

## LAW, CRIME, ETC.

## THE HIGH COURT OF AUSTRALIA.

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

preserving the prerogative right of the King in Council to grant special leave of appeal from such a judgment. By section 75, the High Court is invested with original jurisdiction in all matters arising under any treaty; affecting consuls or other representatives of other countries; in which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party; between States, or between residents of different States, or between a State and a resident of another State; or in which a mandamus prohibition or injunction is sought against an officer of the Commonwealth. By sections 76, 77, and 78, the Parliament is empowered to confer additional original jurisdiction on the High Court in any matter arising under the Constitution, or involving its interpretation, or under any laws made by the Parliament; of admiralty and maritime jurisdiction; or relating to the same subject-matter claimed under the laws of different States; to define the jurisdiction of any Federal court other than the High Court, and the extent to which such jurisdiction shall be exclusive of that which belongs to or is invested in the courts of the States; to invest any court of a State with Federal jurisdiction; and to confer "rights to proceed against the Commonwealth or a State in respect of matters within the limits of the judicial power." By section 79 the Parliament may prescribe the number of Judges by whom the Federal jurisdiction of any court may be exercised; and section 80 provides for trial by jury of any offence against any law of the Commonwealth, and for the venue of the trial.

Common-  
wealth  
Judiciary  
Acts  
1903-06.

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

Privy Council, shall be exercised by a Full Court consisting of the three Justices.

Appeals on matters in respect of which an appeal lay to the Privy Council at the establishment of the Commonwealth, are to be heard before a Full Court, consisting of three Justices; and also applications for a certificate that a question, decided by the High Court, as to the constitutional powers of the Commonwealth and a State is one which ought to be determined by the Privy Council. The following matters are to be heard before a Full Court, consisting of two or more Justices:—Applications for leave, or special leave of appeal; cases or questions referred by a single Judge; appeals from a single Judge, or from other courts exercising Federal jurisdiction; appeals on questions of law from the Inter-State Commission; and applications for a new trial.

In addition to the original jurisdiction conferred by section 75 of the Constitution, previously mentioned, the High Court is, by section 30 of the Judiciary Act, invested with original jurisdiction in all matters arising under the Constitution, or involving its interpretation; and by section 33 is empowered to make orders or issue writs of mandamus and prohibition in certain cases. Part V. of the Act limits and defines the appellate jurisdiction; Part VI. defines the matters in which the jurisdiction of the High Court is exclusive; Part VII. deals with the removal of causes arising under the Constitution, and pending in any State court on appeal, to the High Court; Part VIII. treats of the members and officers of the High Court; Part IX. of suits by and against the Commonwealth and the States; Part X. of criminal jurisdiction, and Part XI. contains supplementary provisions, dealing with appearance of parties, application of laws, venue, and rules of court.

#### THE LEGAL SYSTEM IN VICTORIA.

The law of Victoria, in its basic principles and main provisions, is founded on the law of England. All laws in force in England in 1828 were, so far as they should be held to apply to the circumstances of Australia, by Imperial Statute made law in New South Wales (which then included Victoria); and in case of any doubt as to the applicability, the Colonial Legislature was empowered to declare whether or not they did apply, or to establish any modification or limitation of them within the colony. The same Statute established a Legislature within New South Wales with power to make laws for that colony; and Supreme and other courts were established. On the separation of Port Phillip from New South Wales in 1851, the new colony of Victoria was invested with similar powers, which were widened on the establishment of responsible government in 1855. In order, therefore, to ascertain the law of Victoria as to any particular matter or point, considerable research is often involved. The first step is a search of the Victorian Statutes; and if the matter is fully dealt with there, the labour is concluded; but, if it has never been dealt with by any Victorian Act, recourse must be had to the Statutes of New South Wales, and the Imperial Statutes

specially applicable to New South Wales passed between 1828 and 1851. If no law on the point is obtainable from these sources, the law of England in 1828 must be ascertained, which in most cases is found in the English text-books. Having found the apparent law from either of these sources, it is still necessary to search through series of law reports for decisions which may either modify or interpret the same.

#### LITIGATION AND LEGAL BUSINESS.

Supreme  
Court civil  
business.

The Supreme Court of Victoria was first established in 1852, and its constitution and powers remain substantially unaltered by recent legislation, although the procedure has been entirely remoulded by the "Judicature Act of 1883." There were in 1906, five judges, viz., a Chief Justice and four Puisne Judges.

The following is a statement of Supreme Court business during 1891, 1895, and the last five years:—

#### SUPREME COURT CIVIL CASES, 1891 TO 1906.

Year.	Writs of Summons.		Causes Entered for Trial.	Causes Tried.	Verdicts for—		Amount Awarded.
	Number Issued.	Amount Claimed.			Plaintiff.	Defendant.	
		£					£
1891 ..	5,744	304,377	479	247	119	64	57,713
1895 ..	2,115	140,292	254	187	101	33	41,487
1902 ..	844	109,012	191	101	52	16	6,717
1903 ..	770	148,516	172	122	54	40	11,135
1904 ..	767	129,361	159	98	36	19	5,513
1905 ..	623	88,079	117	96	21	9	3,986
1906 ..	533	56,867	128	64	22	19	7,358

Decline in  
litigation.

The decline in litigation in the Supreme Court since 1891, to which attention was directed in previous issues of this work, still continues. In 1906, the writs issued were about one-eleventh; the amount sued for was less than one-fifth; and the causes which actually came to trial were only about one-fourth of the number in 1891. Notwithstanding the decrease in litigation, the census of 1901 showed the number of barristers and solicitors as 820, an increase of 90 over the number as shown at the previous census of 1891. The figures show that a very small proportion of writs result in actual trials, whilst a large number of trials are either abandoned before a verdict is given, postponed to the following year, or settled.

County  
Courts  
business.

County Courts have a jurisdiction both in equity and common law cases, limited to £500; and to try 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 1906, there were 105 sessions lasting 338 days held in 41 places. Particulars of litigation in 1891, 1895, and the last five years are as follow:—

COUNTY COURT CASES, 1891 TO 1906.

Year.	Number of Cases tried.	Amount sued for.	Amount awarded.	Costs awarded to—	
				Plaintiff.	Defendant.
		£	£	£	£
1891	9,947	293,073	115,199	14,006	7,263
1895	1,361	219,285	73,091	7,256	5,514
1902	622	169,968	52,202	5,662	2,331
1903	584	126,670	42,004	3,923	2,923
1904	553	144,405	52,059	4,612	2,644
1905	582	145,884	47,481	4,096	2,383
1906	556	135,580	42,836	5,473	2,856

The number of cases tried continues below the average of ten years ago. The number in 1906 was less than in any preceding year, except 1904, and only one-eighteenth of that in 1891; but the amount sued for and awarded, and costs awarded, have not fallen off to anything like the same extent. This would seem to indicate that the public is less inclined than formerly to institute legal proceedings for the settlement of disputes; and that the County Court is not resorted to for the recovery of petty and trade debts to the same extent as in former years.

Courts of Petty Sessions were held at 234 places in Victoria in 1906 by stipendiary magistrates and honorary justices. Clerks of courts of ten years' standing, who have passed the prescribed examination, and barristers of five years' standing are eligible for appointment as police magistrates; but there is no legal training or knowledge of the law required as a condition precedent to the appointment of a person as an honorary justice of the peace. The jurisdiction is limited to what may be called ordinary debts, damages for assault, or restitution of goods, where the amount in dispute does not exceed £50. Particulars of such cases heard during a series of years are as follow:—

Petty Sessions civil business

COURTS OF PETTY SESSIONS: CIVIL CASES, 1891 TO 1906.

Year.			Cases heard.	Amount claimed.	Amount awarded.
				£	£
1891	..	..	33,030	210,255	144,158
1895	..	..	30,609	168,143	138,722
1902	..	..	20,421	116,936	96,166
1903	..	..	22,012	126,051	107,502
1904	..	..	22,046	133,560	116,757
1905	..	..	26,393	142,673	121,525
1906	..	..	25,320	145,847	123,625

In addition to the ordinary civil cases above mentioned, and to the criminal jurisdiction hereinafter mentioned, Courts of Petty Sessions deal with other business of a civil and quasi-criminal nature. During the year 1906, 683 appeals against municipal ratings, 782 maintenance cases, 493 fraud summonses against debtors, 7,261 electoral revision cases, 5,822 licences and certificates, and 1,461

miscellaneous cases were heard, and 471 persons alleged to be lunatics were examined. There has been a large decrease in the civil cases heard before magistrates and in the aggregate amount claimed and awarded since 1891; but since 1900 there has been an increase under each of the three headings.

Probates  
and letters  
of adminis-  
tration.

As compared with 1905, there has been a moderate increase in the number of probates and letters of administration issued, and in the value of property devised and bequeathed. There must, however, naturally be large differences in the aggregate value of property left in different years on account of the falling in of one or several very large estates during certain years. This matter is dealt with more fully over a long series of years in part "Accumulation" of this work. The following information is furnished for the last five years:—

PROBATES AND LETTERS OF ADMINISTRATION: RETURN FOR FIVE YEARS.

Year.	Probates.		Letters of Administration.		Both.	
	Number.	Property sworn under—	Number.	Property sworn under—	Number.	Property sworn under—
		£		£		£
1902 ...	2,590	6,483,077	1,386	1,088,405	3,976	7,571,482
1903 ...	2,527	5,239,913	1,357	834,164	3,884	6,074,077
1904 ...	2,533	5,224,103	1,294	537,981	3,827	5,762,084
1905 ...	2,810	5,444,796	1,043	558,682	3,853	6,003,478
1906 ...	2,923	5,787,296	1,059	637,412	3,982	6,424,738

INSOLVENCIES.

The number of failures and the declared assets and liabilities during the last five years were:—

Insolven-  
cies, &c.

INSOLVENCIES AND PRIVATE ARRANGEMENTS: RETURN FOR FIVE YEARS.

Year.	Insolvencies.			Private Arrangements.		
	Number.	Declared Liabilities.	Declared Assets.	Number.	Declared Liabilities.	Declared Assets.
		£	£		£	£
1902 ..	406	364,630	270,061	206	200,128	178,337
1903 ..	505	210,086	84,611	194	202,475	164,481
1904 ..	462	387,882	138,301	164	158,267	124,266
1905 ..	570	235,773	74,673	174	179,310	98,673
1906 ..	517	231,828	81,144	175	126,499	102,323

The number of insolvencies was greater in 1906 than in any of the four preceding years, except 1905, but the declared liabilities were smaller than in any year except 1903. Insolvencies are still much below the average of some years ago. Thus the average number during the last five years was 492, and the declared liabilities £286,040, whereas during the ten years, 1879 to 1888, the average yearly number was 612, with declared liabilities,

£661,720. During the eleven years, 1889 to 1899, when the failures resulting from the financial crisis swelled the returns, the yearly average number was 790, with declared liabilities, £2,037,292.

