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## SECTION XXIII. PUBLIC JUSTICE.

### § 1. Police.

**1. Introductory.**—The following brief notes refer to the evolution of the force in Australia up to the passing of the Police Act of 1862 (25 Vic. No. 16) in New South Wales :—

The first Act of Parliament specially mentioning the establishment of a police force in Australia was passed in 1833 (4 Wm. IV. No. 7), the settlement from 1788 to that year having been under military rule. The Act provided for the appointment of two or more magistrates for the town and port of Sydney, empowered to select a certain number of suitable men for a police force. This force was at first restricted to the capital and its environs, but in 1838 a further Act was passed (2 Vic. No. 2) providing for the establishment and control of police in the chief country districts. About nine years later the prevalence of cases of horse and cattle stealing led to the formation of mounted patrols along the Great Western, Southern, and Northern roads, a central detachment being located in Sydney. The mounted police consisted principally of old soldiers. With the discovery of the goldfields in the early fifties, another branch of the force known as "gold police," also chiefly old soldiers, was established, and the various divisions were commanded by military officers styled "gold commissioners." While a large number of the members of the early force were actuated with the desire to carry out their duties honestly and efficiently, there were others who were totally unfitted for the service, and the general lack of cohesion and co-operation was reflected in the high criminal returns. A complete reorganisation was, however, effected by the Police Act of 1862 (25 Vic. No. 16), which placed the entire control in the hands of an Inspector-General, who, through the Chief Secretary, was made responsible to Parliament for the general efficiency of the system.

At the present time the police forces of Australia may be said to be satisfactory both in regard to physique and general intelligence, while as regards methods of prevention and detection of crime it is believed that the system in vogue here compares very favourably with those of the older-settled countries of the world.

**2. Strength of Police Force.**—The strength of the police force in each State during the five years ended 1909 was as follows. It may be mentioned that the police forces are entirely under State control, but, by arrangement, the Commonwealth Government utilises their services in various directions, such as the collection of Commonwealth electoral rolls, etc.

#### POLICE FORCES IN THE COMMONWEALTH, 1905 to 1909.

State.	Area of State in Sq. Miles.	1905.	1906.	1907.	1908.	1909.
New South Wales	310,372	2,342	2,342	2,381	2,417	2,435
Victoria...	87,884	1,495	1,518	1,546	1,552	1,598
Queensland	670,500	859	883	923	960	966
South Australia	903,690	420	422	444	429	442
Western Australia	975,920	492	507	488	492	475
Tasmania	26,215	234	229	226	232	234
Commonwealth	2,974,581	5,842	5,901	6,008	6,082	6,150

The figures for New South Wales for 1909 are exclusive of sixty-six "black trackers," *i.e.*, natives employed in detection of offenders in outlying districts, and five female searchers. In Queensland there were eighty-seven native police, including four engaged in the Water Police branch. The South Australian returns for 1909 are exclusive of forty "black trackers." There are also fifty-four "black trackers" in Western Australia and three female searchers not included in the table.

(i.) *Average Number of Inhabitants to each Police Officer.* The average number of inhabitants to each officer in each State during the same period is shewn below. In considering these figures allowance must, of course, be made for the unequal area and unequal distribution of the population of the various States.

### INHABITANTS TO EACH POLICE OFFICER, 1905 to 1909.

(COMMONWEALTH.)

State.	No. of Persons per Sq. Mile, 1901 Census.	Inhabitants to each Police Officer.				
		1905.	1906.	1907.	1908.	1909.
New South Wales ...	4.37	637	633	659	659	659
Victoria ...	13.67	815	812	807	819	804
Queensland ...	0.74	615	606	587	575	585
South Australia ...	0.40	900	910	884	949	929
Western Australia ...	0.19	518	516	536	543	571
Tasmania ...	6.58	774	787	814	801	787
Commonwealth ...	1.27	693	698	698	703	703

The above figures naturally shew a great disparity in the relative numbers of the population protected by each police officer in the various States, and also in the relative area of territory to each officer. Western Australia and South Australia exhibit the largest figures in the latter respect, this, of course, being due to the fact that extensive areas in each State are as yet unpeopled by white settlers.

**3. Duties of the Police.**—In addition to the ordinary employment attaching to their office, the police are called upon to perform many duties which in other countries are carried out by other functionaries. As far as the Statistician is concerned, it is found that the expert local knowledge possessed by the police renders their services in the collection of such returns as those relating to the agricultural, pastoral, and manufacturing industries, private schools, etc., more than ordinarily valuable. Then, again, the fact that their services are enlisted by such widely different departments as those dealing with mines, stock, agriculture, elections, registrations of births, deaths, and marriages, forestry, fisheries, explosives, old-age pensions, lunacy, public works, labour, etc., greatly enhances their general alertness by widening the range of their experience. Occasionally the objection is heard in some quarters that these special tasks involve some degree of sacrifice of ordinary routine duties, but that the general intelligence of the Australian police is adequate to the obligation to perform these tasks, besides being most creditable, results in a great saving of the public money.

**4. Cost of Police Forces.**—The expenditure from Consolidated Revenue on the police forces in each State during the five years 1905 to 1909 is shewn in the following table. Cost of buildings has been excluded from the return.

## COST OF POLICE FORCES IN THE COMMONWEALTH, 1905 to 1909.

State.	1905.	1906.	1907.	1908.	1909.
	£	£	£	£	£
New South Wales ... ..	435,577	434,934	462,804	466,994	472,718
Victoria ... ..	313,649	312,941	306,130	306,263	320,831
Queensland ... ..	159,464	176,086	202,184	207,043	220,344
South Australia ... ..	82,419	85,016	87,374	96,979	98,214
Western Australia ... ..	126,661	126,276	125,440	124,518	119,111
Tasmania ... ..	36,537	35,086	37,152	39,105	39,740
Commonwealth ... ..	1,154,307	1,170,339	1,221,084	1,240,902	1,270,958

The total for New South Wales includes £23,000 payment to Police Superannuation Fund; similar payments are included also in Victoria and Queensland. The cost per head of the population in each State for the period 1905 to 1909 was as follows:—

COST OF POLICE PER INHABITANT, 1905 to 1909.  
(COMMONWEALTH.)

State.	1905.	1906.	1907.	1908.	1909.
	s. d.				
New South Wales ... ..	5 11	5 9	5 11	5 11	5 11
Victoria ... ..	5 2	5 1	4 11	4 10	5 0
Queensland ... ..	6 1	6 7	7 5	7 6	7 8
South Australia ... ..	4 5	4 6	4 6	4 11	4 9
Western Australia ... ..	10 1	9 9	9 7	9 5	8 10
Tasmania ... ..	4 1	3 11	4 2	4 4	4 4
Commonwealth ... ..	5 9	5 9	5 11	5 11	5 11

The relatively high cost per head in Queensland and Western Australia is due to the fact that there are in those States extensive areas of sparsely settled country, in which mounted patrols have to be maintained.

