The Person.	Property.	
1935	13	17	171	201
1936	25	5	152	182
1937	24	5	120	149
1938	17	8	108	133
1939	8	7	109	124

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

BANKRUPTCIES.

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

The number of sequestrations, &c., in Victoria during each of the five years ended 31st July, 1940, under the *Commonwealth Bankruptcy Acts* 1924-1933, and the amount of liabilities and assets relating thereto were as follows:—

VICTORIA—BANKRUPTCIES, 1935-36 to 1939-40.

Year ended 31st July—	Sequestration Orders and Orders for Administration of Deceased Debtors' Estates.	Compositions, Assignments, &c., under Part XI. of the Act.	Deeds of Arrangement under Part XII. of the Act.	Total.
NUMBER.				
1936 ..	195	5	143	343
1937 ..	227	12	103	342
1938 ..	255	9	121	385
1939 ..	295	7	129	431
1940 ..	266	6	160	432
LIABILITIES.				
	£	£	£	£
1936 ..	139,113	5,057	288,194	432,364
1937 ..	227,043	66,050	146,899	439,992
1938 ..	250,282	11,217	199,581	461,080
1939 ..	211,630	11,747	206,235	429,612
1940 ..	188,926	24,742	193,683	407,351
ASSETS.				
	£	£	£	£
1936 ..	31,206	5,329	201,299	237,834
1937 ..	29,924	13,601	91,465	134,990
1938 ..	74,138	5,553	114,401	194,092
1939 ..	64,087	13,063	133,329	210,479
1940 ..	6,295	17,986	126,869	151,060

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

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

DIVORCE.

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

The following table gives the number of petitions filed by husbands and wives respectively, and the number of decrees granted for divorce, judicial separation, and nullity of marriage during the year 1939 :—

VICTORIA—DIVORCES, 1939.

	Petitions filed by—			Decrees granted to—		
	Husbands.	Wives.	Total.	Husbands.	Wives.	Total.
Dissolution of Marriage ..	390	483	873	338	456	794
Judicial Separation ..	2	6	8	1	3	4
Nullity of Marriage ..	4	5	9	3	4	7
Total ..	396	494	890	342	463	805

The grounds upon which divorces were granted during the year 1939 were as follows :—

VICTORIA—DIVORCES, GROUNDS OF, 1939.

Grounds on which Granted.	Dissolution of Marriage.		Judicial Separation.		Nullity of Marriage.	
	Husbands' Petitions.	Wives' Petitions.	Husbands' Petitions.	Wives' Petitions.	Husbands' Petitions.	Wives' Petitions.
Adultery	88	69	1	3	..	..
Bigamy .. ..	..	..	..	..	1	1
Cruelty, repeated acts of ..	..	2	..	..	..	..
Desertion	235	362	..	..	..	..
Desertion and adultery ..	3	5	..	..	..	..
Drunkenness (habitual) ..	..	10	..	..	..	..
Drunkenness and cruelty .. ..	..	5	..	..	..	..
Impotence .. ..	..	..	..	..	2	2
Informal ceremony .. ..	..	..	..	..	..	1
Insanity	12	3	..	..	..	..
Total	338	456	1	3	3	4

Divorces, 1861 to 1939. In 1861 jurisdiction was conferred on the Supreme Court of Victoria in matrimonial matters. The Divorce Act of 1889, which received the Royal Assent on 13th May, 1890, considerably extended the grounds upon which divorce might be granted.

The following is a statement of the number of decrees granted in Victoria for dissolution of marriage and for judicial separation during the period 1861 to 1890, for the decennial periods 1891-1900 to 1921-30, and for each of the years 1931 to 1939.

VICTORIA—DIVORCES AND JUDICIAL SEPARATIONS,
1861 TO 1939.

Period.	Decrees Granted for—	
	Dissolution of Marriage.	Judicial Separation.
1861-1890	348	71
1891-1900	949	14
1901-1910	1,255	6
1911-1920	2,499	14
1921-1930	4,403	16
1931	417	2
1932	454	..
1933	495	..
1934	618	..
1935	599	3
1936	685	1
1937	796	1
1938	826	3
1939	794	4
Total—1891 to 1939	14,784	64
Total—1861 to 1939	15,132	135

RACECOURSE LICENCES.