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

Year.	Voluntary.	Compulsory.	Total.
1902 ... ..	... 374	32	406
1903 ... ..	... 476	29	505
1904 ... ..	... 436	26	462
1905 ... ..	... 536	34	570
1906 ... ..	... 485	32	517

In the following return will be found the occupations, in six classes, of those who became insolvent and compromised with their creditors during the last five years, also the number of breadwinners in each class at the census of 1901, and the proportion of the former to the latter. The total number of insolvents does not include 169 whose occupations were not returned:—

#### OCCUPATIONS OF INSOLVENTS, 1902 TO 1906.

Occupation Groups.	Number of Breadwinners, Census, 1901.	Number of Insolvents, 1902 to 1906.	Proportion of Insolvents to every 1,000 Breadwinners.
Professional .. ..	35,224	190	5.39
Domestic .. ..	66,815	141	2.11
Commercial .. ..	79,048	897	11.35
Transport and Communication	31,516	320	10.15
Industrial .. ..	146,233	1,085	7.42
Primary Producers ..	165,147	571	3.46
Total .. ..	523,983*	3,204	6.11

\* Exclusive of 10,066 persons of independent means.

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

The following figures show the results for each of the five years, 1902 to 1906:—

Occupation Groups.	Number of Insolvents during—				
	1902.	1903.	1904.	1905.	1906.
Professional .. ..	43	35	29	43	40
Domestic .. ..	40	26	24	30	21
Commercial .. ..	176	186	175	172	188
Transport and Communication	69	71	44	55	81
Industrial .. ..	172	201	210	272	230
Primary Producers ..	87	134	114	131	105
Indefinite .. ..	25	46	30	41	27
Total .. ..	612	699	626	744	692

## DIVORCE.

Divorce, &amp;c.

Under the Divorce and Matrimonial Causes Act, passed in 1861, a petition might be presented to the Supreme Court (a) by a husband praying that his marriage might be dissolved, on the ground that his wife had, since the celebration thereof, been guilty of adultery; (b) by a wife praying that her marriage might be dissolved on the ground that since the celebration thereof, her husband had been guilty of incestuous adultery, or of bigamy with adultery, or of rape, or of sodomy, or bestiality, or of adultery, coupled with cruelty, or of adultery, coupled with desertion without reasonable excuse for two years.

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

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

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

The Act further provides for simplifying and cheapening the mode of procedure, for the hearing and trying of suits in private at the discretion of the court, for prohibiting the publication of evidence, for the intervention of the Attorney-General where collusion is suspected, and for the abolition of applications or decrees for the restoration



of conjugal rights. The Act can only be taken advantage of by persons domiciled in the State for at least two years. The number of petitions and decrees for dissolution of marriage and judicial separation during the last five years were as follow :—

**DIVORCES AND JUDICIAL SEPARATIONS: RETURN FOR FIVE YEARS.**

Year.			Petitions for—		Decrees for—	
			Dissolution of Marriage.	Judicial Separation.	Dissolution of Marriage.	Judicial Separation.
1902	...	...	157	...	109	...
1903	...	...	199	1	101	...
1904	...	...	175	3	140	1
1905	...	...	180	3	128	1
1906	...	...	165	4	119	2

Since jurisdiction was first conferred upon the Supreme Court of Victoria in matters matrimonial in 1861, 1,977 decrees for dissolution of marriage, and 89 decrees for judicial separation have been granted. Of these, 1,629 and 18 respectively were granted since 1890; that is, during the 30 years ended 1890 only 348 decrees for dissolution of marriage were issued, and 71 for judicial separation, or an average per annum of about twelve of the former and two of the latter; whereas, since the Divorce Act of 1889 received the Royal Assent in 1890 no less than 102 decrees per annum for dissolution of marriage were granted, but the decrees for judicial separation have decreased to about one per annum.

The following were the petitions and decrees for divorce in the Australian States and New Zealand during 1905, also the divorces per 10,000 married couples living :—

Divorce in Australia and New Zealand.

**DIVORCES IN AUSTRALIAN STATES AND NEW ZEALAND, 1905.**

State.			Petitions for—		Decrees for—		Divorces per 10,000 Married Couples.
			Dissolution of Marriage.	Judicial Separation.	Dissolution of Marriage.	Judicial Separation.	
Victoria	...	...	180	3	128	1	7.15
New South Wales	...	...	298	38	170	15	9.03
Queensland	...	...	12	3	4	1	.69
South Australia	...	...	11	...	6	...	1.09
Western Australia	...	...	33	2	11	1	4.05
Tasmania	...	...	9	...	2	...	.78
New Zealand	...	...	182	1	126	...	10.63

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

## LOTTERIES, GAMING AND BETTING ACT.

*Lotteries,  
Gaming,  
and Betting  
Act 1906.*

Abuses having sprung up with regard to totalizators, betting clubs, and street betting, which the existing law had proved inadequate to effectively deal with, an amending Act was passed in the last session of the State Parliament. This measure, Act No. 2,055, which also regulates the procedure of racing clubs, has already had a good effect, and its principal provisions are as follow :—

### LOTTERIES.

It is unlawful to print, publish, or exhibit in any newspaper or on any placard any information relating to an illegal lottery, managed in Victoria or elsewhere, or to print any ticket, chance, or share in any illegal lottery, or to sell, circulate, or exhibit any newspaper containing any information concerning such. To buy or sell an illegal lottery ticket is an offence, and placards and notices referring thereto are prohibited. Parcels must not be forwarded to promoters of illegal lotteries.

It is not necessary in order to secure a conviction to prove that Chinese lottery tickets referred to any particular lottery, or that any lottery has been or will be drawn. All lottery houses are declared to be common gaming houses.

### GAMING.

A "place" for gaming is defined to be any place whether within a building or not, either upon land or water, and whether private property or otherwise. The police may arrest without warrant any person found gaming in the street or in a public place. "Two-up," or any similar game, and hazard, are declared unlawful games, and all betting houses or rooms used principally for the purpose of enabling persons to bet are deemed common gaming houses.

Betting on a licensed racecourse during the holding of a race meeting is not a contravention of the Act.

Every person found in a common gaming house without lawful excuse is liable on conviction to a penalty of £5, and every person who acts or behaves as master or mistress of any house or office used for gaming is considered to be the occupier thereof, whether he or she is or is not the real owner or occupier. The maximum penalty on persons exhibiting placards or advertising betting houses is increased from £30 to £100, and in cases where imprisonment may be awarded the maximum term is increased from two to six months.

Newspapers are not allowed to publish information regarding betting prior to any intended horse race, or any advertisement from any club or association containing such particulars. Advertising by tipsters and selling tips are offences, but a newspaper may publish a forecast of the probable result of any race provided it is not by way of advertisement or for valuable consideration. Betting placards and notices are not to be posted anywhere.

Section 57 of the *Police Offences Act* 1890 is amended, so that all persons found in a common gaming house may be arrested, searched, and brought before the court, together with all money found upon their persons or in the premises.

The penalty on an owner or keeper of a gaming house for a first offence is £100 or not more than three months' imprisonment; for a second offence, £200 or not more than six months' imprisonment; and for any subsequent offence imprisonment for not more than twelve months.

*Lotteries,  
Gaming,  
and Betting  
Act 1906.*

#### TOTALIZATORS.

Any house or place where a totalizator is used or conducted is declared to be a common gaming house, and no person is allowed to act as agent for a totalizator. Laying totalizator odds or dealing in these tickets is unlawful. Hiring or lending any contrivance or premises for the purposes of gaming, and the wearing of disguises in or about gaming houses are offences.

#### COMMON GAMING HOUSES.

Any building or place where any unlawful game is carried on is to be deemed a common gaming house, notwithstanding that it is open only for the use of subscribers or members. Every owner and occupier of such house is guilty of an offence, unless proved ignorant of the use to which the premises were being put. The proprietor or occupier of any building or land used as a means of access or exit is also guilty of an offence.

Power is given to the owner of any premises or land who suspects that such are being used as a common gaming house (or as a means of access to or exit from) to take proceedings to determine the tenancy, the same as if it had expired by effluxion of time. The notice may be served personally on the occupier, but if he cannot be found, service may be effected by posting a copy of the notice on a conspicuous part of the premises. This notice may be cancelled by the Supreme Court on application by the occupier, and on proof that he has not allowed the house or place to be used for the purpose stated.

On the affidavit of an officer of police, showing reasonable grounds for suspecting that gambling is being carried on in any house or place, the Supreme Court may declare that it is a common gaming house. This declaration may be rescinded by the Supreme Court subject to restrictions, including the giving of security that it will not be used again for this purpose, on application by the owner, occupier, or by an officer of police. Publication of notice of declaration, and of rescission, must be made in the *Government Gazette*. On the notice of declaration being made, an officer of police must notify the same on two days in a newspaper circulating in the neighbourhood, and also cause the notice to be served on the owner or occupier either personally, or if this cannot be done promptly, by affixing a copy of it at or near the entrance to the premises. Any person covering, removing, defacing, or destroying this notice may on conviction be fined £200, or be sentenced to six months' imprisonment; but the fact that it has been so dealt with will be no answer to any proceedings that may be taken.

*Lotteries,  
Gaming,  
and Betting  
Act 1906.*

After publication of this notice any person found in, entering, or leaving these premises may without warrant be arrested by any member of the police force, and unless he can prove that he was ignorant of the declaration or had some lawful purpose in view, shall be deemed guilty of an offence. No business of any kind is allowed to be carried on in respect to any place against which the declaration is in force. In the case of convicted persons frequenting declared gaming houses the penalty is not less than £5 nor more than £25, or imprisonment for any term not less than fourteen days or more than twelve months. Penalties are provided against both owner and occupier if the premises are used in contravention of the Act.

Whilst the declaration is in force, the police may at any time enter any land or building, break open doors and windows, seize any instruments of gaming or betting, money, or securities found therein, and arrest, search, and bring before a Court of Petty Sessions all persons found on the premises. Any person obstructing the police, or soliciting others to do so, is liable to a penalty of not less than £5 nor more than £50, or to imprisonment for a term of not less than seven days or more than three months.

#### PREMISES ADJOINING GAMING HOUSES.

Section 49 of the Act provides a penalty for permitting premises to be used as a means of access to or exit from any common gaming house. If there is reason to suspect that any person permits his premises to be so used, a special warrant may be obtained, authorizing any constable or peace officer to enter (whether by breaking open doors or otherwise), or to pass through, from, over and along such suspected place, seize all tables and instruments of gaming, and all money and securities, and arrest all persons found in, entering or leaving the premises, who may be fined not less than £1 or more than £5.