## § 2. Lower (Magistrates') Courts.

1. **Introductory.**—In considering the criminal returns of the various States due allowance must be made on account of several factors, such as the relative powers of the courts, both lower and higher, etc. In the case of lower courts, the actual number of laws in each State, the breach of which renders a person liable to fine or imprisonment, must be taken into account. Again, the attitude of the magistracy and police towards certain classes of offences is a factor, for in the case of liquor laws, or laws connected with vagrancy or gaming, the views of magistrates, and instructions issued to the police, may be responsible for considerable variations in the returns. The strength and distribution of the police forces, and the age constitution and distribution of the State's population, also influence the results. In any consideration of criminal returns, due weight should also be given to the prevalence of undetected crime, but information on this point can only be obtained for the State of Victoria. It may be mentioned that each State has its own separate judicial system, the Commonwealth jurisdiction being confined to the High Court of Australia, which is largely a Court of Appeal intermediate

to the Privy Council, although it has also original jurisdiction, and the Commonwealth Court of Arbitration and Conciliation. Full particulars regarding the judicial power of the Commonwealth will be found in Chapter III. of the Commonwealth Constitution.

**2. Powers of the Magistrates.**—In New South Wales there is no general limit to the powers of the magistrates in regard to offences punished summarily, their authority depending in each case on the statute which creates the offence and gives them jurisdiction. Except in the case of a very few statutes, and excluding cumulative sentences, the power of sentence is limited to six months. Imprisonment in default of payment of fine is regulated by a scale limiting the maximum period according to the sum ordered to be paid, but in no case exceeding twelve months. Actions for debt and damage within certain limits also come within magisterial jurisdiction. In cases of debts, liquidated or unliquidated, the amount recoverable is not exceeding £50 before a court constituted of a stipendiary or police magistrate at certain authorised places, and not exceeding £30 at any other place before a court constituted of a stipendiary or police magistrate or two or more justices of the peace. The amount in actions of damage is limited to £10, but may extend to £30 by consent of parties.

In Victoria the civil jurisdiction of magistrates is restricted to what may be designated ordinary debts, damages for assault, restitution of goods, etc., where the amount in dispute does not exceed £50. No definite limit is fixed to the powers of the magistrates on the criminal side, and for some offences sentences up to two years may be imposed. The proportion of long sentences is, however, comparatively small, the total punishments of one year and upwards in 1908 comprising only 101 out of 18,775 sentenced.

In Queensland, generally speaking, the maximum term of imprisonment which justices can inflict is six months, but in certain exceptional cases, such as offences against sections 233 and 445 of the criminal code (betting-houses and illegally using animals), sentences of twelve months may be imposed. No limit exists as to the extent to which cumulative sentences may be applied, but in practice the term is never very lengthy.

In South Australia, under the Minor Offences Act, magistrates can impose sentences up to six months, and under the Summary Convictions Act, up to three months. The Police Act of 1869 gives power to sentence up to one year, with hard labour, in the case of incorrigible rogues, while under the Quarantine Act of 1877, and the Lottery and Gaming Act of 1875, sentences of two years may be imposed.

Under the Petty Sessions Act of 1967, in Tasmania, any person charged with having committed, or with having aided or abetted in the commission of an offence in regard to property of a value not exceeding £10, may, on conviction, for a first offence, before two or more justices in Petty Sessions, be imprisoned for any term not exceeding one year, and for a term not exceeding two years for a second or subsequent offence.

**3. Persons Charged at Magistrates' Courts.**—The total number of persons who were charged before magistrates in each State is given below for the five years 1905 to 1909:—

**PERSONS CHARGED BEFORE MAGISTRATES IN THE COMMONWEALTH,  
1905 to 1909.**

State.	1905.	1906.	1907.	1908.	1909.
New South Wales ... ..	61,127	65,197	67,183	66,233	64,502
Victoria ... ..	45,484	48,244	60,687	58,778	52,658
Queensland ... ..	17,943	18,849	18,621	19,687	19,824
South Australia ... ..	5,974	6,324	6,347	6,589	7,332
Western Australia ... ..	14,646	14,478	13,968	12,685	12,961
Tasmania ... ..	7,090	6,391	6,258	7,048	6,831
Commonwealth...	152,264	159,483	173,064	171,020	164,108

In explanation of the large increase shewn by Victoria for the year 1907 it is stated that the returns of summons were inflated by prosecutions under the new Licensing and Pure Food Acts and the Amending Education Act.

The figures given in the tabulation above include, of course, a number of people who were wrongly charged, and statistically are not of great importance. The actual number of convictions in connection with the persons who appeared before the lower courts in each year of the period 1905 to 1909 is, therefore, given hereunder. A separate line is added shewing the committals to higher courts.

### CONVICTIONS AND COMMITTALS AT MAGISTRATES' COURTS, 1905 to 1909.

(COMMONWEALTH.)

State.		1905.	1906.	1907.	1908.	1909.
New South Wales	{ Convictions	51,638	54,809	58,103	57,630	55,767
	{ Committals	1,454	1,286	1,130	1,015	1,081
Victoria	{ Convictions	34,134	37,740	46,731	43,705	38,801
	{ Committals	652	584	561	577	580
Queensland	{ Convictions	14,730	15,987	16,056	17,710	17,584
	{ Committals	495	440	464	417	442
South Australia...	{ Convictions	4,936	5,249	5,352	5,664	6,324
	{ Committals	152	168	105	89	111
Western Australia	{ Convictions	12,246	12,181	11,803	10,695	10,910
	{ Committals	253	182	193	187	177
Tasmania	{ Convictions	5,932	5,449	5,334	5,903	5,930
	{ Committals	59	55	46	63	44
All States ...	{ Convictions	123,616	131,415	143,379	141,307	135,316
	{ Committals	3,065	2,715	2,499	2,348	2,435

In connection with the variations in convictions at magistrates' courts, it may be noted that deductions in regard to the prevalence of lawlessness based on the totals alone must be largely qualified by several considerations. For example, as previously stated, the passing of new legislation may result in a sudden addition to the crop of convictions, which would not necessarily imply a corresponding growth in lawlessness. Further, the activity of the police in regard to the strict compliance with certain legislation, such as that dealing with Sunday observance, food standards, liquor trade, etc., may cause considerable variations in the returns. Hence references to the spread or otherwise of crime should more correctly depend on a consideration of the convictions for serious crime at the lower courts, and committals to, and convictions at, superior courts.