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

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

VICTORIA—REVENUE FROM RACECOURSE LICENCES AND PERCENTAGE FEES, 1930-31 TO 1939-40.

Year ended 30th June.		Amount.	Year ended 30th June.		Amount.
		£			£
1931	.. ..	23,246	1936	.. .	15,554
1932	.. ..	16,457	1937	.. .	15,718
1933	.. ..	15,575	1938	.. ..	16,627
1934	.. ..	15,050	1939	.. ..	17,191
1935	.. ..	14,885	1940	.. ..	16,710

CRIME.

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

Administration of the criminal law.

CRIME AND DRUNKENNESS.

The statistics of crime and drunkenness for the years subsequent to 1932 have been compiled on a basis which differs from that for the years 1893 to 1932. The particulars for the years 1933 to 1939 represent, in respect of multiple charges, the total number of all offences with which arrested persons were charged whereas, for the period 1893 to 1932, only the most serious offence in each case was tabulated. Summons cases in 1933 to 1939 relate, as in previous years, to all offences with which a person was charged. The statistics for the last seven years are comparable, therefore, with those for the years prior to 1893 appearing in earlier issues of the *Year-Book*.

Alteration in method of tabulation.

**Offences and
drunkenness.**

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

VICTORIA—OFFENCES AND DRUNKENNESS, 1890 TO 1939.

Year.	Number of Arrest and Summons Cases—				
	Offences Against the Person.	Offences Against Property.	Drunkenness.	Other Offences.	Total.
1890	4,091	5,036	18,501	36,456	64,084
1895*	2,344	3,336	11,143	20,843	37,666
1900*	2,103	3,106	15,878	28,003	49,090
1910*	1,663	3,052	12,719	34,626	52,060
1920*	1,909	4,877	7,154	42,758	56,698
1930*	1,680	5,078	8,132	41,859	56,749
1935	1,500	6,716	10,221	47,536	65,973
1936	1,503	6,865	10,390	63,360	82,118
1937	1,351	7,244	10,433	55,194	74,222
1938	1,412	8,320	11,311	58,013	79,056
1939	1,308	8,104	11,609	61,837	82,858
Number of Arrest and Summons Cases per 1,000 of Population.					
1890	3·66	4·50	16·54	52·59	57·29
1895*	1·98	2·82	9·41	17·60	31·81
1900*	1·76	2·60	13·31	23·47	41·14
1910*	1·30	2·38	9·92	27·00	40·60
1920*	1·26	3·23	4·73	28·27	37·49
1930*	·94	2·84	4·55	23·44	31·77
1935	·82	3·65	5·56	25·84	35·87
1936	·81	3·72	5·62	34·29	44·44
1937	·73	3·90	5·62	*29·74	39·99
1938	·76	4·45	6·06	31·06	42·33
1939	·69	4·31	6·17	32·86	44·03

* See paragraph "Alteration in method of tabulation" on page 59.

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

Other Offences. The only serious crimes included under "Other Offences" are forgery, counterfeiting, conspiracy, and perjury. These were very few in number, there having been in Victoria in 1939 only 137 of such charges out of a total of 61,837 in the category to which they belong. A large proportion of the cases under the heading "Other Offences" were merely breaches of various Acts of Parliament, by-laws, &c., which indicate no degree of criminal instinct or intent on the part of the person charged. There were also among them a large number of offences against good order, including insulting behaviour, vagrancy, &c.

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

Arrests and
summonses
for various
offences.

The following are particulars of the different classes of offences dealt with by magistrates in 1939.

VICTORIA—ARRESTS AND SUMMONSES FOR VARIOUS OFFENCES, 1939.