#### STREET BETTING.

The penalties for offences under the *Street Betting Suppression Act 1896* are altered by this Act, and are now as follow:—For a first offence, a fine of not less than £20 nor more than £100, or imprisonment for not less than fourteen days or more than three months; for a second offence, not less than £100 nor more than £200 or imprisonment for not less than three months or more than six months; and for any subsequent offence, imprisonment for not less than six months or more than twelve months.

The word "thoroughfare" is to be taken to include any land, house, building, or premises along which the public pass from one street to another, whether by the permission or sufferance of the owner or occupier, and whether such passage is or is not at all times open or available to the public.

The fact that an infant making a wager or bet does so on behalf of another person, does not exempt the person making the wager with the infant from punishment.

## RESTRICTIONS ON RACE MEETINGS.

All race-courses must be licensed, and no race meeting may be held except on a licensed race-course between the hours of ten o'clock before noon and seven o'clock in the evening. *Lotteries, Gaming, and Betting Act 1906.*

No race meeting for horse races is to be held on any race-course within 20 miles from the General Post Office, Melbourne, on more days than that allowed in the licence, but not to exceed sixteen days in any one year, and on any other race-course on more than twelve days in a year.

No race meeting for pony races is to be held on any race-course within 20 miles from the General Post Office, Melbourne, on more than sixteen days in any one year, or if there are more than three such race-courses, the number of days for each race-course is not to exceed the quotient (omitting fractional parts) obtained by dividing the number 48 by the number of race-courses. If the race-course is outside the 20 miles Metropolitan radius, the number of days in any one year for pony race meetings is not to exceed four.

A limit of twenty meetings is imposed for trotting races held on any race-course within 20 miles of the General Post Office.

At any race meeting for horses, there may also be held on each day not more than two pony races or two trotting races, or more than one pony race and one trotting race.

At any race meeting for ponies there may also be held on each day not more than two horse races or two trotting races, or more than one horse race and one trotting race.

A pony race is defined to mean a race held under conditions limiting the height of any horse eligible to compete at 14 hands 2 inches, and a trotting race one in which each horse or pony competing moves at a gait generally known as pacing or trotting.

The number of days allowed in any licence for horse racing on any race-course must not exceed the number of days on which race meetings were held during the year ended 31st July, 1906, or if no races were run on a race-course during such year, the number of days allowed is not to exceed two.

With each application for a first licence for a race-course, the applicant must furnish the Chief Secretary with a map or plan showing the running course and the length thereof, and with any information regarding the accommodation afforded to the public required by the Regulations.

If any race meeting is held in contravention of the Act, the owner or trustees of the race-course, and the club, association, or person holding the meeting, and any person acting as steward, starter, or judge, are liable to a penalty not exceeding £500.

The Chief Secretary may give permission to hold a race meeting not within 30 miles of the General Post Office notwithstanding anything contained in the Act, or a point-to-point steeplechase, on any land whatsoever, or a meeting for any charitable or special purpose, on any race-course, the number of these latter meetings not to exceed three for all race-courses in any one year.

*Lotteries,  
Gaming,  
and Betting  
Act 1906.*

The race-course licences, which are to be issued by the Chief Secretary, are to be drawn up in such form and on such terms and conditions as the Governor in Council may approve, and are to remain in force for twelve months from the date of issue. For each licence a fee of £1 is chargeable, and also an annual sum equal to 3 per cent. of the gross revenue from all sources received or derived from such race-course during the year ended the last day of July immediately preceding the year for which a licence is required. Where the gross revenue is less than £1,500, but more than £600, the annual sum payable is 2 per cent. thereof, and where the gross revenue is £600 or less, no percentage is to be charged. If the gross revenue is not ascertainable, or does not in the opinion of the Chief Secretary appear to be correctly stated, he is empowered to declare the annual sum to be paid for the licence.

Where it is found impossible or impracticable to hold any appointed meeting on any particular course, or where a racing, polo, or hunt club in existence on 1st August, 1906, which held race meetings for horses during the twelve months preceding this date, has no race-course in its own control, the Governor in Council may authorize the holding of race meetings on any specified race-course irrespective of the number of days on which in the licence race meetings are allowed to be held thereon.

The number of licences for race-courses situate within 40 miles of the General Post Office is not to exceed the number of race-courses so situate and in use for race meetings for the twelve months ended 1st August, 1906.

The number of licences for race-courses situate within 20 miles of the principal post office at Ballarat or Bendigo is not to exceed the number of race-courses so situate and in use for race meetings within the same twelve months.

#### MISCELLANEOUS.

Power is given to the committee or managing body of any racing club, with the approval of the Governor-in Council, to make, alter, or rescind rules and regulations for—

- (a) The permitting of persons to carry on any business or vocation on any part of the race-course, and prescribing the terms and conditions under which they may do so. Provided that if the business be that of a bookmaker it must be carried on in a place specially set apart for that purpose, and provided also that if such approved person bet with youths apparently under the age of 21 years, or with females, he is guilty of an offence.
- (b) The preventing of persons not so approved, or of persons offending against the rules or regulations, from carrying on business on the race-course and the removing of such persons therefrom.

No member of the police force or person acting under instructions from any police officer, is to be deemed an offender or accomplice in the commission of any offence against the Act.

When any premises or place is entered, the discovery therein or upon the person of any of those entering or leaving the same, of any instrument of gaming is *prima facie* evidence that the place is used unlawfully. *Lotteries, Gaming, and Betting Act 1906.*

A married woman guilty of a contravention of any of the provisions of the Act is liable to punishment in all respects as if she were a *feme sole*.

If any person who has laid any information or complaint declines or neglects to prosecute, the court may authorize some other person to do so, or to take fresh proceedings in respect to the offence.

All prosecutions for offences under the Act are to be heard and determined by a Court of Petty Sessions, consisting of one or more Justices, one of whom must be a Police Magistrate. All tables and instruments of gaming, and all money and securities for money lawfully seized, may be forfeited to the Crown.

Every person who contravenes any of the provisions of this Act is guilty of an offence, and if no punishment is expressly provided, such person shall be liable for a first offence to a penalty of not less than £5 or more than £100, or to imprisonment for not less than seven days or more than three months; for a second offence, to a penalty of not less than £25 or more than £200, or to imprisonment for not less than one month or more than six months; and for any subsequent offence to imprisonment for any term not less than three months or more than twelve months.

## CRIME.

### ADMINISTRATION OF THE CRIMINAL LAW.

In nearly all cases where the criminal law has been broken, the alleged offender is brought at the very first opportunity before a Court of Petty Sessions, before two honorary justices or a police magistrate, or both, or in some cases a single magistrate, who, if the matter is one which comes within their summary jurisdiction, dispose of the case summarily. If the offence is an indictable one, the magistrates hold a preliminary investigation and, if satisfied that a *prima facie* case is made out by the prosecution, the accused is committed for trial to a superior court. There are two superior courts with criminal jurisdiction, viz., the Supreme Court, and a Court of General Sessions, which are held at various places throughout the State. The latter court may deal with all cases of an indictable nature except such as are expressly excluded from its jurisdiction, viz., ten of the most serious crimes. A person may be brought before magistrates by three modes of procedure, viz., by an arrest by a police officer on warrant issued on a sworn information, or in a limited number of cases without warrant if the offence is witnessed by the arresting constable; and by a summons. If at a coroner's inquest a verdict is returned for murder or manslaughter, the accused person is sent for trial to the Supreme Court without any

investigation before magistrates. The Attorney-General or Solicitor-General has also the power of presenting any person for trial before a superior court without the necessity of any preliminary magisterial hearing; and upon the application of any person, properly supported by affidavit, a grand jury may be summoned, on the order of the Full Court, if the affidavit discloses that an indictable offence has been committed by a corporate body; or that such an offence has been committed by any person, and that some justice has refused to commit such person for trial; or in the case of a committal that no presentment has been made at the court at which the trial would in due course have taken place. The grand jury consists of 23 men, who investigate the charge, and if they are of opinion that a *prima facie* case has been made out, the case is sent for trial. The cases which are presented under these latter forms of procedure are, however, very rare.

#### POLICE PROTECTION.

Strength of  
police force  
in Australia  
and New  
Zealand.

The following figures denote the numerical strength of the police force in Australia and New Zealand, and the proportion of same to population on the 31st December, 1906:—

#### POLICE IN AUSTRALIAN STATES AND NEW ZEALAND, 1906.

State.	Number.			Proportion per 10,000 of Population.
	Metropolitan.	Country.	Total.	
Victoria .. ..	847	671	1,518	12·26
New South Wales .. ..	1,035	1,307	2,342	15·34
Queensland .. ..	276	676	952	17·79
South Australia .. ..	227	149	376	9·80
Western Australia .. ..	131	373	504	19·26
Tasmania .. ..	72	157	229	12·71
Total Australia .. ..	2,588	3,333	5,921	14·35
New Zealand .. ..	85	614	699	7·69

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

#### CHARGES BEFORE MAGISTRATES.

Offences  
reported  
and unde-  
tected  
crimes.

Of the offenders who are reported as having committed offences, generally about 50 per cent. are arrested, 40 per cent. are summoned, whilst about 10 per cent. have not been arrested at the end of the year in which the offence was reported, but in 1906 the rates were



46, 46, and 8 per cent. respectively. The following are particulars for the last five years:—

SUMMONSES, ARRESTS, AND UNDETECTED CRIMES: RETURN FOR FIVE YEARS.

Offences in respect to which persons were—	1902	1903.	1904.	1905.	1906.
Brought before magistrates on summons ...	20,478	24,207	23 614	22,290	25 430
Arrested by the police ...	26,402	24,268	26,036	26,055	25,400
Not arrested ...	6,153	6,593	5,533	5,144	4,540
Total ...	53,033	55,068	55,183	53,489	55,370

In this table each separate charge against a person is considered as a separate offence; for instance, a charge of drunk and disorderly, of resisting the police, of riotous conduct, and of tearing uniform would appear as four separate offences, although the occasion is the same. Of the offences in respect of which persons were not arrested, 90 per cent. were offences against property, 7 per cent. were offences against the person, and the balance, 3 per cent., were of a miscellaneous character.

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

Offences dealt with by magistrates.

ARRESTS AND SUMMONSES DEALT WITH BY MAGISTRATES: RETURN FOR FIVE YEARS.