**4. Convictions for Serious Crime.**—While the figures given in the preceding table refer to the entire body of convictions, the fact must not be lost sight of that they include a large proportion of offences of a technical nature, many of them unwittingly committed, against various Acts of Parliaments. Cases of drunkenness and minor breaches of good order which, if they can be said to come within the category of crime at all, at least do so in a very different sense to some other offences, also help to swell the list. The following table has, therefore, been prepared for the purpose of shewing 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:—

**CONVICTIONS FOR SERIOUS CRIMES AT MAGISTRATES' COURTS, 1905 to 1909.**  
(COMMONWEALTH.)

State.	1905.	1906.	1907.	1908.	1909.
New South Wales ...	4,640	4,971	4,799	4,779	4,764
Victoria ...	2,944	2,879	2,672	2,794	2,626
Queensland ...	2,175	2,035	1,334	1,433	1,526
South Australia ...	441	437	499	540	513
Western Australia ...	1,256	1,215	1,301	1,143	1,074
Tasmania ...	660	522	438	575	548
Commonwealth ...	12,116	12,059	11,043	11,264	11,051

Owing to a reclassification adopted by Queensland in 1907, a large number of offences have been transferred from the class "Offences against the Person" to "Offences against Good Order," hence the falling-off shewn by that State in the last three years.

Compared with the population the above figures give the following results per 10,000 inhabitants:—

**CONVICTIONS FOR SERIOUS CRIME PER 10,000 INHABITANTS, 1905 to 1909.**  
(COMMONWEALTH.)

State.	1905.	1906.	1907.	1908.	1909.
New South Wales ...	31.5	32.9	31.0	30.2	29.7
Victoria ...	24.3	23.5	21.6	22.2	20.4
Queensland ...	41.4	38.2	24.8	26.1	27.0
South Australia ...	11.8	11.5	12.9	13.6	12.5
Western Australia ...	50.2	46.7	49.6	43.1	39.6
Tasmania ...	36.5	29.2	24.4	31.6	29.8
Commonwealth ...	30.1	29.5	26.6	26.6	25.6

**5. Decrease in Crime.**—The figures quoted in the preceding table show that there has been a considerable decrease in crime during the last few years, while if the comparison be carried back to 1881 the position is seen to be still more satisfactory. The rate of convictions at magistrates' courts per 10,000 of the population is given below for each of the years 1881, 1891, 1901, and 1909. Only the more serious offences, particularised in the preceding paragraph, have been taken into consideration.

**RATE OF CONVICTIONS FOR SERIOUS CRIME IN THE COMMONWEALTH.**

Year.	Convictions per 10,000 Persons.	
1881 ...	...	69.3
1891 ...	...	44.8
1901 ...	...	29.1
1909 ...	...	25.6

**6. Need of Statistic of Distinct Persons.**—The figures already quoted refer to total convictions, and in respect of individuals necessarily involve a considerable amount of duplication, especially in minor offences, such as drunkenness, petty larcenies, etc., in which the same offender appears before the court many times in the course of the year. In a

few of the States it is possible to obtain the number of distinct persons arrested, but there are no means of arriving at the total distinct persons convicted before the magistrates in any State. The forms submitted to and adopted by the Conference of Statisticians in 1906 provide for information as to separate persons convicted, irrespective of whether they were arrested or summoned, and thus the statistical tabulations will, it is hoped, possess in future greater comparative value. At present, however, the information is not sufficiently complete to be of value for statistical comparisons.

**7. Causes of Decrease in Crime.**—The statistics given show that there has been a considerable decrease in crime throughout Australia. The results so far quoted are restricted entirely to the lower or magistrates' courts. There has also been a gratifying decrease in regard to offences tried at the higher courts, as will be seen later.

Attempts have been made to account for this decline: *e.g.*, advance in education, enlightened penological methods, etc. Much depends upon what is meant by education. Many classed in census statistics as "educated" can barely read and write. In this connection, moreover, it ought not to be forgotten that collaterally with the introduction of ordinary intellectual education certain people have departed from their pristine virtues. The deterrent effect of punishment, in respect of many offences, notably drunkenness, vagrancy, petty larcenies, etc., appears to be almost negligible. In general, punishment has declined in brutality and severity, and has improved in respect of being based to a greater extent upon a scientific penological system, though in this latter respect there is yet much to be desired. Recent advances in penological methods will be referred to in a subsequent section. Here it will be sufficient to remark that under the old régime, a prisoner on completion of a sentence in gaol was simply turned adrift on society, and in many cases sought his criminal friends, and speedily qualified for readmission to the penitentiary. Frequently he was goaded to this by mistaken zeal on the part of the police, who took pains to inform employers of the fact of a man having served a sentence in gaol. For a long time any assistance to discharged prisoners was in the hands of private organisations, such as the Salvation Army Prison Gate Brigade, but in some of the States, and notably in New South Wales, the authorities themselves look after the welfare of discharged prisoners in the way of finding work, providing tools, etc.

Improvements in the means of communication and identification have been responsible for some of the falling-off noticeable in the criminal returns, the introduction of the Bertillon system having contributed to certainty of identification. Part of the improvement may no doubt be referred also to the general amelioration in social condition that has taken place during the last fifty years.

**8. Drunkenness.**—The number of cases of drunkenness and the convictions recorded in connection therewith during the period 1905 to 1909 will be found in the following table:—

**CASES AND CONVICTIONS—DRUNKENNESS, 1905 to 1909.**

(COMMONWEALTH.)

State.	1905.		1906.		1907.		1908.		1909.	
	Cases.	Convictions.								
New South Wales ...	24,135	24,003	25,399	25,253	28,255	28,109	27,976	27,817	27,495	27,363
Victoria ...	14,458	9,360	14,029	9,529	14,783	9,151	13,102	6,596	12,432	7,025
Queensland ...	6,638	6,592	7,493	7,473	9,066	9,002	9,203	9,185	9,109	9,102
South Australia ...	2,362	2,332	2,483	2,460	2,838	2,735	3,063	3,024	3,481	3,455
Western Australia ...	3,509	3,425	3,588	3,505	3,591	3,535	3,506	3,441	4,007	3,955
Tasmania ...	539	528	459	454	535	531	543	527	709	690
Commonwealth ...	51,641	46,240	53,451	48,674	59,068	53,063	57,393	50,590	57,233	51,590

The number of convictions is, as might naturally be expected, almost identical with the number of cases. Victoria, however, is an exception, but in this State it is explained that offenders are generally discharged on a first appearance, and no conviction is recorded, a similar procedure being also adopted in the case of those arrested on Saturday and detained in custody till Monday. The logic of excluding these cases from the list of convictions is certainly open to doubt.

The convictions for drunkenness per 10,000 of the population during each of the years from 1905 to 1909 are given hereunder :—

### CONVICTIONS FOR DRUNKENNESS PER 10,000 INHABITANTS, 1905 to 1909.

(COMMONWEALTH.)

State.	1905.	1906.	1907.	1908.	1909.
New South Wales ...	162.8	167.3	181.3	175.9	170.4
Victoria ...	77.2	77.9	73.9	52.4	54.7
Queensland ...	125.4	140.3	167.0	167.1	161.1
South Australia ...	62.2	64.7	70.9	76.0	84.1
Western Australia ...	136.8	134.8	134.8	129.8	146.0
Tasmania ...	29.5	25.4	29.6	29.0	37.5
Commonwealth ...	115.1	119.1	127.7	119.5	119.4

As the figures shew, there has been a remarkable fall in the convictions for drunkenness in Victoria. This is in part due to increasing leniency in dealing with the offence.