Nature of Offence.	Total.	Summarily Disposed of—				Committed for Trial.	
		Convicted.		Dismissed, Withdrawn, Struck Out.			
		M.	F.	M.	F.	M.	F.
Against the Person—							
Murder and attempts at	18	..	..	4	2	12	..
Manslaughter	2	..	..	..	..	2	..
Shooting at, wounding, &c.	63	5	..	16	..	39	3
Assaults	1,085	569	27	435	34	17	3
Others	140	14	3	25	3	86	9
Total	1,308	588	30	480	39	156	15
Against Property—							
Robbery, burglary, &c.	1,024	198	13	93	7	695	18
Larceny and similar offences	5,579	3,621	276	983	60	624	15
Wilful damage	348	240	10	83	10	3	2
Others	1,153	726	25	289	19	81	13
Total	8,104	4,785	324	1,448	96	1,403	48
Forgery and Offences against the Currency ..	104	..	..	3	1	88	12
Against Good Order—							
Drunkenness*	11,609	10,073	1,348	168	20	..	..
Others	7,350	5,226	531	1,381	210	2	..
Total	18,959	15,299	1,879	1,549	230	2	..
Other Offences—							
Breaches of—							
Education Act ..	7,237	5,437	1,112	511	177	..	..
Licensing Act ..	5,810	4,295	501	801	213	..	..
Motor Car Act ..	12,454	11,494	264	665	31	..	..
Traffic Regulations ..	13,578	12,609	593	349	27	..	..
Vermin and Noxious Weeds Act	466	203	69	141	53	..	..
Miscellaneous	14,838	11,612	1,092	1,899	182	30	23
Total	54,383	45,650	3,631	4,366	683	30	23
Grand Total	82,858	66,322	5,864	7,846	1,049	1,679	98

* See footnote on page 63.

Of the 82,858 cases dealt with, 72,186 were summarily convicted, 8,895 were dismissed, withdrawn, &c., and 1,777 committed for trial. These particulars include the cases disposed of in Children's Courts (other than arrests of neglected children).

**Arrest and
summons
cases.**

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

VICTORIA—ARREST AND SUMMONS CASES, 1935 TO 1939.

Year.	Arrest Cases.		Summons Cases.		Total.
	Males.	Females.	Males.	Females.	
1935	17,833	2,111	42,197	3,832	65,973
1936	18,798	2,218	56,471	4,631	82,118
1937	18,534	2,070	50,108	3,510	74,222
1938	20,893	2,292	52,085	3,786	79,056
1939	21,121	2,369	54,726	4,642	82,858

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

VICTORIA—DISPOSAL OF ARREST AND SUMMONS CASES, 1935 TO 1939.

Year.	Total.	Summarily Convicted.	Discharged by Magistrates.	Committed for Trial.
1935	65,973	54,666	9,720	1,587
1936	82,118	70,752*	9,884*	1,482
1937	74,222	64,772*	7,905*	1,545
1938	79,056	68,841*	8,199*	2,016
1939	82,858	72,186*	8,895*	1,777
Number per 10,000 of Population.				
1935	358·7	297·2	52·9	8·6
1936	444·4	382·9*	53·5*	8·0
1937	399·9	349·0*	42·6*	8·3
1938	423·3	368·6*	43·9*	10·8
1939	440·3	383·6*	47·3*	9·4

* The convictions in 1936 to 1939, in respect of drunkenness include those cases in which offenders were discharged by magistrates on a first appearance. In previous years, such cases were not treated as convictions.

The table which follows shows the number of cases which were disposed of in Children's Courts during the year 1939. The jurisdiction of this Court is limited to children under the age of seventeen years.

VICTORIA—CHILDREN'S COURTS: CASES DISPOSED OF, 1939.

Nature of Offence.	Total.	Summarily Disposed of—					
		Convicted.		Dismissed, Withdrawn, Struck Out.		Committed for Trial.	
		M.	F.	M.	F.	M.	F.
Against the Person—							
Assaults	65	50	..	12	2	1	..
Others	3	..	1	2	..	..	..
Total	68	50	1	14	2	1	..
Against Property—							
Larceny, &c.	3,076	2,607	54	400	15	..	..
Wilful Damage	128	100	..	28	..	..	..
Others	73	57	1	15	..	..	..
Total	3,277	2,764	55	443	15	..	..
Against Good Order—							
Drunkenness	5	3	..	2	..	..	..
Others	244	179	6	56	3	..	..
Total	249	182	6	58	3	..	..
Other Offences, &c.—							
Traffic Offences	862	786	26	48	2	..	..
Other Offences	425	349	12	71	2	..	..
Neglected Children	610	237	126	141	106	..	..
Total	1,897	1,363	164	260	110	..	..
Grand Total	5,491	4,359	226	775	130	1	..

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

VICTORIA—CHILDREN'S COURTS: CASES DISPOSED OF 1935 TO 1939.