Number of Persons.	1902.	1903.	1904.	1905.	1906.
Arrested or summoned ...	45,198	46 682	47,736	46,069	49,061
Discharged by magistrates ...	11,096	10,020	11,318	11,283	10,737
Summarily convicted or dealt with ...	33,461	36,031	35,854	34 134	37,740
Committed for trial ...	641	631	564	652	584

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

The sexes of persons brought up on summons are not recorded; but about 20 per cent. of the arrests are generally found to be

Males and females arrested.

females. The males and females arrested, and the disposal of the cases, in 1906, were as follow:—

#### MALES AND FEMALES ARRESTED, 1906.

Disposal.	Arrests.		
	Males.	Females.	Total.
Summarily Convicted .. ..	12,836	3,627	16,463
Discharged by Magistrates .. ..	5,514	1,126	6,640
Committed for Trial .. ..	463	65	528
Total .. ..	18,813	4,818	23,631

The arrests during the previous five years numbered 29,039 in 1901, 24,720 in 1902, 22,475 in 1903, 24,122 in 1904, and 23,779 in 1905.

Drunken-  
ness, 1902  
to 1906.

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

#### PERSONS ARRESTED AND SUMMONED FOR DRUNKENNESS: RETURN FOR FIVE YEARS.

Year.	Number.	Proportion per 1,000 of Population.
1902 .. ..	14,540	12·00
1903 .. ..	12,630	10·45
1904 .. ..	13,881	11·50
1905 .. ..	14,458	11·92
1906 .. ..	14,029	11·43

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

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

Period.	Index Number.
1874-8	100
Average 5 years	
1879-85 .. 7 ..	88
1886-92 .. 7 ..	106
1893-97 .. 5 ..	65
1898-1902 .. 5 ..	83
1903 ... ..	73
1904 ... ..	79
1905 ... ..	81
1906 ... ..	78

A very considerable decrease in drunkenness is shown during the five years 1893-7, which was a period of general depression. Since 1897, however, the arrests for drunkenness have assumed something nearer their normal proportions.

DECREASE IN CRIME.

It is difficult to make a proper comparison of crime in recent years with former periods on account of the differences in the sex and age constitution of the people at different periods. The bulk of arrests consists of males from 20 to 50 years of age. The proportion of women and children arrested is comparatively very small; so that it is natural that, at a period like the present, when the percentage of males at those ages is much less than ten years ago, the proportion of arrests per 10,000 of the population is not a true index of crime, and makes the decrease appear greater than it really is. It is therefore necessary to divide the sexes of arrested persons, and each sex into age groups, and to show the number of charges laid against males and females at various ages between 10 and 60 per 10,000 alive at each age, as shown by the census. The following are the particulars on this basis at the last four census years:—

Decrease of  
crime in  
Victoria

CHARGES PER 10,000 OF THE POPULATION AT EACH AGE AGAINST PERSONS ARRESTED, 1871, 1881, 1891, AND 1901.

Ages.				1871.	1881.	1891.	1901.
				Males.			
10 to 15 years	..	..	..	104	111	96	51
15 to 20 years	..	..	..	338	335	305	209
20 to 25 years	..	..	..	773	720	688	570
25 to 30 years	..	..	..	834	823	777	712
30 to 40 years	..	..	..	771	865	869	700
40 to 50 years	..	..	..	726	721	1,053	873
50 to 60 years	..	..	..	830	623	760	804
60 years and over	..	..	..	756	661	586	443
				Females.			
10 to 15 years	..	..	..	37	26	15	15
15 to 20 years	..	..	..	80	90	50	28
20 to 25 years	..	..	..	141	178	139	116
25 to 30 years	..	..	..	232	219	171	172
30 to 40 years	..	..	..	303	290	189	168
40 to 50 years	..	..	..	272	322	238	166
50 to 60 years	..	..	..	245	223	215	116
60 years and over	..	..	..	186	166	144	110

During the years 1871, 1881, and 1891, the tabulations were based on each separate charge against arrested persons, and in 1901 on each separate arrest, only the most prominent charge being counted in the latter year. The percentage by which the total charges exceeded the arrests during 1901, has, however, been added on to the figures for each age group for the purpose of comparison. A study of the figures shows that the proportion of offences has on the whole fallen off in 1901 as compared with the three previous periods. In regard to males, there has been a falling off in 1901 as compared with the three previous periods at all ages except 40 to 50, in which

the proportions were higher than in 1881 and 1871, and 50 to 60, in which group the proportion of charges was in excess of that in 1891 and 1881. The falling off is more marked amongst the very old people (60 years and over) and the young people under 20, than at other ages. The ages at which the largest proportion of charges was made were 40 to 50 years in 1901 and 1891, 30 to 40 years in 1881, and 25 to 30 and 50 to 60 years in 1871. In regard to females there has been a very decided falling off at all ages, the ages at which the largest proportion of charges were made being 25 to 50 in 1901, 40 to 60 in 1891, and 30 to 50 in 1881 and 1871.

#### CRIME AND DRUNKENNESS IN AUSTRALASIA.

Offences and drunkenness in Australia and New Zealand.

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

#### CRIME IN AUSTRALIAN STATES AND NEW ZEALAND, 1890, 1895, AND 1901 TO 1905.

State.	Year.	Number of Charges against Persons Arrested or Summoned for—				
		Offences against the Person.	Offences against Property.	Drunkenness.	Other Offences	Total.
Victoria	1890	4,091	5,036	18,501	37,156	64,784
	1895	2,500	4,068	11,143	22,616	40,327
	1901	2,152	3,521	17,360	29,054	52,087
	1902	2,121	3,882	14,540	26,337	46,880
	1903	1,936	3,968	12,630	29,941	48,475
	1904	1,846	3,257	13,881	30,666	49,650
	1905	1,932	4,032	14,458	27,923	48,345
New South Wales	1890	8,729	7,616	18,654	31,088	66,087
	1895	4,459	6,153	18,379	35,987	64,978
	1901	4,336	6,437	21,123	32,729	64,625
	1902	4,223	7,292	21,577	33,608	66,700
	1903	3,869	7,368	21,837	35,032	68,106
	1904	3,658	6,829	20,440	35,110	66,037
	1905	3,684	6,553	24,154	32,975	67,366

CRIME IN AUSTRALIAN STATES AND NEW ZEALAND, 1890, 1895,  
AND 1901 TO 1905—*continued.*

State.	Year.	Number of Charges against Persons Arrested or Summoned for—				
		Offences against the Person.	Offences against Property.	Drunkenness.	Other Offences.	Total.
Queensland	1890	2,713	2,487	6,332	7,464	18,996
	1895	2,073	2,085	4,993	8,522	17,673
	1901	1,846	2,547	9,791	9,736	23,920
	1902	1,908	2,375	8,123	8,709	21,115
	1903	1,504	2,206	7,190	8,112	19,012
	1904	1,641	1,989	6,854	7,649	18,133
	1905	1,737	2,101	6,638	7,467	17,943
South Australia	1890	520	501	2,382	3,596	6,999
	1895	411	677	1,763	2,128	4,979
	1901	260	528	2,047	3,392	6,227
	1902	252	509	2,431	3,416	6,608
	1903	338	664	2,340	3,088	6,430
	1904	269	480	2,387	2,879	6,015
	1905	248	463	2,362	2,911	5,984
Western Australia	1890	371	536	1,181	2,602	4,690
	1895	654	1,080	2,154	4,489	8,377
	1901	1,040	1,593	3,348	9,352	15,333
	1902	845	1,889	3,311	10,398	16,443
	1903	797	2,146	3,572	10,690	17,205
	1904	729	1,423	3,597	9,191	14,940
	1905	644	1,466	3,509	9,033	14,646
Tasmania	1890	483	619	1,151	4,158	6,411
	1895	353	710	463	3,240	4,766
	1901	341	647	743	3,768	5,499
	1902	248	618	636	4,669	6,171
	1903	284	553	526	4,612	5,975
	1904	245	659	580	4,095	5,579
	1905	229	754	539	5,568	7,090
Total Australian States	1890	16,907	16,795	48,201	86,064	167,967
	1895	10,450	14,773	38,895	76,982	141,100
	1901	9,975	15,273	54,412	88,031	167,691
	1902	9,597	16,565	50,618	87,137	163,917
	1903	8,728	16,905	48,095	91,475	165,203
	1904	8,388	14,637	47,739	89,590	160,354
	1905	8,474	15,363	51,660	85,877	161,374
New Zealand	1890	1,516	2,297	5,830	8,604	18,247
	1895	1,281	2,557	5,104	8,639	17,581
	1901	1,586	3,048	8,086	13,105	25,825
	1902	1,114	3,083	8,311	15,568	28,076
	1903	1,303	3,138	8,872	17,440	30,753
	1904	1,504	2,884	9,626	16,920	30,934
	1905	1,509	2,943	8,790	17,499	30,741

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

PROPORTION OF VARIOUS OFFENCES TO POPULATION IN EACH AUSTRALIAN STATE AND NEW ZEALAND, 1890, 1895, AND 1901 TO 1905.

State.	Year.	Charges against Persons Arrested or Summoned per 1,000 of the Population for—			
		Offences against the Person.	Offences against Property.	Drunkenness.	Other Offences.
Victoria ...	1890	3·66	4·50	16·54	33·22
	1895	2·12	3·45	9·44	19·17
	1901	1·79	2·93	14·43	24·15
	1902	1·75	3·21	12·00	21·75
	1903	1·60	3·28	10·45	24·77
	1904	1·53	2·70	11·50	25·40
	1905	1·59	3·33	11·92	23·03
New South Wales ...	1890	7·92	6·91	16·93	28·21
	1895	3·53	4·87	14·53	28·46
	1901	3·16	4·69	15·39	23·85
	1902	3·03	5·23	15·49	24·12
	1903	2·72	5·19	15·39	24·70
	1904	2·54	4·74	14·17	24·35
	1905	2·50	4·44	16·39	22·37
Queensland ...	1890	7·03	6·45	16·41	19·35
	1895	4·58	4·60	11·03	18·82
	1901	3·65	5·04	19·36	19·25
	1902	3·71	4·62	15·82	16·96
	1903	2·93	4·30	14·02	15·82
	1904	3·16	3·83	13·20	14·73
	1905	3·30	4·60	12·63	14·20
South Australia ...	1890	1·64	1·60	7·53	11·35
	1895	1·18	1·94	5·06	6·11
	1901	·72	1·46	5·65	9·37
	1902	·69	1·40	6·68	9·39
	1903	·92	1·81	6·39	8·42
	1904	·73	1·30	6·57	7·79
	1905	·66	1·24	6·30	7·77
Western Australia ...	1890	8·28	11·97	26·37	58·09
	1895	7·06	11·66	23·25	48·45
	1901	5·51	8·45	17·75	49·59
	1902	4·08	9·12	15·98	50·20
	1903	3·60	9·70	16·14	48·31
	1904	3·08	6·02	15·21	38·86
	1905	2·57	5·84	14·02	36·10
Tasmania ...	1890	3·36	4·31	8·01	28·93
	1895	2·22	4·46	2·91	20·36
	1901	1·96	3·73	4·28	21·70
	1902	1·41	3·52	3·48	26·72
	1903	1·60	3·11	2·96	25·98
	1904	1·37	3·69	3·24	22·90
	1905	1·28	4·20	3·01	31·06

PROPORTION OF VARIOUS OFFENCES TO POPULATION IN EACH AUSTRALIAN STATE AND NEW ZEALAND, 1890, 1895, AND 1901 TO 1905—*continued*.