The convictions for drunkenness taken by themselves are not an altogether satisfactory test of the relative sobriety of the inhabitants of each State, inasmuch as several important factors must be taken into consideration. The age constitution, for example, of the people is by no means identical in each State, Western Australia having by far the largest proportion of adult males. The avocations of the people affect the result, since persons engaged in strenuous callings are, on the whole, more likely to indulge in alcoholic stimulants than those employed in less arduous ones. The distribution of the population is also a factor, the likelihood of arrest or summons for drunkenness obviously being greater in the more densely populated regions, and lastly, allowance must be made for the attitude of the police and public generally in regard to the offence.

It is not unusual to supplement statistics of drunkenness by furnishing also the relative consumption of alcoholic beverages. Deductions drawn therefrom will be very misleading if they fail to take into account also the consumption of non-intoxicating beverages such as tea and coffee, and the general habit of the people. Throughout the greater part of Europe, tea and coffee are consumed but sparingly, while Australia, as is well known, is one of the greatest tea-drinking countries of the world.

The following table shewing the consumption of spirits, wine, and beer per head of the population has, with the exception of the figures relating to the States of the Commonwealth, been compiled from returns prepared by the British Board of Trade. For New Zealand, Cape of Good Hope, and Canada the figures refer to the year 1908, and for foreign countries to the five years ended 1906. The figures quoted for the Commonwealth States in respect of spirits and beer refer to the year 1909. It is believed that the returns hitherto given by the Board of Trade regarding the consumption of wine in Australia do not in all cases furnish satisfactory results since figures based on a combination of returns of production and net export cannot be regarded as giving

a true statement of the consumption. Further the production of wine in any year does not necessarily enter into consumption in the same year, while allowance must also be made for the conversion of portion of it into brandy or vinegar. Satisfactory results cannot be obtained for the separate States, but the consumption for the Commonwealth as a whole may be set down as 0.5 gallon per head.

### CONSUMPTION OF ALCOHOLIC BEVERAGES IN VARIOUS COUNTRIES.

Country.	Consumption per Head of Population.			Country.	Consumption per Head of Population.		
	Spirits.	Wine.	Beer.		Spirits.	Wine.	Beer.
	Imp. Galls.	Imp. Galls.	Imp. Galls.		Imp. Galls.	Imp. Galls.	Imp. Galls.
United Kingdom...	0.85	0.25	26.70	Cape of Good Hope	0.52	2.04	1.30
New South Wales	0.81	} 0.5	10.07	Canada ...	0.83	0.09	5.50
Victoria ...	0.62		11.74	Russia... ..	0.95	...	0.97
Queensland ...	0.92		11.32	Norway ...	0.60	...	3.46
South Australia ...	0.57		8.26	Sweden ...	1.46	...	12.50
Western Australia	1.09		17.79	Denmark ...	2.54	...	20.60
Tasmania ...	0.51		8.52	German Empire	1.55	1.45	26.10
Commonwealth	0.75		10.98	Holland ...	1.50	0.37	...
New Zealand ...	0.78		0.16	10.00	Belgium ...	1.35	1.02
				France ...	1.36	30.70	7.90
				Switzerland ...	0.99	15.10	14.10
				Italy ...	0.26	25.10	0.18

9. **Treatment of Drunkenness as Crime.**—Though the problem of the correct method of dealing with dipsomania is by no means an easy one, it seems fairly clear that the present plan of bringing offenders before magistrates, and subjecting them to the penalty of imprisonment or fine, has little deterrent effect, as the same offenders are constantly reappearing before the courts. Further, the casting of an inebriate into prison, and placing him in his weakened mental state in the company of professional malefactors, doubtless tends to swell the ranks of criminals and certainly tends to lower his self-respect, while examination of the prison records in New South Wales some years ago disclosed the fact that over 40 per cent. of the gaol population had commenced their criminal career with a charge of drunkenness. During the last few years the dangers of moral contamination in this way have been more accurately appreciated, and a system of classification of prisoners has been adopted whereby the petty offender is as far as possible kept from association with the more evil-disposed. With regard to drunkards, however, the Comptroller of Prisons in New South Wales advocates the entire abandonment of the system of repeated fine or imprisonment in favour of a course of hospital treatment. The Comptroller-General of Prisons in Queensland states in his report for the year 1907 that "the drunken habit in many cases is merely one of many symptoms which jointly indicate the existence of a graver condition than simple habitual drunkenness."

10. **Remedial Treatment of Inebriates.**—Legislation has been passed in each State providing for the commitment of inebriates to special Government institutions, but so far New South Wales and Victoria are the only States in which such institutions have been established. The laws in the various States are as follows:—New South Wales, *Inebriates Act 1900*; Victoria, *Inebriates Act 1904*; Queensland, *Inebriate Institutions Act of 1896*; South Australia, *Inebriates Act of 1881*; Western Australia, *Lunacy Act 1903, Pt. iv., Habitual Drunkards*; Tasmania, *Inebriates Act 1885, Inebriate Hospitals Act 1892*. Curative work was first undertaken by the Government of New South Wales in 1907. The institutes are connected with the gaols, and, naturally, custodial measures are still a strong feature in their management; nevertheless the results so far have been encouraging. In Victoria an institute purporting to be wholly remedial was founded in

1907, but up to the end of December, 1909, only males had been admitted. It may be mentioned that there are private retreats in each State, but these are not officially subsidised or inspected.

**11. Treatment of Habitual Offenders.**—In New South Wales the Habitual Criminal Act of 1905 gives judges the power of declaring a prisoner, after a certain number of sentences, to be an habitual criminal, and as such to be detained until, in the opinion of the authorities, he is fit to be at large. At the end of 1909 there were thirty-five persons in prison under this Act. The Indeterminate Sentences Act came into force in Victoria in July, 1908. Somewhat similar Acts are in force in South Australia and Tasmania. The provisions of the Habitual Criminals Amendment Act of 1907 were put into force in South Australia in 1909, and four criminals have been sentenced in accordance with them. Legislation of this character has not yet been adopted in Queensland, where the Comptroller-General states that the class of offenders suitable for its operation is very limited. Naturally it will be some time before the effect of these measures on the prevalence of crime can be estimated. The Comptroller-General of Prisons in New South Wales states, however, that the system has exercised a wholesome deterrent effect on the criminal who is not a prisoner.

In illustration of the need for a Habitual Offenders Act to deal with professional criminals, the following statement culled from the report for 1909 of the Inspector-General of Police in New South Wales will be found of interest. In cases of breaking and entering, thirty-three persons committed 165 offences, or an average of five each. Of the total number, one man committed thirty-two offences, another thirteen, and another twelve. In simple larcenies, 139 persons committed 528 offences, one man being responsible for fifty-two charges, another fifty-six, and another seventeen. Under "burglaries" one man committed five offences; under "false pretences" one man committed nineteen, and another fifteen offences.