Nature of Offence.	1935.	1936.	1937.	1938.	1939.
Against the Person—					
Assaults	73	98	86	98	65
Others	9	25	9	2	3
Against Property—					
Larceny, &c.	1,988	1,991	2,475	3,249	3,076
Wilful Damage	164	226	199	210	128
Others	26	41	30	36	73
Against Good Order—					
Drunkenness	7	9	13	5	5
Others	252	382	294	165	244
Traffic Offences			954	1,162	862
Other Offences	1,741	2,187	538	627	425
Neglected Children			582	697	610
Total	4,260	4,959	5,180	6,251	5,491
Summarily Convicted	3,541	4,003	4,212	5,394	4,585
Summarily Dismissed, &c.	708	954	966	851	905
Committed for Trial	11	2	2	6	1

The following statement gives particulars of the manner in which the cases in the Children's Courts were disposed of by magistrates in 1939.

VICTORIA—CHILDREN'S COURTS: CASES, HOW DEALT WITH, 1939.

How dealt with.	Males.	Females.	Total.
Adjourned for period without probation	773	26	799
Released on probation	1,350	51	1,401
Committed to care of Children's Welfare Department	364	95	459
Committed to reformatory	95	4	99
Committed to care of a private person or institution	12	4	16
Fined	1,027	33	1,060
Released under Section 356 of <i>Crimes Act</i> 1928	11	..	11
Dismissed on payment of costs or damages or both	28	2	30
Discharged upon surety	17	..	17
Sentenced to term of imprisonment	9	..	9
Sentenced to imprisonment, the execution of which has been suspended	45	..	45
Convicted and discharged	387	7	394
Discharged with a caution	238	4	242
Otherwise dealt with	3	..	3
Summarily Convicted	4,359	226	4,585
Summarily Dismissed, &c.	775	130	905
Committed for Trial	1	..	1
Grand Total	5,135	356	5,491

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

VICTORIA—CHILDREN'S COURTS : PROBATION CASES,
1935 TO 1939.

Year.	Cases Released on Probation.	Results of Probation.		
		Satisfactory.	Fair.	Unsatisfactory.
		%	%	%
1935	1,004	82	8	10
1936	924	82	8	10
1937	1,113	84	7	9
1938	1,743	86	5	9
1939	1,401	90	4	6

Arrest cases summarily disposed of by magistrates. The following is a statement of the arrest cases summarily disposed of by magistrates during 1939.

VICTORIA—ARREST CASES SUMMARILY DISPOSED OF
BY MAGISTRATES, 1939.

Sentence	Males.	Females.	Total.
Fines paid	4,815	376	5,191
Imprisonment for—			
Under 1 month	4,408	736	5,144
1 month and under 6 months	1,551	157	1,708
6 months and under 12 months	263	19	282
1 year and under 2 years	23	3	26
2 years .. ..	..	..	..
Admonished	5,174	606	5,780
Ordered to find bail or sentence suspended on entering surety	524	104	628
Sent to Reformatory Schools, &c.	178	5	183
Otherwise dealt with	282	20	302
Total Convicted	17,218	2,026	19,244
Dismissed, Withdrawn, Struck Out	2,307	260	2,567
Total summarily disposed of	19,525	2,286	21,811

Committals for trial of distinct persons.

Particulars of the distinct persons tried before superior courts in 1939 are shown below in respect of arrest cases only. Where a person was charged with more than one offence, the principal offence only has been taken into account.

VICTORIA—COMMITTALS FOR TRIAL OF DISTINCT PERSONS, 1939.

(Arrest cases only.)

Offences	Distinct Persons Charged.	Result of Trial—	
		Withdrawn, Discharged.	Convicted.
Against the Person—			
Murder	4	2	2
Attempted Murder	3	3	..
Manslaughter	2	2	..
Wounding or inflicting grievous bodily harm, &c.	36	15	21
Rape and other offences against females	25	7	18
Unnatural offences	12	1	11
Bigamy	13	1	12
Other	15	7	8
Against Property—			
Robbery and Stealing from the Person ..	48	18	30
Burglary, Housebreaking, &c. ..	349	44	305
Stealing Horses, Cattle, and Sheep ..	15	4	11
Other Larceny	242	76	166
Fraud and False Pretences	35	8	27
Arson and attempts at	8	2	6
Other	44	12	32
Forgery and offences against the Currency	34	5	29
Other offences—			
Perjury and Subornation	9	3	6
Effecting a Public Mischief	1	..	1
Conspiracy	11	10	1
Other	4	..	4
Total	910	220	690

Offence and age of distinct persons arrested who were convicted after commitment for trial.