State.	Year.	Charges against Persons Arrested or Summoned per 1,000 of the Population for—			
		Offences against the Person.	Offences against Property.	Drunkenness.	Other Offences.
Australian States	1890	5·43	5·39	15·48	27·64
	1895	2·98	4·22	11·11	21·99
	1901	2·62	4·01	14·30	23·13
	1902	2·49	4·29	13·10	22·57
	1903	2·23	4·33	12·31	23·42
	1904	2·12	3·70	12·07	22·66
	1905	2·11	3·82	12·86	21·38
New Zealand	1890	2·44	3·70	9·39	13·86
	1895	1·85	3·71	7·37	12·48
	1901	2·04	3·92	10·39	16·85
	1902	1·40	3·86	10·42	19·51
	1903	1·59	3·83	10·82	21·26
	1904	1·78	3·41	11·39	20·02
	1905	1·73	3·38	10·10	20·11

Almost all serious crimes are either offences against the person or offences against property, the only serious crimes included under "Other Offences" being forgery, counterfeiting, and perjury, which are very few in number, being in Victoria in 1905, only 62 out of a total of 27,923 included under that category. A large proportion of these cases are merely breaches of various Acts of Parliament, by-laws, &c., which indicate no degree of criminal instinct or intent on the part of the person charged. They also include a large number of offences against good order, including insulting behaviour, vagrancy, &c. Comparison between the States of "Other Offences" is not of much value, on account of the differences in the laws of the States in these matters, and on account of the large proportion of these offences which are not crimes, but mere breaches of various Acts and by-laws.

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

Offences against the person.

Offences  
against  
property.

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

Drunken-  
ness.

In every Australian State there was a decrease in drunkenness cases before magistrates in 1905, as compared with 1890; but there was an increase in New Zealand. This offence is much less frequent in Tasmania than in any other State, South Australia coming next, and then follow New Zealand, Victoria, Queensland, Western Australia, and New South Wales, in that order. If allowance were made for the large proportion of adult males in Western Australia that State would now occupy a better position than Queensland, and would be about equal to Victoria. In the latter State summons cases for drunkenness were not included previous to 1902, but the number of such cases was so small that the comparison is not appreciably affected by their omission.

Consump-  
tion of  
intoxicat-  
ing liquors.

The following table shows during five years the average yearly consumption of intoxicating liquors in the principal countries of the world, the information for foreign countries having been compiled principally from a return prepared to the order of the British House of Commons, dated 21st December, 1906:—

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

Countries.	Yearly Average Quantity Consumed, 1901 to 1905.			Proportion per Head.		
	Spirits.	Beer.	Wine.	Spirits.	Beer.	Wine.
	gallons.	gallons.	gallons.	gallons.	gallons.	gallons.
British—						
Victoria ..	846,030	14,561,000	1,033,270	·70	12·04	·85
New South Wales ..	1,152,000	13,885,960	805,590	·81	9·76	·57
Queensland ..	419,830	5,323,890	146,320	·82	10·38	·29
South Australia ..	149,170	3,015,520	934,660	·40	8·17	2·53
Western Australia ..	325,010	5,409,620	235,320	1·49	24·74	1·08
Tasmania ..	94,470	1,623,730	29,870	·53	9·15	·17
Australia ..	2,986,510	43,818,720	3,185,030	·76	11·21	·81
New Zealand ..	619,950	7,693,590	121,170	·71	8·87	·14



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

Countries.	Yearly Average Quantity Consumed, 1901 to 1905.			Proportion per Head.		
	Spirits.	Beer.	Wine.	Spirits.	Beer.	Wine.
	gallons.	gallons.	gallons.	gallons.	gallons.	gallons.
<b>British—</b>						
United Kingdom	42,247,600	1,248,271,800	13,636,000	1·00	29·5	·32
Dominion of Canada	4,743,400	27,726,400	522,900	·86	5·0	·09
Cape of Good Hope	1,696,500	3,661,000	5,491,400	·69	1·5	2·3
Natal ..	380,900	1,275,000	96,480	·37	1·13	·09
Newfoundland ..	77,000	77,000	8,140	·34	·34	·03
<b>Foreign—</b>						
Russian Empire ..	131,408,000	134,534,500	..	·95	·97	..
Norway ..	1,386,000	7,796,800	..	·60	3·46	..
Sweden ..	7,638,000	65,150,800	..	1·46	12·5	..
Denmark ..	6,404,000	51,823,500	..	2·54	20·6	..
German Empire ..	90,805,000	1,538,917,600	85,360,000	1·55	26·1	1·45
Holland ..	8,083,000	..	2,006,400	1·50	..	·37
Belgium ..	9,425,000	333,449,600	7,106,000	1·35	48·0	1·02
France ..	52,980,000	309,821,600	1,199,950,000	1·36	7·9	30·7
Switzerland ..	3,322,000	47,260,400	50,872,800	·99	14·1	15·1
Portugal ..	..	..	95,704,400	..	..	18·3
Spain ..	..	..	340,445,600	..	..	18·5
Italy ..	8,558,000	5,918,000	828,696,000	·28	·18	25·1
Austria ..	55,823,000	407,189,000	107,118,000	2·07	15·2	4·0
Hungary ..	37,435,000	33,392,000	79,499,000	1·89	1·67	3·9
Bulgaria ..	506,000	1,285,000	50,463,600	·13	·33	13·2
Servia ..	..	1,628,000	6,463,600	..	·62	2·46
Roumania ..	5,795,000	1,465,000	28,124,800	·97	·24	4·5
United States ..	99,155,000	1,260,982,000	32,448,500	1·21	15·4	·40

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

By comparing the figures for Australia in the foregoing table with those of several other countries it will be seen that the consumption of intoxicants was proportionately less in Australia. As regards spirits, whilst the consumption in Australia was three-fourths of a gallon per head per year, in Denmark it amounted to  $2\frac{1}{2}$  gallons; in Austria to 2 gallons; in Hungary to nearly 2 gallons; in Germany, Holland, and Sweden to  $1\frac{1}{2}$  gallons; in France, Belgium, and the United States to more than a gallon; in the United Kingdom to 1 gallon; and in the Russian Empire to nearly a gallon. The greatest beer-producing countries of the world are the German Empire, the United Kingdom, and the United States, in that order; but in consumption per head of the population Belgium, with 48 gallons; United Kingdom,  $29\frac{1}{2}$  gallons; Germany, 26 gallons; and Denmark,  $20\frac{1}{2}$  gallons, are the foremost. The particulars in this table would indicate that Belgium consumes more beer than any other country in the world, but the statistics of the States composing the German Empire show that Bavaria is entitled to that distinction, with a consumption of  $54\frac{1}{2}$  gallons per head. The consumption in Würtemberg was also high, reaching 42 gallons, and in Baden about 38 gallons per head. The Australian consumption of 11 gallons does not appear to be large by comparison with these figures, Western Australia, with nearly 25 gallons per head, being the only State

Consumption of drink in various countries compared.

which approaches these countries. The chief wine-producing countries of the world—France and Italy—are also the greatest consumers, the former consuming nearly 31 gallons, and the latter 25 gallons per head. Spain, 18½ gallons; Portugal, 18 gallons; Switzerland, 15 gallons; and Bulgaria, 13 gallons, are also large consumers. The inhabitants of the British Empire are small wine-drinkers. At the Cape of Good Hope the consumption is highest, with 2½ gallons per head; Australia consumes four-fifths of a gallon per head; the United Kingdom about one-third of a gallon; and Canada one-eleventh of a gallon.

Expenditure  
by the  
people on  
intoxicat-  
ing liquor.

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

AUSTRALASIAN DRINK BILL.—YEARLY AVERAGE, 1901 TO 1905.

State of—	Expenditure by the People on—					
	Spirits.	Beer.	Wine.	Total.		
				Amount.	Per Head.	Per Adult Individual
	£	£	£	£	£ s. d.	£ s. d.
Victoria .. ..	1,480,550	2,184,150	516,630	4,181,330	3 9 2	6 6 5
New South Wales ..	2,016,000	2,082,900	402,800	4,501,700	3 3 4	6 5 2
Queensland .. ..	734,700	798,580	73,160	1,606,440	3 2 8	6 0 6
South Australia ..	261,050	452,330	467,330	1,180,710	3 4 0	6 4 7
Western Australia ..	568,770	810,990	117,660	1,497,420	6 17 1	11 10 3
Tasmania .. ..	165,320	243,860	14,930	424,110	2 7 9	4 16 1
Australia .. ..	5,226,390	6,572,810	1,592,510	13,391,710	3 8 6	6 10 4
Colony of New Zealand	1,084,910	1,154,040	60,580	2,299,530	2 13 0	4 18 1

These figures show that the average yearly expenditure on drink in Australia during the quinquennium, 1901 to 1905, amounted to over 13 millions sterling, and including New Zealand, to over 15½ millions. In Victoria over 4 millions were spent, or £320,370 less than in New South Wales. Western Australia, according to population, stands at the head of the list with £6 17s., and this is accounted for by the large adult population resident there. Victoria and South Australia are next with £3 9s. and £3 4s. respectively per head. Tasmania is the most temperate of the Australian States, the consumption of alcoholic liquors only entailing a yearly expense of £2 7s. per head of the population, as against an average for the Commonwealth of £3 8s. In New Zealand also the expenditure is comparatively low, amounting to £2 13s. per head.

Leniency of  
magis-  
trates in  
drunken-  
ness cases  
in Victoria.

The following is a statement of the number of charges of drunkenness made against persons in each State and in New Zealand during 1905, also the number of convictions and the percentage of the latter to the former:—

PERCENTAGE OF CONVICTIONS FOR DRUNKENNESS IN AUSTRALIAN STATES AND NEW ZEALAND, 1905.