**12. Treatment of First Offenders.**—In all the States and New Zealand statutes dealing with first offenders have been in force for some years, the dates of passing the Acts being as follows:—New South Wales, 1894; Victoria, 1890; Queensland and South Australia, 1887; Western Australia, 1892; Tasmania and New Zealand, 1886. The method of procedure is practically the same in all cases, *i.e.*, with regard to most first offenders the magistrate or judge is empowered to allow the offender to go free on recognisances being entered into for his good behaviour for a certain period. In practice, this humane law has been found to work excellently, very few of those to whom its provisions have been extended having been found to relapse into crime.

**13. Children's Courts.**—Special courts for the trial of juvenile offenders have been established in New South Wales, Victoria, Western Australia, and New Zealand within the last few years, while Children's Courts, although not under that name, are practically provided for by the State Children's Acts of 1895 and 1900 in South Australia. The object of these courts is to avoid, as far as possible, the unpleasant surroundings of the ordinary police court. This subject is dealt with in detail in the section dealing with Public Hygiene. (See Section xxx.)

**14. Committals to Superior Courts.**—In a previous section it has been pointed out that comparisons of criminality based on a consideration of the total returns from magistrates' courts are somewhat inadequate, seeing that the figures include numbers of cases which are merely technical breaches of laws having in some instances a purely local significance. The committals to higher courts give a better basis of comparison, although even in this connection allowance must be made for the want of uniformity in jurisdiction. The table below gives the number of committals in each year from 1905 to 1909, with the proportion of such committals per 10,000 of the population. The rates are shewn on a separate line.

**COMMITTALS TO SUPERIOR COURTS (COMMONWEALTH), 1905 to 1909.**

State.		1905.	1906.	1907.	1908.	1909.
New South Wales ...	{ No.	1,486	1,334	1,172	1,060	1,135
	{ Rate	10.1	8.8	7.2	6.7	7.1
Victoria ...	{ No.	652	584	561	577	580
	{ Rate	5.4	4.8	4.5	4.6	4.5
Queensland ...	{ No.	495	440	464	417	442
	{ Rate	9.4	8.3	8.6	7.6	7.8
South Australia ...	{ No.	152	168	105	89	111
	{ Rate	4.1	4.4	2.7	2.2	2.7
Western Australia ...	{ No.	235	182	193	187	177
	{ Rate	9.4	7.0	7.4	7.0	6.5
Tasmania ...	{ No.	59	55	51	63	44
	{ Rate	3.3	3.1	2.8	3.5	2.4
Commonwealth ...	{ No.	3,079	2,763	2,546	2,393	2,489
	{ Rate	7.7	6.8	6.0	5.7	5.8

The above figures shew that there has been a decrease in serious crime, and, if the comparison be carried farther back, it will be found that the improvement has been considerable. This will be evident from an examination of the following figures, which shew the rate of committals per 10,000 persons in Australia at various periods since 1861:—

**RATE OF COMMITTALS IN AUSTRALIA, 1861 to 1909.**

Year ...	1861.	1871.	1881.	1891.	1901.	1909.
Committals per 10,000 inhabitants ...	22	14	12	11	8	6

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

### § 3. Superior Courts.

1. **Convictions at Superior Courts.**—The total number of convictions at superior courts, together with the rate per 10,000 of the population, is shewn below for each of the years 1905 to 1909:—

**CONVICTIONS AT SUPERIOR COURTS (COMMONWEALTH), 1905 to 1909.**

State.		1905.	1906.	1907.	1908.	1909.
New South Wales ...	{ No.	819	707	629	614	619
	{ Rate	5.6	4.7	4.0	3.9	3.9
Victoria ...	{ No.	382	339	368	365	352
	{ Rate	3.2	2.8	3.0	2.9	2.7
Queensland ...	{ No.	288	249	268	292	345
	{ Rate	5.5	4.7	4.6	4.8	6.1
South Australia ...	{ No.	85	92	74	68	86
	{ Rate	2.3	2.4	1.9	1.7	2.1
Western Australia ...	{ No.	161	150	176	106	87
	{ Rate	6.4	5.8	6.7	4.0	3.2
Tasmania ...	{ No.	24	32	39	29	24
	{ Rate	1.3	1.8	2.2	1.6	1.3
Commonwealth ...	{ No.	1,759	1,569	1,554	1,474	1,513
	{ Rate	4.4	3.8	3.7	3.5	3.5

In considering the above figures allowance must be made for the various factors enumerated in a preceding paragraph. Only when this is done will the comparatively unenviable pre-eminence of Western Australia in regard to serious crime be explained. Tasmania, it will be noted, shews by far the smallest proportion of serious crime, while a reference to a preceding table discloses the fact that the island State is relatively the smallest consumer of alcoholic beverages. That a definite causal relation exists between the figures shewn by the respective tables is not, however, obvious.

**2. Offences for which Convictions were Recorded at Superior Courts.**—In the following table will be found a classification of the principal offences for which persons were convicted at the higher courts during each year of the period 1905 to 1908. Owing to lack of uniformity in the presentation of the returns for the several States the information is confined to the chief offences against the person only. The figures quoted refer to convictions in the Commonwealth during the period dealt with.

**CONVICTIONS FOR SERIOUS CRIME, SUPERIOR COURTS, 1905 to 1908.**  
(COMMONWEALTH.)

Offences.	1905.	1906.	1907.	1908.
Murder and attempts at ... ..	32	35	26	26
Manslaughter ... ..	14	21	19	20
Rape and crimes of lust ... ..	96	70	90	60
Other offences against the person ... ..	256	239	255	278

The comparison necessarily closes with the year 1908, owing to non-receipt of returns from Tasmania for 1909.

While the convictions for manslaughter and crimes of lust are identical in the opening and closing years of the period dealt with, those for murder declined by about 19 per cent. The general total of convictions for all offences against the person shews a decline since 1901 of about 10 per cent.

**3. Capital Punishment.**—The table below gives the number of executions in each State during the period 1905 to 1909:—

**EXECUTIONS (COMMONWEALTH), 1905 to 1909.**

State.	1905.	1906.	1907.	1908.	1909.
New South Wales ... ..	...	1	3	...	...
Victoria ... ..	...	...	...	1	...
Queensland ... ..	2	3	1	...	2
South Australia ... ..	1	1	...	1	...
Western Australia ... ..	3	1	1	2	1
Tasmania ... ..	...	...	...	...	...
Commonwealth ... ..	6	6	5	4	3

In the early days of the history of Australia the penalty of death was attached to a large number of offences, many of which at the present time would be dealt with in the lower or magistrates' courts. With the growth of settlement, and the general amelioration in social and moral conditions, the list was, however, considerably curtailed, and the existing tendency is practically to restrict death sentences to cases of murder. It may be remarked that in cases of rape, which is a capital offence in some of the Australian

States, the penalty has been but sparingly inflicted during the last few years. Juries are reputed to be loth to convict on this charge, owing to the uncertainty whether sentence of death will be pronounced.