The following table contains for the year 1939 a classification according to offence and age of distinct persons arrested who were convicted after commitment for trial.

Offences.	Ages (Years).								Total
	Under 16.	16 to 17.	18 to 19.	20 to 24.	25 to 29.	30 to 39.	40 to 59.	60 and Over.	
MALES									
Against the Person	2	5	15	10	11	20	2	65
Against Property	49	98	142	103	100	63	5	560
Forgery and Offences against the Currency	1	8	6	10	1	..	26
Other Offences	2	5	..	2	1	10
Total	51	104	167	124	121	86	8	661
FEMALES.									
Against the Person	1	..	3	3	..	7
Against Property	1	4	7	1	4	..	..	17
Forgery and Offences against the Currency	1	..	2	..	..	..	3
Other Offences	1	1	..	..	..	2
Total	1	5	9	4	7	3	..	29

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

VICTORIA—PERSONS ARRESTED OR SUMMONED FOR DRUNKENNESS 1935 TO 1939.

Year.	Number of Persons—			Number per 1,000 of Population.
	Arrested.	Summoned.	Total	
1935	10,200	21	10,221	5.56
1936	10,339	51	10,390	5.62
1937	10,409	24	10,433	5.62
1938	11,282	29	11,311	6.06
1939	11,577	32	11,609	6.17

The continuity of the above statistics has not been materially affected by the alteration in the method of tabulation referred to on page 59.

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

Period.	Index Number.	Period.	Index Number.
1874-78	100	1923-27	41
1879-85	88	1928-32	30
1886-92	106	1933	35
1893-97	65	1934	32
1898-1902	84	1935	38
1903-07	77	1936	38
1908-12	68	1937	38
1913-17	59	1938	41
1918-22	32	1939	42

A considerable decrease in drunkenness is shown for the five years 1893-97, which was a period of general depression, followed by an increase in the subsequent five-yearly period. A similar trend is shown for the depression years 1928-32 and subsequent years. In the middle of the year 1915 an Act was passed reducing the number of hours during which alcoholic liquors could be sold in hotels, and a further reduction was made in the following year. This possibly accounts for the marked decrease in the number of arrests for drunkenness in the period immediately following.

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

VICTORIA—ARRESTS OF PERSONS UNDER 20 YEARS OF AGE CHARGED WITH DRUNKENNESS, 1935 TO 1939.

Year.	Number.	Number per 100,000 of the Population under 20 years of age.
1935	94	14·68
1936	96	14·93
1937	108	16·72
1938	95	14·06
1939	126	19·24

REGULATION OF LIQUOR TRADE.

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

To 31st December, 1939, 1,826 hotels had been closed by the Board or had surrendered their licences. Of these hotels 530 were located in metropolitan districts, and the compensation paid amounted to £581,662, or an average of £1,097 each. There were 1,296 hotels closed in country districts, and compensation amounting to £661,479 was paid, or an average of £510 each. The total sum paid in compensation in all districts of the State was £1,243,141, or an average of £681 for each hotel.

In addition to the above closings, the following have been deprived of their licences as a result of the local option poll held on 21st October, 1920:—5 spirit merchants, 4 grocers, 1 club, and 4 Australian wine licensees. The amount of compensation awarded was £550. Since 1922, 9 grocers' and 92 Australian wine licences have been taken away, for which compensation to the amount of £19,016 has been awarded.

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

Since 1922 plans have been passed by the Board for new and improved licensed premises, the estimated cost thereof being £5,628,350, exclusive of the cost of sewerage and new equipment.

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

VICTORIA—NUMBER OF HOTELS, 1885 TO 31ST DECEMBER, 1939.

Year.	Estimated Population.	Number of Hotels.*	Average Number of Persons to each Hotel.
1885	969,200	4,339	223
1906	1,219,832	3,520	347
1930	1,792,605	1,803	994
1931	1,803,570	1,781	1,013
1932	1,813,387	1,770	1,025
1933	1,824,479	1,759	1,037
1934	1,837,490	1,749	1,051
1935	1,843,023	1,744	1,057
1936	1,851,593	1,725	1,073
1937	1,859,487	1,711	1,087
1938	1,873,760	1,706	1,098
1939	1,887,278	1,700	1,110
Increase, 1885 to 31st December, 1939	918,078	..	887
Decrease, 1885 to 31st December, 1939..	..	2,639	..