State.	Charges of Drunkenness.	Convictions.	
		Total.	Percentage of Charges.
Victoria .. ..	14,458	9,360	64·74
New South Wales .. ..	24,154	24,003	99·37
Queensland .. ..	6,638	6,592	99·31
South Australia .. ..	2,362	2,332	98·73
Western Australia .. ..	3,509	3,425	97·61
Tasmania .. ..	539	528	97·96
Australia .. ..	51,660	46,240	89·51
New Zealand .. ..	8,790	8,725	99·26
Australasia .. ..	60,450	54,965	90·93

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

A large proportion of the offences dealt with by magistrates cannot be classed as crimes properly so called, but are mere breaches of Acts of Parliament, by-laws, &c., and show no degree of criminality in the person charged. A still larger proportion consists of drunkenness and offences against good order, including vagrancy, insulting behaviour, &c. The number of arrests for serious crimes preliminarily investigated by magistrates in Victoria and New South Wales during 1905 was—

Serious crimes in Victoria and New South Wales.

SERIOUS CRIMES IN VICTORIA AND NEW SOUTH WALES DURING 1905.

Class of Crime.	Victoria.	New South Wales.
Murder and attempts, manslaughter, shooting, wounding, &c. .. ..	68	160
Robbery, burglary, &c. .. ..	190	358
Crimes of lust .. ..	85	114
Horse, sheep, and cattle stealing .. ..	48	96
Total .. ..	391	728

The total per 10,000 of the population was 4.94 in New South Wales, and 3.22 in Victoria. Multiple charges are excluded from the above figures, each separate arrest only being counted.

#### BIRTHPLACES OF ARRESTED PERSONS.

Birthplaces  
of persons  
arrested.

The following is a statement of the principal countries in which persons arrested during 1906 were born, and the proportion per 1,000 of the persons of such nationalities living in the State at the census of 1901:—

#### BIRTHPLACES OF PERSONS ARRESTED, 1906.

Birthplace.	Number.	Proportion per 1,000 of the population.
Victoria .. .. .	12,441	14.20
Other Australian States .. .. .	1,993	30.62
New Zealand .. .. .	351	38.91
England and Wales .. .. .	3,195	27.28
Scotland .. .. .	1,174	32.84
Ireland .. .. .	2,781	45.21
China .. .. .	158	25.36
Other Countries .. .. .	1,538	50.22
Total .. .. .	23,631	19.67

The proportion of Victorian arrests does not afford a proper comparison with the proportions indicated for other Australian States, Great Britain, and foreign countries. The Victorian born population includes a large proportion of women and children, whereas there is so small a number of children in the State born in places outside Victoria, that the arrests of persons born outside the State may be regarded almost entirely as those of adults, and mostly of adult males. If the proportion of adult males arrested in Victoria be taken, it would in all probability approximate to those of the other Australian States.

#### EDUCATION OF ARRESTED PERSONS.

Age and  
degree of  
instruction.

The ages of those arrested in 1906, and the degree of instruction possessed by them, are shown in the following table:—

#### AGE AND DEGREE OF INSTRUCTION OF PERSONS ARRESTED, 1906.

Ages.	Superior Education.	Read and Write Well.	Read Only, or Read and Write Imperfectly.	Unable to Read.	Total.
Under 10 years ..	..	..	79	540	619
10 to 15 „ ..	..	..	335	41	376
15 to 20 „ ..	..	23	1,003	38	1,064
20 to 25 „ ..	..	66	2,433	61	2,560
25 to 30 „ ..	2	88	2,888	90	3,068
30 to 40 „ ..	7	171	5,668	158	6,004
40 to 50 „ ..	14	165	5,048	200	5,427
50 to 60 „ ..	23	73	2,506	156	2,758
60 and upwards ..	1	47	1,557	150	1,755
Total ..	47	633	21,517	1,434	23,631

Three per cent. of persons arrested during 1906 were possessed of superior education, or could read and write well, as against 4 per cent. in 1900, 10 per cent. in 1890, and 26 per cent. in 1880. The returns of those under fifteen years of age arrested by the police consist mainly of neglected and deserted children. Of the 995 children under fifteen arrested during 1906, not one could read and write well; and 581, or 58 per cent., were unable to read.

Education  
of persons  
arrested.

#### OFFENCES HEARD BY MAGISTRATES.

Prior to 1902, information relating to various offences has been incomplete on account of there being no returns as to summons cases other than "against the person," "against property," and "other offences." As will be seen below, there is a large proportion of assaults and offences against good order initiated by summons, and the following are particulars of the different classes of offences in 1906, distinguishing between arrests and summons cases, multiple charges against the same individual being each counted as an offence:—

Arrests and  
summons  
for various  
offences.

#### ARRESTS AND SUMMONSES FOR VARIOUS OFFENCES, 1906.

Nature of Offence.	Number of Offences for which—		Total Offences Heard.
	Arrests were made.	Summons were issued.	
Against the Person—			
Murder and attempts, manslaughter, shooting at, &c.	67	..	67
Assaults .. .. .	689	813	1,502
Others .. .. .	169	73	242
Against Property—			
Robbery, burglary, &c. ..	222	..	222
Larceny and similar offences ..	2,039	432	2,471
Wilful damage to property ..	350	266	616
Others .. .. .	124	372	496
Against Good Order—			
Drunkenness .. .. .	13,943	86	14,029
Others .. .. .	6,263	5,770	12,033
Breaches of Licensing Act .. ..	..	778	778
Other Offences .. .. .	1,534	16,840	18,374
Total .. .. .	25,400	25,430	50,830

Of the 25,400 offences for which arrests were made, 1,769 were multiple charges, leaving the number of separate arrests, 23,631, of which 16,463 were summarily convicted, 6,640 were discharged, and 528 were committed for trial. Of the 25,430 summons cases, 21,277 were summarily convicted, 4,097 were discharged, and 56 were committed for trial. Of the total persons dealt with (49,061), the number summarily convicted was 37,740, 10,737 were discharged, and 584 were committed for trial.

## SENTENCES PASSED.

Sentences  
by Magis-  
trates.

The results of summary disposal of cases by magistrates during 1906 were as follow :—

## SUMMARY DISPOSAL BY MAGISTRATES OF PERSONS ARRESTED, 1906.

Sentence.	Males.	Females.	Total.
Fines paid ... ..	5,034	1,056	6,090
Imprisonment for—			
Under 1 month ... ..	5,390	1 839	7,229
1 and under 6 months ... ..	905	242	1,147
6 and under 12 months ... ..	156	49	205
1 year and over ... ..	83	3	86
Ordered to find bail or sentence suspended on entering surety ... ..	136	24	160
Admonished ... ..	673	78	751
Sent to Industrial Schools or Reformatory ... ..	393	311	704
Otherwise dealt with ... ..	66	25	91
Total sentenced ... ..	12,836	3,627	16,463
Discharged ... ..	5,514	1,126	6,640
Total summarily disposed of ... ..	18,350	4,753	23,103

In addition to the sentences of imprisonment, one prisoner was ordered a whipping with the birch, and two were ordered to be kept in solitary confinement during various portions of their terms of imprisonment.

Sentences in  
Superior  
Courts.

The following are the sentences of the prisoners tried and convicted in superior courts during 1906 :—

## SENTENCES OF PRISONERS TRIED AND CONVICTED, 1906.

Sentence	Males.	Females.	Total.
Fines paid ... ..	1	...	1
Imprisonment for—			
Under 1 month ... ..	11	3	14
1 and under 6 months ... ..	38	6	44
6 „ 12 months ... ..	99	12	111
1 „ 4 years ... ..	89	3	92
4 „ 7 „ ... ..	19	...	19
7 „ 10 „ ... ..	7	...	7
10 years ... ..	1	...	1
Death ... ..	1	...	1
Ordered to find bail or sentence suspended on entering surety ... ..	36	10	46
Sent to Reformatory ... ..	1	...	1
Sent to Lunatic Asylum ... ..	2	...	2
Total convicted ... ..	305	34	339
Acquitted ... ..	159	21	160
Not prosecuted ... ..	24	4	28

In addition to the term of imprisonment, nine persons were ordered to be kept in solitary confinement during various portions of their terms of imprisonment. Prisoners remaining for trial from the previous year are included, but those awaiting trial at the end of the year are excluded.

## THE LIQUOR LICENSING LAWS.

During the last session of the State Parliament a comprehensive measure, Act No. 2068, was passed, amending the Licensing laws of the State. A digest of the main features of this enactment, and the principal measure, is given hereunder:—

Licensing  
Acts 1890  
and 1906.

## CLUBS.

A registration fee of £2 is to be charged, as well as a percentage of 2 per cent. on the gross value of the liquor purchased during the twelve months ended on the last day of September preceding the date of the application.

Section 7 of the Act defines the conditions for the registration of clubs, amongst which it is provided that each club must be a *bonâ fide* association or company of not less than 50 persons, if within 15 miles from the General Post Office, Melbourne, and of not less than 30 persons if outside that radius; that accommodation must be provided for the members and their guests; that no person shall be entitled to derive any profit from the club, which is not shared equally by every other member; and that no payment to any officer shall be made by way of commission from the receipts from alcoholic drink. Provision must be made in the rules for the proper management of the affairs of the institution—subscriptions to which are to be not less than 5s. per annum, payable in advance. Visitors must not be supplied with liquor unless accompanied by, and at the expense of, a member. Persons under 21 years of age are not eligible for membership (except in clubs primarily devoted to athletic purposes), and are not to be supplied with liquor. Notice of application for registration is to be given by the secretary to the clerk of the Licensing Court, who, in turn, must notify the inspector of the Licensing District. The latter if authorized in writing by a police magistrate, must inspect the premises, and the register of members, and satisfy himself that the particulars contained in the application are correct. Objections can be taken to the grant or renewal of a certificate of registration by the inspector of the Licensing District, the council of the municipality in which the club is situated, or any ratepayer, freeholder or leaseholder of property situate within one mile from such premises. The frequent occurrence of drunkenness in the club premises, or that persons in a state of intoxication are frequently seen to leave the club premises, illegal sales of liquor, or that the club is mainly used for the supply of liquor, are grounds upon which such objections may be lodged. The duration of the certificate of registration extends from the date granted until the 31st December following.

If any liquor be sold or supplied on the premises of an unregistered club, the person so offending is liable to a penalty not exceeding £50, and for a second or subsequent offence, to imprisonment for any period not exceeding two months, or to a penalty not exceeding £100, or both. Every officer and member of a committee is also liable to a penalty not exceeding £10 unless he proves that the liquor was kept without his knowledge, or against his orders.

Licensing  
Acts 1890  
and 1906.

No liquor is to be sold or disposed of in any club on Sunday except to lodgers or *bonâ fide* travellers, or to members of the club being served with a meal between the hours of 12 and 2 in the afternoon, and 6 and 8 in the evening, and no liquor shall, without express authority from a Licensing Court, for any specified occasion, be sold or disposed of in any club during the hours when liquor may not be obtained in licensed victuallers' premises.