During the period 1861 to 1880 the average number of executions in the Commonwealth was nine, from 1881 to 1900 the average was six, while for the period 1901 to 1909 the figure stood at five.

#### § 4. Prisons.

1. **Prison Accommodation and Prisoners in Gaol.**—The table below shows the number of prisons in each State and the accommodation therein at the end of 1909:—

##### PRISONS AND PRISON ACCOMMODATION (COMMONWEALTH), 1909.

State.	Number of Prisons.	Accommodation in—		Prisoners at End of Year.
		Separate Cells.	Wards.	
New South Wales ... ..	30	2,193	759	1,333
Victoria ... ..	18	1,480	729	844
Queensland ... ..	12	559	416	516
South Australia ... ..	15	812	292	276
Western Australia ... ..	27	683	238	*365
Tasmania ... ..	2	251	23	81
Commonwealth ... ..	104	5,978	2,457	3,415

\* Exclusive of 656 aborigines.

The number of prisoners in gaol, exclusive of debtors, at the 31st December in each of the years 1905 to 1909, is given below. A separate line is added in each instance shewing the proportion per 10,000 of the population.

##### PRISONERS IN GAOLS (COMMONWEALTH), 1905 to 1909.

State.	1905.	1906.	1907.	1908.	1909.	
New South Wales ... ..	{ Number	1,678	1,519	1,437	1,417	1,333
	{ Proportion	11.4	10.1	9.3	9.0	8.3
Victoria ... ..	{ Number	990	927	916	875	844
	{ Proportion	8.2	7.6	7.4	7.0	6.5
Queensland ... ..	{ Number	535	507	501	493	516
	{ Proportion	10.2	9.5	9.3	9.0	9.1
South Australia ... ..	{ Number	259	237	255	247	276
	{ Proportion	6.9	6.2	6.6	6.2	6.7
Western Australia ... ..	{ Number	465	402	502	351	365
	{ Proportion	18.6	15.5	19.1	13.2	13.5
Tasmania ... ..	{ Number	92	89	89	96	81
	{ Proportion	5.1	5.0	5.0	5.3	4.4
Commonwealth ... ..	{ Number	4,019	3,681	3,700	3,479	3,415
	{ Proportion	10.0	9.0	8.9	8.2	7.9

From the preceding table it will be seen that the proportion to population of prisoners in gaol has fallen considerably during the last five years, while, if the comparison be carried farther back, the position is seen to be still more favourable, the prisoners in gaol in the Commonwealth numbering as much as 16 per 10,000 of the population in 1891.

**2. Improvement of Penological Methods.**—During recent years Australia, in common with most other civilised countries, has introduced considerable modifications and improvements in methods of prison management. Under the old régime punishment partook more or less of the character of reprisal for wrongdoing, and the idea of constituting the prison as a reformatory agency was in the background. But of recent years there has been an earnest attempt at effecting a moral reformation in the unfortunates who lapse into crime. This aspect of prison management has been specially prominent in New South Wales. As pointed out by the Comptroller-General of Prisons of that State, there are, however, certain directions in which improvements can be made. The danger and absurdity of sending drunkards to gaol has already been alluded to in a previous section, while present methods of dealing with vagrancy, and particularly with prostitution, have proved quite inadequate. A step in the right direction has however been taken in New South Wales, where, under the Prisoners' Detention Act, prisoners afflicted with certain diseases may be detained until the medical authorities pronounce them to be free from contagion. Unfortunately the Act does not apply to persons imprisoned in default of paying fines.

The general reorganisation of the New South Wales prison system may be said to date from the year 1896. Briefly stated, the chief reforms which have been introduced are as follows:—(a) Prevention of contamination consequent on evil association by the adoption of the "restricted association" scheme, under which prisoners are allowed to have as little intercourse with each other as possible, each prisoner having a separate cell, and mingling with other prisoners only at exercise or at work, and then under close supervision. (b) Careful classification of prisoners to avoid contact of minor or first offenders with the more hardened. (c) Better prison fare. (d) Abolition of solitary confinement in dark cells. (e) Lighting cells up to a reasonable hour at night and allowing well-conducted prisoners the privilege of reading interesting books. (f) Abolition of the practice of sending young children to gaol. (g) Attempt at scientific treatment of the habitual offender. (h) Special penitentiary for women prisoners. (i) Provisions for helping prisoners on leaving gaol to find work through the agency of the Discharged Prisoners' Aid Society. Assistance in this direction is also given by numerous clerical and lay helpers.

In 1902 the system of finger-print identification of criminals was introduced, and by the year 1903 bureaux had been established in the various States for the exchange of records. Very successful results have attended the introduction of the system.

Space will not permit of more than a passing reference to the improvements brought about in prison management in the other States. In Victoria there is an excellent system of classification and allocation of prisoners to different gaols, while at the important penal establishment at Pentridge a careful segregation into no less than five distinct classes is carried out. In common with the other States the latest humane methods of accommodation and prison treatment have for some time been employed.

Queensland prisons have been considerably modernised during the last few years. The prison for females at Brisbane has been built on the radiating plan, and embodies the latest ideas in penological methods. Classification of prisoners has been fully carried out in the male and female divisions of Brisbane prison, and at the Stewart's Creek penal establishment. The construction of the buildings does not, however, permit of the plan being adopted in its entirety in all Queensland prisons. It is stated by the Comptroller-General of Prisons that the classification adopted has already resulted in a decrease in the total number of female prisoners received.

Unusual circumstances have combined to keep crime at a low point in South Australia. In the first place there was never any transportation of criminals to the State,

while in the earlier years of its history South Australian lawbreakers were transported elsewhere. The present system was drafted mainly on English and European lines by the late W. R. Boothby, C.M.G., and under his directions and that of his successor has been found to work admirably.

There is no special information available with regard to the prison systems of Western Australia and Tasmania.

### § 5. Civil Courts.

1. **Lower Courts.**—The transactions of the lower courts on the civil side during each of the last five years are given in the table hereunder. As pointed out previously, the jurisdiction of the courts is by no means uniform in the various States. The figures, however, possess a certain value as indicating that, in comparison with other years, resort to litigation is on the decline in Australia.