* Including Roadside Licences.

While the population has increased by 95 per cent. since 1885, the number of hotels has decreased by 61 per cent. The average number of persons to an hotel is now 398 per cent. more than it was in that year. During the period 1885 to 31st December, 1939, 227 hotels were closed as the result of local option polls, 1,826 were deprived of their licences by the Licences Reduction Board or surrendered their licences thereto, and 664 were closed voluntarily. During the period 1907 to 31st December, 1939, 78 new licences were granted.

The revenue for the year ended 30th June, 1940, amounted to £286,587. The amounts received from the various sources were:—Licences, certificates, &c., £262,150; interest on investments, £10,982; fees and fines, £13,229; and miscellaneous, £226. The expenditure which totalled £286,587 consisted of the following items:—Annual payments to municipalities, £59,440; compensation, £14,691; transferred to Police Superannuation Fund under section 311 of Act No. 3717, £23,000; transferred to revenue under section 312 of Act No. 3717, as amended by Acts Nos. 4613 and 4650, £170,437; and salaries, expenses, &c., £19,019. The amount at credit of the fund at 30th June, 1940, was £410,976, of which £341,000 was invested.

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

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

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

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

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

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

Consumption of beer.

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

CONSUMPTION OF BEER IN VICTORIA, 1935-36 TO 1939-40.

Year.	Quantity of Beer Consumed.	Per head of Population.
	gallons.	gallons.
1935-36 . . .	19,538,800	10·60
1936-37 ..	20,750,800	11·20
1937-38 ..	23,099,800	12·41
1938-39 ..	23,555,700	12·56
1939-40 ..	24,524,500	12·97

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

There are five gaols in Victoria, including the Pentridge Penal Establishment, and the Cooriemungle Prison Camp.

There are also sixty-seven police gaols which are used for the detention of prisoners undergoing short sentences. The following statement contains information (other than for police gaols) for the year 1939 in regard to the accommodation for prisoners, the daily average number in confinement, the number received during the year, and the number in confinement at the end of the year.

VICTORIA—GAOL ACCOMMODATION AND PRISONERS, 1939.

Name of Institution.	Number of Prisoners.							
	For whom there is Accommodation.		Daily Average.		Total Received (including transfers).		In Confinement at end of year. (a)	
	Males.	Females	Males.	Females	Males.	Females	Males.	Females
Pentridge ..	908	83	748·7	48·4	5,537	899	705	42
Pentridge Reformatory Prison	64	3	69·5	·3	207	..	62	..
Ballarat Gaol ..	66	18	30·3	·1	324	4	39	..
Beechworth Reformatory Prison	78	..	53·8	..	49	..	65	..
Bendigo Gaol (b)	116	28	15·9	..	168	2	..	..
Castlemaine Reformatory Prison	91	..	83·9	..	120	..	79	..
Cooriemungle Prison Camp (c)	13	..	2·5	..	13	..	11	..
Geelong Gaol ..	179	..	122·7	..	546	1	137	..
Geelong Reformatory Prison ..	21	..	10·9	..	7	..	10	..
McLeod Settlement Reformatory Prison ..	52	..	47·8	..	46	..	53	..
Sale Gaol ..	26	9	7·2	..	84	2	7	..
Total ..	1,614	141	1,193·2	48·8	7,101	908	1,168	42

(a) Including 61 males and 5 females awaiting trial.

(b) Bendigo Gaol closed on 21st November, 1939; now used for Military purposes.

(c) Cooriemungle Prison Camp opened on 21st October, 1939.

The number of prisoners received at and discharged from the gaols and reformatory prisons (excluding police gaols) in Victoria is given in the following table for the year 1939 :—

VICTORIA—PRISONERS RECEIVED AT AND DISCHARGED FROM GAOLS AND REFORMATORY PRISONS, 1939.

(Exclusive of Police Gaols.)