A search warrant may be issued by a police magistrate authorizing a police officer to enter a registered or unregistered club at any time of the day or night, on any week day or Sunday to inspect the premises of the club, take the names and addresses of any persons found therein, and to seize any liquor kept for sale or supply, and the vessels containing the same, and any books or papers relating to the business of the club. If any obstruction be offered, the officer may break into the premises with such assistance as may be deemed requisite, and any person who wilfully delays admittance is liable to a penalty of £10. If any person found on the premises refuses to give his name and address, or gives false particulars, he may be fined to the extent of £5.

The secretary of a registered club must keep on the club premises a register of members, setting forth the names in full, occupations, and addresses of all members, and the date of the latest payment by each member of his subscription. This register is to be open to the inspection of any authorized member of the police force. A penalty not exceeding £50 is provided for neglect to keep the register, for false entries therein, or for obstructing an inspection thereof.

The Licensing Court has power to exempt any registered club from the provision of the Act entitling the police to demand entrance by day or night. The section relating to persons found drinking liquor on premises during prohibited hours may also be included in the exemption order, which must be published in the *Government Gazette*.

#### LICENCES.

The fees payable per annum (except for temporary licences) for different licences are as follow:—

For a Victualler's Licence—	
In respect of premises assessed at an annual value of £50 and under	£15
In respect of premises assessed at an annual value between £51 and £200	25
In respect of premises assessed at an annual value of £201 and over	50
For a Packet Licence	20
" Grocer's Licence	10
" Australian Wine Licence	5
" Temporary Licence	2
" Special Permit	10
" Railway Refreshment Room Licence	25
" Brewer's Licence	1
" Spirit Merchant's Licence	25
" Vignerons's Licence	5
" Billiard Table Licence—£5 per table per annum for any number not greater than four on any licensed premises, and for any number of tables greater than four—£20 per annum for the whole of such tables.	



A victualler's licence authorizes the holder to sell liquor in any quantity on the licensed premises between 6 a.m. and 11.30 p.m.

For every special permit to sell and dispose of liquor at an earlier hour than 6 in the morning, or at a later hour than 11.30 at night, a fee of £10 per annum is payable. This provision is made so that houses in the neighbourhood of railway stations, wharfs, and markets may be able to supply the wants of the public.

Vignerons' licences may be issued to vignerons to sell at their own vineyards wine made from grapes of their own growing, or purchased by them, in quantities of not less than one pint, and which must not be drunk on the premises.

A grocer's licence authorizes the licensee, being also a licensed spirit merchant, to sell liquor in bottles containing not less than a reputed pint, but the liquor must not be drunk on the premises where sold, nor may any bottle be supplied for the reception of any ale or stout by, or on behalf of, the purchaser. A grocer selling liquor and charging for it under a fictitious description is liable to a penalty of not less than £10.

The word "Australian" has been substituted for "colonial" before the words "wine licence" in the principal Act, and the holder of such licence is not to keep liquor, other than wine, cider, or perry on the premises, which, to obtain a licence, must be assessed at an annual value of not less than £50 in any city or town, and £20 elsewhere.

A temporary licence authorizes the licensee, being also the holder of a victualler's licence, or a railway refreshment room licence, to sell liquor between the hours of 10 in the morning and 7 in the evening, at any public sports or amusement for any specified period not exceeding seven days, but no such licence shall be issued to sell liquor on any land or premises wholly or partly controlled by any municipal council, without the permission in writing of the council. If the sports or amusement be postponed for a period not exceeding 28 days the licence holds good without the payment of an extra fee.

A temporary packet licence may be granted for any period not exceeding ten days, authorizing the master of a vessel to dispose of liquor on board, but the extreme points from and to which the vessel habitually makes voyages must be at least 10 miles apart. Where a boat has been substituted for another licensed vessel, a temporary licence may be granted for a period not exceeding six months to the former.

The fee for a brewer's licence is reduced from £25 to £1, as a licence fee of £25 is charged to brewers under the *Commonwealth Beer Excise Act 1901*, No. 7.

Roadside victuallers' licences in excess of the statutory number may be granted in mountainous localities if not within five miles of any village or township, and not within eight miles by public road from the nearest licensed victualler's house. If situated in a holiday resort not mountainous, a licence may be granted if the house be not within 10 miles of any proclaimed township, or the nearest licensed victualler's house.

Licensing  
Acts 1890  
and 1906.

Every owner of premises for which a licensed victualler's or an Australian wine licence has been issued, must register his name and address with the clerk of the Licensing Court at which the certificate authorizing the issue of the licence was granted, and must notify any change in his place of abode.

#### DEPRIVATION OF VICTUALLERS' LICENCES.

If the Licences Reduction Board (referred to further on) determine that any licensed victualler's premises, licensed before the 1st February, 1886, be deprived of its licence within ten years from the 31st December, 1906, the compensation must be provided out of the Compensation Fund, and not from the Consolidated Revenue, and no hotel is to be closed unless compensation is tendered.

Where after the 31st December, 1916, any licence existing before 1st February, 1886, is cancelled, as the result of a local option vote, the owner and occupier have each a claim to be paid out of the Compensation Fund, but only to the extent that such fund is from time to time available. The date when the various premises are deprived of their licences is to be taken as the order of priority in payment of claims, and where several such claims arise on the same date the order of precedence is to be decided by lot.

#### LICENCES REDUCTION BOARD.

For the purposes of this Act, a Board called the Licences Reduction Board, is constituted consisting of three members at a salary of £800 per annum each, who are not to engage in any business or employment other than the duties of their office as members of the Board. Their salaries and all the expenses of the Board are to be paid out of the Compensation Fund. The duties of the Board are, in every year, until the 31st December, 1916, to reduce the number of victuallers' licences in Victoria, and to allot compensation to such an extent as the moneys to the credit of the fund will allow. In carrying out the reduction of licensed premises, regard shall be paid to the convenience of the public, and the requirements of the several localities in the district.

Subject to this consideration the Board shall deal in the first place with the licences of premises against the same or different licensees of which, within the three years next preceding the determination, there have been either two convictions for one of the following offences, or one conviction for two of such offences, viz. :—

- (1) Supplying liquor to persons under the age of 18 years, or to prohibited persons.
- (2) Supplying liquor to persons in a state of intoxication.
- (3) Permitting any unlawful game or sport to be carried on on the premises.
- (4) Permitting prostitutes or thieves to assemble upon any part of the premises.
- (5) Permitting drunkenness on the premises.
- (6) Letting or sub-letting any bar, or the right to sell liquor on the premises.
- (7) Selling or permitting liquor to be sold in prohibited hours.

- (8) Betting either by the licensee himself or by means of an agent in his licensed premises.
- (9) Placarding or permitting to be posted up on his licensed premises any information or notice relating to betting, lotteries, sweepstakes, raffles, or totalizators.

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In the second place the Board shall deal with the licences of premises if there has been a conviction within the said three years, of any licensee of the premises for any one of the foregoing offences; and in the third place, if it is proved that the business in the premises is so badly conducted as to be a serious inconvenience to persons requiring accommodation, or a nuisance to neighbours, or that the premises are insufficiently provided with proper sanitary conveniences.

As soon as practicable after the appointment of the Licences Reduction Board, it will be their duty to make a valuation on a fair and equitable basis of the maximum amount of compensation payable to the owner of every licensed victuallers' premises (licensed before the 1st February, 1886), by reason of the value thereof being diminished owing to its being deprived of a licence by a determination of the Board, and also to the occupier by reason of his lease or agreement being annulled, and for the loss of his licence and business. Such compensation shall, so far as regards the owner, be based on the difference between the average net yearly rent (provided it is a fair one), for three years preceding the 31st December, 1906, or if the owner be also licensee, what would be a fair rent, and the average net yearly rent which would be probably obtainable for the premises if unlicensed. As regards the licensee, the compensation shall be based for each year of the unexpired term of his tenancy (not exceeding two years), on the average net profit accrued to the licensee for the three years ended the 31st December, 1905. In determining the profit the Board can compel the licensee to furnish a duplicate copy of any income tax return, verified by statutory declaration, as to the truth of such copy. Any licensee, on applying to the Income Tax Commissioner, may inspect his own returns, and make a copy thereof. If the licensee be also the owner, he is entitled to compensation as owner and also as occupier, as if he were a tenant of three years, but in ascertaining the net profit a fair sum is to be deducted as rent. The compensation payable at any time thereafter is in no case to exceed such valuation. The determination of the amount of the compensation is to be final, and not to be questioned by any court.

The Board is empowered to examine witnesses on oath, and any person who refuses to appear before it, or wilfully misbehaves, or prevaricates, may be prosecuted before a Court of Petty Sessions, and, on conviction, be fined up to £20.

For the purposes of this Act admittance to licensed premises may be demanded by the Board, or any person authorized by it, at any time of the day or night.

No reduction of any licensed premises is allowed in any Licensing District in which the number of licensed premises is below the statutory number, but new licences may, until 1916, be granted in such districts provided that a majority of the electors vote in favour of the increase, and that one-third of the electors on the roll record their votes.

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The local option provisions of the *Licensing Act* 1890 are repealed.

No male person or his wife is allowed to have a beneficial interest in more than one licence, and no woman is to be granted, or to hold a victualler's, or an Australian wine licence, unless she is over 25 years of age, or unless the business has devolved upon her as owner or trustee.

After the 31st December, 1907, no licence is to be granted to the wife of any public servant (if such wife is living with her husband), but this section does not apply to the renewal of a licence to any such wife, who, at the time of the passing of the Act, was the holder of a licence.

#### LICENSING COURTS AND INSPECTORS.

A member of a Licensing Court may grant, revoke, or vary any special permit to sell liquor at an earlier hour than 6 in the morning, or at a later hour than 11.30 at night; approve or disapprove of the fitness of an owner or mortgagee, or the nominee of the said owner or mortgagee to hold a licence; or when a licensed person becomes a lunatic patient, authorize an agent to carry on the business until the end of the year. If a licence be lost or destroyed he may grant a certificate in lieu thereof; give permission in writing to have more than one bar in a licensed house, or authorize an agent to carry on the business on the premises of a licensed victualler, who, having been convicted of any offence, has become personally disqualified, or has had his licence forfeited. The court may authorize the removal of a grocer's licence from the premises specified to any other premises within the licensing district, assess and determine the annual value of premises for which a victualler's licence is required, and hear and determine any matter of complaint in reference to a club, and cancel or suspend its certificate.

When a licence is surrendered or taken away from any licensed premises in consequence of the determination of the electors, six weeks' notice of the compensation (if any) to be paid to the owner shall be given by the clerk of the Licensing Court, by advertisement in the *Government Gazette*, and in some newspaper circulating in the Licensing District where the premises are situated, before the same is payable. Every mortgagee shall have a lien on the amount payable to the owner for the amount of his mortgage upon giving notice to the clerk of the Licensing Court within one month from the date of the advertisement, and thereupon the same shall be a first charge on the compensation money, which shall not be paid to the owner unless with the consent in writing of such mortgagee. Payment to the mortgagee is to be deemed payment to the owner.