#### LOWER COURTS.—CIVIL CASES, COMMONWEALTH, 1905 to 1909.

State.		1905.	1906.	1907.	1908.	1909.
New South Wales	{ Cases No.	22,497	20,573	26,548	30,472	32,637
	{ Amt. judg. £	*	*	63,350	83,372	87,432
Victoria	{ Cases No.	26,393	25,320	26,255	32,005	36,894
	{ Amount £	121,525	123,625	123,732	157,334	162,393
Queensland	{ Cases No.	10,061	10,311	10,304	12,016	12,244
	{ Amount £	36,553	36,408	35,576	42,863	43,363
South Australia	{ Cases No.	11,518	11,844	11,737	13,068	13,627
	{ Amount £	30,335	29,123	31,804	39,627	41,811
Western Australia	{ Cases No.	8,224	10,109	9,930	10,570	10,681
	{ Amount £	53,681	62,556	57,000	59,863	50,261
Tasmania	{ Cases No.	3,452	3,673	3,568	3,023	4,450
	{ Amount £	25,106	22,095	19,574	22,148	26,706
Commonwealth	{ Cases No.	82,145	81,830	88,342	101,154	110,533
	{ Amount £	†267,200	†273,807	331,036	405,207	411,966

\* Not available. † Exclusive of New South Wales.

The figures just given represent the returns from Petty Sessions Courts in New South Wales and Victoria, the Petty Debts Cases in Queensland, the Local Courts of South Australia and Western Australia, and the Court of Requests in Tasmania.

2. **Superior Courts.**—In the next table will be found the transactions on the civil side in the Superior Courts during each of the years 1905 to 1909.

The New South Wales returns are to some extent defective, as the figures quoted for amount of judgments include in the case of the Common Law jurisdiction of the Supreme Court the total judgment signed, while in the case of the other States the figures refer to sums actually adjudged after trial. For New South Wales, also, the transactions of district courts refer to the total amounts sued for, and not the sums actually awarded after trial. Statistically the chief importance of the table consists in the fact that it shews a marked decline in litigiousness in Australia.

**SUPERIOR COURTS.—CIVIL CASES, 1905 to 1909.**

(COMMONWEALTH.)

State.		1905.	1906.	1907.	1908	1909.
New South Wales	{ Causes No.	1,118	915	652	694	800
	{ Amt. judg. £	277,292	266,896	267,230	356,210	397,681
Victoria	{ Causes No.	678	620	694	783	733
	{ Amount £	51,467	50,194	46,070	77,081	59,785
Queensland	{ Causes No.	101	118	129	148	142
	{ Amount £	15,245	11,551	8,845	11,574	40,964
South Australia...	{ Causes No.	22	32	29	27	34
	{ Amount £	1,229	2,207	8,986	5,378	14,081
Western Australia	{ Causes No.	621	595	541	449	414
	{ Amount £	74,431	52,770	67,946	63,649	60,537
Tasmania	{ Causes No.	249	136	189	215	178
	{ Amount £	9,283	4,083	7,907	10,589	6,243
Commonwealth	{ Causes No.	2,789	2,416	2,234	2,316	2,301
	{ Amount £	428,947	397,701	407,584	524,481	579,291

3. **Divorces and Judicial Separations.**—The number of divorces and judicial separations in each State during the period 1905 to 1909 is shewn below :—

**DIVORCES AND JUDICIAL SEPARATIONS, 1905 to 1909.**

(COMMONWEALTH.)

State.	1905.		1906.		1907.		1908		1909.	
	Divorces.	Judicial Separations	Divorces.	Judicial Separation	Divorces.	Judicial Separations	Divorces.	Judicial Separations	Divorces.	Judicial Separations
New South Wales	176	15	175	10	223	14	195	15	275	12
Victoria	136	1	123	2	134	...	151	1	138	1
Queensland	5	1	14	3	12	1	11	2	16	...
South Australia	6	...	3	1	11	...	8	...	12	1
Western Australia	11	1	18	...	16	...	19	...	13	1
Tasmania	2	...	5	...	8	...	7	...	12	1
Commonwealth	336	18	338	16	404	15	391	18	466	16

The average annual number of divorces and judicial separations in the Commonwealth at decennial periods from 1871 to 1900 and for the nine years 1901 to 1909 given hereunder :—

**DIVORCES AND JUDICIAL SEPARATIONS, 1871 to 1909.**

	1871-1880.	1881-90.	1891-1900.	1901-9
Commonwealth	29	70	358	396

The bulk of the divorces and judicial separations refer, as the table shews, to New South Wales and Victoria, the Acts of 1892 and 1889 in the respective States making the separation of the marriage tie comparatively easy. In some statistical works it is customary to compare the divorces in any year with the marriages in the same year. The comparison is, however, quite valueless, as there is no necessary connection between the figures. Some value would attach to a comparison of the number of divorces with the number of married people living, but the latter information cannot be obtained with accuracy except at Census periods.

4. **Probates.**—The number of probates and letters of administration granted, together with the value of the estates concerned, is shewn below for each State for the period 1905 to 1909:—

**PROBATES AND LETTERS OF ADMINISTRATION, COMMONWEALTH,  
1905 to 1909.**

State.	1905.	1906.	1907.	1908.	1909.	
New South Wales ... ..	{ Number	2,804	2,852	3,084	3,094	3,185
	{ Value £	7,714,416	7,529,437	7,563,499	7,838,572	11,142,063
Victoria ... ..	{ Number	3,853	3,982	4,156	4,345	4,069
	{ Value £	6,003,478	6,424,738	6,860,143	7,123,085	6,480,376
Queensland ... ..	{ Number	584	602	1,160	706	679
	{ Value £	1,016,495	1,794,742	1,670,184	1,376,255	1,508,883
South Australia ... ..	{ Number	902	1,020	975	1,025	1,115
	{ Value £	1,294,968	2,041,280	1,923,954	2,105,351	1,939,509
Western Australia ... ..	{ Number	406	476	433	455	413
	{ Value £	676,920	544,245	1,154,126	955,995	939,318
Tasmania ... ..	{ Number	270	343	414	346	361
	{ Value £	504,196	862,222	841,227	1,023,629	722,011
Commonwealth ... ..	{ Number	8,819	9,275	10,222	9,971	9,822
	{ Value £	17,210,473	19,196,664	20,013,133	20,427,887	22,732,165

As may naturally be expected, the figures in the above table giving the value of property left each year, shew considerable variations.

5. **Bankruptcies.**—The returns in bankruptcy during each of the last five years are given hereunder.

For several reasons comparisons drawn from the figures in the following table are of little value. In the first place, the statements of assets and liabilities are notably unsatisfactory, particularly in regard to the former. Then, again, there is wide dissimilarity in regard to the laws in force in the various States and the method of procedure thereunder in connection with bankruptcy. Further, there are no means of knowing how many persons in each State who were in a bankrupt condition made private arrangements with their creditors either personally or by intervention of a solicitor. The figures quoted in the table exclude the private arrangements in Victoria and South Australia, and the liquidations in Queensland and Tasmania.