Heading.	Males.	Females.	Total.
Number in Confinement at 31st December, 1938—			
Convicted	1,043	41	1,084
Awaiting trial	69	4	73
Total	1,112	45	1,157
Received during 1939—			
Convicted of—			
Felony	1,380	107	1,487
Misdemeanour	2,278	447	2,725
Other offences	1,122	175	1,297
Transfers from—			
Other Gaols and Reformatory Prisons ..	679	2	681
Hospitals, Asylums, Reformatory Schools, &c.	25	3	28
For Trial, not subsequently convicted ..	1,617	174	1,791
Total	7,101	908	8,009
Discharged during 1939—			
By remission of sentence	460	28	488
On expiration of sentence and payment of fines	3,933	684	4,617
Bailed to appeal	46	11	57
On bond from Court, Judge's Order, Attorney-General's Order, &c.	20	6	26
By special authority	15	1	16
On parole	195	1	196
Died	3	..	3
Executed	1	..	1
Deported	1	..	1
Absconded*	9	..	9
Transfers to—			
Other Gaols and Reformatory Prisons ..	698	2	700
Hospitals, Asylums, Reformatory Schools, &c.	41	6	47
Unconvicted	1,623	172	1,795
Total	7,045	911	7,956
Number in Confinement at 31st December, 1939—			
Convicted	1,107	37	1,144
Awaiting trial	61	5	66
Total	1,168	42	1,210

* Including one found drowned.

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

VICTORIA—PRISONERS UNDER SENTENCE, 1930 TO 1939.

At 31st December.	Males.	Females.	Total.	Total number per 10,000 of Population.	At 31st December.	Males.	Females.	Total.	Total number per 10,000 of Population.
1930	1,259	40	1,299	7·25	1935	1,118	41	1,159	6·29
1931	1,364	43	1,407	7·80	1936	1,057	37	1,094	5·91
1932	1,275	64	1,339	7·38	1937	955	34	989	5·32
1933	1,297	50	1,347	7·38	1938	1,043	41	1,084	5·71
1934	1,191	34	1,225	6·67	1939	1,107	37	1,144	6·06

A statement is given below of the daily average number of prisoners in detention in the gaols of the State in the last year of each of the decennial periods 1871 to 1931 inclusive, and in each of the last five years. The rate per 10,000 of the population aged fifteen years and over was, in 1939, 39 per cent. less than in 1901, and 5 per cent. more than the yearly average in the quinquennial period 1925-29.

VICTORIA—DAILY AVERAGE NUMBER OF PRISONERS IN CONFINEMENT, 1871 TO 1939.

Year.	Daily Average Number of Prisoners in Confinement.			Number per 10,000 of Population, aged 15 years and over.		
	Males.	Females.	Total.	Males.	Females.	Total.
1871 ..	1,345	274	1,619	54·77	15·46	38·30
1881 ..	1,294	304	1,598	45·25	12·35	30·03
1891 ..	1,550	350	1,900	38·78	10·07	25·43
1901 ..	951	200	1,151	23·92	5·06	14·53
1911 ..	713	100	813	15·73	2·16	8·87
1921 ..	741	54	795	14·56	·98	7·40
1931 ..	1,391	50	1,441	22·59	·78	11·43
1935 ..	1,220	44	1,264	18·27	·63	9·28
1936 ..	1,179	43	1,222	17·56	·61	8·91
1937 ..	1,072	41	1,113	15·94	·58	8·10
1938 ..	1,084	45	1,129	16·02	·64	8·16
1939 ..	1,193	49	1,242	17·50	·69	8·91

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

The principal provisions are—

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

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

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

**VICTORIA—PRISONERS UNDER INDETERMINATE
DETENTION, 1935–36 TO 1939–40.**

Name of Reformatory Prison.	Year Ended 30th June.				
	1936.	1937.	1938.	1939.	1940.
Pentridge Reformatory Prison	59	64	56	71	73
Beechworth Reformatory Prison	70	65	59	52	65
Castlemaine Reformatory Prison	89	77	100	90	97
Geelong Reformatory Prison	14	18	16	10	6
McLeod Settlement, French Island	53	55	48	50	49
Total	285	279	279	273	290

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

From 1st July, 1908, to 30th June, 1939, admissions to the several reformatories totalled 4,135 (4,088 males and 47 females). Particulars of those released on parole or probation (inclusive of cases released more than once) and of those otherwise dealt with during the same period are given hereunder :—

Heading.	Number.	Per Cent.
Reconvicted or returned to prison	1,509	36.51
Probation satisfactorily completed	1,594	38.55
Still on parole or probation	404	9.77
Deaths—		
In institutions	22	0.53
On parole or probation	23	0.55
Escapes	148*	3.58
Released by Special Authority, deported, &c.	162	3.91
In institutions at 30th June, 1939	273	6.60
Total admissions to 30th June, 1939	4,135	100.00

* Of 148 who escaped, 131 were subsequently recaptured.