## BANKRUPTCIES, COMMONWEALTH, 1905 to 1909.

State.	1905.	1906.	1907.	1908.	1909.	
New South Wales ...	(Number	421	406	333	356	381
	Liabilities £	289,220	179,740	219,669	322,850	168,169
	Assets £	160,123	93,201	152,454	185,507	82,563
Victoria ...	(Number	570	517	448	514	370
	Liabilities £	235,773	231,828	196,879	179,050	123,627
	Assets £	74,673	81,144	53,849	62,998	98,041
Queensland ...	(Number	259	307	236	303	323
	Liabilities £	61,827	45,583	42,348	70,064	63,321
	Assets £	14,634	7,045	8,475	10,031	34,541
South Australia ...	(Number	39	93	99	105	108
	Liabilities £	11,680	59,412	59,681	142,450	64,775
	Assets £	6,102	44,781	33,029	92,719	42,340
Western Australia ...	(Number	107	126	113	100	86
	Liabilities £	51,418	59,364	48,927	49,485	31,791
	Assets £	23,408	22,012	29,174	17,423	19,252
Tasmania ...	(Number	4	5	7	1	5
	Liabilities £	1,019	2,340	7,529	...	3,903
	Assets £	187	1,440	1,756	...	954
Commonwealth ...	(Number	1,400	1,454	1,236	1,379	1,273
	Liabilities £	650,937	578,287	575,033	763,899	461,586
	Assets £	279,127	249,623	278,737	368,978	277,691

6. High Court of Australia.—Under the provisions of section 71 of the Commonwealth Constitution Act, the judicial power of the Commonwealth is vested in a Federal Supreme Court, called the High Court of Australia, and in such other courts as the Parliament creates or invests with federal jurisdiction. The Federal High Court possesses both original and appellate jurisdiction, but so far its activities have been confined principally to the latter form. The powers of the court are defined in Chapter III. of the Constitution Act and in the Judiciary Act of 1903. At present the court consists of a Chief Justice and four other judges. Sittings of the court are held in the capitals of the various States as occasion may require. The following statement shews the transactions of the High Court for the quinquennium 1905-9:—

## COMMONWEALTH HIGH COURT TRANSACTIONS, 1905 to 1909.

Items.	1905.	1906.	1907.	1908.	1909.
I. ORIGINAL JURISDICTION.					
Number of writs issued ...	16	23	38	30	27
Number of causes entered for trial ...	12	5	11	8	4
Verdicts for plaintiffs ...	11	5	7	4	3
Verdicts for defendants ...	1	1	4	5	1
Otherwise disposed of ...	3	6	17	11	17
Amount of judgments ...	£1,330	£2,395	£1,092	£1,058	£182
II. APPELLATE JURISDICTION.					
Number of appeals set down for hearing ...	89	93	72	87	76
Number allowed ...	41	42	34	31	40
Number dismissed ...	31	34	30	36	29
Otherwise disposed of ...	17	17	8	20	7
III. AMOUNT OF FEES COLLECTED.					
Amount in each year...	£523	£566	£523	£558	£505

### § 6. Cost of Administration of Justice.

The table below shews the expenditure from Consolidated Revenue during each of the last five years in connection with the administration of justice in each of the States. Expenditure on police and prisons has been separately shewn. With regard to the figures quoted for "other" expenditure, a slight allowance has to be made for the fact that some extraneous expenditure has been included which it was found impossible to disentangle from the total, but the amount is in no instance large. Cost of buildings has been excluded from the return.

#### EXPENDITURE ON JUSTICE, COMMONWEALTH, 1905 to 1909.

State.	1905.	1906.	1907.	1908.	1909.	
	£	£	£	£	£	
New South Wales	Police	435,577	434,934	462,804	466,994	472,718
	Gaols	93,443	85,835	83,962	84,129	79,814
	Other	227,069	216,141	244,092	242,796	245,024
Victoria	Police	313,649	312,941	306,130	306,263	320,831
	Gaols	48,841	49,408	49,866	49,025	49,869
	Other	126,200	124,689	122,251	135,248	147,146
Queensland	Police	159,464	176,086	202,184	207,043	220,344
	Gaols	22,573	22,724	23,558	23,797	24,174
	Other	67,621	69,108	85,234	85,804	99,914
South Australia	Police	82,419	85,016	87,374	96,979	98,214
	Gaols	16,599	17,232	15,535	15,981	16,841
	Other	29,905	30,423	29,169	30,884	33,662
Western Australia	Police	126,661	126,276	125,440	124,518	119,111
	Gaols	31,610	32,719	32,206	32,638	28,536
	Other	64,746	64,607	61,533	69,761	66,072
Tasmania	Police	36,537	35,086	37,152	39,105	39,740
	Gaols	5,893	5,731	5,465	5,795	5,698
	Other	17,267	20,911	18,610	16,901	14,511
Commonwealth	Police	1,154,307	1,133,339	1,221,084	1,240,902	1,270,958
	Gaols	218,959	3,649	210,592	211,365	204,932
	Other	532,808	525,879	560,889	581,394	606,329

The expenditure shewn in the foregoing table is that expended by the State Governments only, and does not include expenditure in connection with the Federal High Court, which is shewn below for the period 1904-5 to 1909-10:—

#### EXPENDITURE OF FEDERAL HIGH COURT, 1905 to 1910.

Year.	Amount.	Year.	Amount.
	£		£
1904-5	13,601	1907-8	23,230
1905-6	15,272	1908-9	24,037
1906-7	20,383	1909-10	23,677

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

## EXPENDITURE ON JUSTICE PER INHABITANT, COMMONWEALTH, 1905 to 1909.

State.		1905.	1906.	1907.	1908.	1909.
		s. d.				
New South Wales	Police	5 11	5 9	5 9	5 11	5 11
	Gaols	1 3	1 2	1 1	1 1	1 0
	Other	3 1	2 10	3 1	3 1	3 1
Victoria	Police	5 2	5 1	4 11	4 10	4 11
	Gaols	0 10	0 10	0 9	0 9	0 9
	Other	2 1	2 0	2 0	2 2	2 3
Queensland	Police	6 1	6 7	7 6	7 6	7 10
	Gaols	0 10	0 10	0 10	0 10	0 10
	Other	2 7	2 7	3 2	3 1	3 6
South Australia	Police	4 5	4 6	4 6	4 11	4 9
	Gaols	0 11	0 11	0 10	0 10	0 10
	Other	1 7	1 7	1 6	1 7	1 8
Western Australia	Police	10 1	9 9	9 7	9 5	8 10
	Gaols	2 6	2 6	2 6	2 6	2 2
	Other	5 2	5 0	4 8	5 3	4 10
Tasmania	Police	4 1	3 11	4 2	4 4	4 4
	Gaols	0 8	0 8	0 7	0 8	0 7
	Other	1 11	2 4	2 1	1 10	1 7
Commonwealth	Police	5 9	5 9	5 9	5 10	5 11
	Gaols	1 1	1 0	1 0	1 0	0 11
	Other	2 8	2 7	2 8	2 9	2 10

The total expenditure in the Commonwealth in connection with the administration of justice has fallen from ten shillings per inhabitant in 1901 to nine shillings and eightpence in 1909. Police expenditure has increased by about twopence per head, the average for gaols is about twopence per head less, while the expenditure on courts and the remaining machinery of justice has fallen by fourpence per head, during the same period.