POLICE PROTECTION.

**Numerical
Strength of
Police Force
in Victoria.**

The following table shows the numbers in the various ranks of the police force in Victoria on 31st December, 1939.

**VICTORIA—POLICE FORCE, CLASSIFICATION AND
NUMERICAL STRENGTH AT 31ST DECEMBER, 1939.**

Designation.	Number.		
	Metropolitan.	Country.	Total.
<i>Foot.</i>			
Chief Commissioner	1	..	1
Superintendents	3	8	11
Inspectors	8	7	15
Sub-Inspectors	21	5	26
Sergeants, First class	38	10	48
Sergeants, Second class	35	14	49
Senior Constables	171	79	250
Senior Constables (brevet rank)	2	..	2
First Constables	639	328	967
Constables	556	103	659
Total	1,474	554	2,028
<i>Detectives.</i>			
Superintendent	1	..	1
Inspector	1	..	1
Sub-Inspectors	4	..	4
Sub-Inspectors (brevet rank)	2	..	2
Sergeants, First class	2	..	2
Sergeants, Second class	7	..	7
Senior Detectives	22	2	24
First Detectives	56	13	69
Detectives	45	..	45
Total	140	15	155
<i>Mounted.</i>			
Senior Constable (brevet rank)	1	..	1
First Constables	10	81	91
Constables	20	38	58
Total	31	119	150
Grand Total	1,645	688	2,333

The above particulars include 8 police-women, 20 members with Defence Forces and 21 recalled police pensioners, but exclude 3 matrons and 1 black tracker.

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

VICTORIA—POLICE FORCE, NUMERICAL STRENGTH,
1930 to 1939.

Year.	Total Strength including Police-women.	Number of Inhabitants to each Police-officer.	Year.	Total Strength including Police-women.	Number of Inhabitants to each Police-officer.
1930	2,115	848	1935	2,247	820
1931	2,107	856	1936	2,289	809
1932	2,121	855	1937	2,280	815
1933	2,148	849	1938	2,271	825
1934	2,170	847	1939	2,333	809

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

VICTORIA—EXPENDITURE ON POLICE AND GAOLS,
1935-36 TO 1939-40.

Year ended 30th June.	Amount Expended (exclusive of Pensions) on—					Amount per Head of Population.
	Maintenance, &c.		Buildings.		Total.	
	Police.	Gaols and Penal Establishments.	Police.	Gaols and Penal Establishments.		
	£	£	£	£	£	s. d.
1936 ..	693,892	110,189	20,205	3,926	828,212	9 0
1937 ..	755,505	116,904	38,328	3,992	914,729	9 11
1938 ..	777,953	117,850	39,011	4,490	939,304	10 1
1939 ..	780,068	119,254	35,665	7,101	942,088	10 1
1940 ..	799,450	122,260	32,527	9,306	963,543	10 2

Executions.

During the thirty-four years ended with 1939 there were only thirteen executions in Victoria, one of which took place in 1908, one in 1912, two in 1916, two in 1918, one in 1922, one in 1924, one in 1932, two in 1936, and two in 1939. Since the first settlement of Port Phillip in 1835, 181 criminals (177 male and 4 females) have been executed within the State on account of the following offences.—Murder, 141; attempted murder, 17; robbery with violence, 9; burglary and wounding, 1; sexual offences, 12 and arson, 1.

Inquests.

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

VICTORIA—INQUESTS, 1935 TO 1939.

Year.	Inquests into the Deaths of—			Total Persons per 1,000 Deaths.
	Males.	Females.	Total Persons.	
1935	1,230	468	1,698	92·0
1936	1,239	511	1,750	93·2
1937	1,255	483	1,738	93·4
1938	1,234	535	1,769	93·3
1939	1,346	630	1,976	98·0