Power is given to the Governor in Council to make rules as to fees, costs, and charges for summonses, subpoenas, warrants, searches, &c. The authority of inspectors of Licensing Districts is extended to Australian wine premises. The Licensing Court may alter or vary the assessment of any licensed premises, and in the case of an application for a new licence, or the renewal of an old one, a statement is to be furnished showing the last municipal valuation. Power is given to receive a licence fee ten days after the expiration of 28 days from the granting of the certificate, but a fine of 25 per

cent. must be paid by the applicant. The owner or mortgagee, not being the occupier, may pay the fee within a week after the expiration of the said ten days. Licensing  
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Where any person other than the licensee supplies liquor in contravention of the Licensing Acts, he is liable to a penalty not exceeding £10, and any person who procures, or attempts to procure, any liquor for a drunkard, is liable to a penalty of £2.

Persons not being *bonâ fide* travellers, lodgers, or servants found on licensed premises during prohibited hours, or drinking liquor therein, may be fined up to £2.

A person is not to be considered a *bonâ fide* traveller unless he resides ten miles in a direct line from where he is supplied with liquor, and must have travelled at least that distance on the day when he is so supplied. If a person falsely represents himself to be a *bonâ fide* traveller, proceedings may be taken against him, and he may be fined any sum from £2 to £20. If a licensed victualler believed the purchaser to be a *bonâ fide* traveller the Bench may dismiss the case. A licensed victualler is not bound to supply liquor to a *bonâ fide* traveller during prohibited hours, but if he elects to do so then the person requiring the same shall, on demand, give his true name and address, and place of lodging during the preceding night. If a person gives a false or fictitious name and address, or refuses to give either, he may be fined £5. The presence on the licensed premises of two or more persons is *primâ facie* evidence of a sale of liquor having taken place.

Penalties are provided for the offence of carrying away liquor from licensed premises on Sundays, or during prohibited hours, and the police may seize such liquor. In any prosecution any liquid shall be deemed to be intoxicating liquor unless the contrary be proved.

A fee of £20 annually must be paid for every additional bar besides the fee payable for a new licence or renewal.

No licensed victualler is allowed to let or sub-let any bar, or the right to sell liquor on his premises. An inside bar door must be opened at the request of the police.

No female under the age of 21 years (other than the licensee's wife or daughter), is permitted to serve liquor on a licensed premises, but this does not apply to persons employed as barmaids before the 1st December, 1906.

Sly grog-selling is punishable by a minimum fine of £25, or imprisonment for not less than a month for a first offence, and for a second or subsequent offence, imprisonment for not less than three months, with disqualification for one year, and all liquor in the possession of the offender to be forfeited.

Holders of seaside victuallers' licences within three miles of the coast, but not within twenty miles of the General Post Office at Melbourne, may obtain permission to close their hotels from May to September inclusive.

During the reconstruction or repairing of a licensed victualler's premises, with the consent of the Licensing Court, the licensee may close any bar or bars. The police may demand the name and address of any person found on the premises during prohibited hours, and both the licensee and such person are liable to penalties

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unless it can be proved that the latter was there for some lawful purpose. Entrance by day or night may be demanded by police officers, and if admittance be refused or delayed the police may break into the premises.

It is the duty of the licensee to provide proper sanitary accommodation for lodgers and inmates, and also one closet and one urinal open and available to the public.

Betting in licensed premises is a serious offence, punishable by a minimum fine of £20 for a first conviction, and £100 for a second or subsequent conviction. If within three years after a conviction under this section a licensed person again offends he *ipso facto* forfeits his licence. Betting and sporting placards relating to sweepstakes, raffles, or totalizators are not to be posted on licensed premises. Permitting any person to play an unlawful game on licensed premises is prohibited.

No licensed person is allowed to use any part of his premises as a dancing saloon, unless on special occasions, with the consent of the Licensing Court.

Aboriginals must not be served with liquor at any time, nor persons against whom a prohibition order has been made, nor persons who are under the age of eighteen years. If liquor be delivered to an infant under sixteen years of age for consumption off the premises, it must be in a corked and sealed vessel.

Every licensed victualler who fails or refuses, except for some valid reason, to supply lodging, meals, or accommodation to persons demanding the same, is liable to a penalty of £2.

Every applicant for a club certificate or a victualler's licence must supply a statutory declaration with regard to the twelve months ended the preceding 30th September, of the quantity of each kind of liquor purchased for the club or licensed victuallers' premises, and the total amount paid or payable therefor, including any duties thereon, and the names and addresses of the persons or firms who sold the liquor. The percentage fee for a club, or compensation fee for a licensed victualler's premises, must be paid within 21 days after the applicant has been notified by the clerk of the Licensing Court.

The Treasurer is empowered to require any wine or spirit merchant, or brewer, or firm, to furnish the names and addresses of every club or licensed victualler to which or to whom liquor was sold during the twelve months ended 30th September, 1906, or during any subsequent twelve months; such statement to show the quantity and nature of liquor, and the price paid or payable therefor. Failure to comply with this provision may entail a penalty not exceeding £100.

#### "LICENSING FUND" AND "COMPENSATION FUND."

The moneys in the "Licensing Act 1885 Fund" are transferred to a trust fund to be called "The Licensing Fund," and all fees (other than compensation fees), for licences, &c., are to be paid to the credit of this fund. Each municipality is to be paid a sum of money set out in the schedule of the Act, in March each year, and all other moneys remaining in the fund are to be paid into the Police

Superannuation Fund to such extent as may be necessary to meet all claims chargeable under Part III. of the *Police Regulation Act* 1890, and any balance remaining is to be transferred to the Consolidated Revenue.

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A special trust fund, to be called the "Licensing Act 1906 Compensation Fund," is to be established in the Treasury.\* Every person to whom a licence is granted or renewed shall, in addition to his licence fee, pay a further sum or compensation fee of 3 per cent. on the gross amount paid or payable for all liquor purchased by him during the preceding twelve months ended on the 30th September. The amount of the compensation fee is to be determined by the Licensing Court, and in the event of insufficient information being at their disposal, they are empowered to fix the fee at such sum as they may consider fair and reasonable. The owner of the premises is chargeable with two-thirds, and the tenant with one-third, of the fee.

When any reduction of licensed premises has been made the remaining hotels, who will be benefited, are to bear a *pro rata* assessment to make up the amount of licence fees annually lost to the Licensing Fund. A reduction of payments to municipalities is to be made in districts where licences are reduced in number to the extent of 80 per cent. of the loss arising from the closing of the hotels, but the municipalities will not participate in the *pro rata* assessment of the remaining houses.

Provision is made for re-building licensed victuallers' premises on another site, in the event of it not being practicable, without unusually great expenditure, to build on the old site. This authority is not to be granted if, in the same village or township, there are any other licensed victuallers' premises.

#### LOCAL OPTION.

The last division of the Act relates to local option, which, however, is not to commence until the 1st January, 1917. A vote of the electors is to be taken in every district at the date of each general election next following the 1st January, 1917. The resolutions to be submitted to the electors are as follow:—

- (a) That the number of licences existing in the electoral district continue.
- (b) That the number of licences existing in the electoral district be reduced.
- (c) That no licences be granted in the electoral district.

Where resolution C has been previously carried, and is in force in the district, the resolution submitted shall be:—

- (d) That licences be restored in the electoral district.

Resolution A or B is carried if a majority of votes is in favour of such resolution. Resolution C is carried if three-fifths of the votes given is in favour of the resolution, provided that where less than such number is so given the votes given in favour of C shall be added to the votes given for B. Thirty per cent., at least, of the electors on the roll must vote in favour of them to carry resolutions C or D.

\* The amount paid into this fund for the year ended 30th September, 1906, was £48,243.

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The effect of carrying the resolutions is as follow:—

If A is carried, the number of licences is not to exceed the number at the time of the taking of the vote.

If B is carried, the number of licences may be reduced to three-fourths the number at the time of voting.

If C is carried, no licences shall be granted, renewed, or transferred.

If D is carried, licences may be granted, renewed, and transferred, but not to number more than when the resolution C was carried, nor less than half such number.

Other sections deal with the method of closing the hotels when the residents have passed resolutions declaring that such is their wish. When resolution B or C is carried, the Licensing Court is to inform the Treasury what amounts are required for compensation, and on receiving such notification, the Treasurer is to set apart out of the Compensation Fund an amount sufficient to meet all claims. If it appears that there is not enough money in the fund to meet the claims, he may, in writing, require every holder of a victualler's licence in Victoria to pay within three months such additional compensation fee as, in his opinion, will be required to satisfy the claims. The additional compensation fee is to bear the same *pro rata* proportion to the compensation fee paid by each licensee under the Act, and if the fee be not paid within three months the licence becomes void.

#### GAOLS AND PRISONERS.

Gaols and  
Prisoners.

There are nine gaols in Victoria, including the Pentridge Penal Establishment—Ararat, Portland, and Maryborough gaols having been closed several years ago—and the figures below show that there is still accommodation in the gaols for more than twice the average number of prisoners in confinement. The following statement gives for the year 1906 the accommodation, daily average in confinement, number received during the year, and the number in confinement at the end of the year:—

#### GAOL ACCOMMODATION AND PRISONERS, 1906.

Name of Institution.	Number of Prisoners.							
	For whom there is Accommodation.		Daily Average.		Total Received.		In Confinement, 31.12.06.	
	Males.	Females.	Males.	Females.	Males.	Females.	Males.	Females.
Pentridge ..	800	..	499·00	..	388	..	471	..
Ballarat ..	62	18	27·30	1·51	400	33	17	1
Beechworth ..	66	15	36·22	·24	221	8	38	..
Bendigo ..	116	28	20·87	2·79	386	78	12	..
Castlemaine ..	99	..	4·54	·09	76	7	1	..
Coburg Female Prison ..	..	324	..	70·05	..	143	..	52
Geelong ..	187	29	94·11	·21	321	18	91	..
Melbourne ..	485	114	201·53	40·17	3,747	1,275	186	33
Sale ..	30	5	8·76	·14	109	9	11	..
Total ..	1,845	533	892·33	115·20	5,648	1,571	827	86



There are also seven police gaols which are used as receiving stations, but the daily average number of prisoners detained therein during 1906 was only ten.

The following is a statement of the average number of prisoners in detention in the gaols of the State at the end of decennial periods from 1871, and during the past five years, from which it will be seen that the decrease in later years is very considerable. The rate per 10,000 of population, fifteen years and over, in 1906, being 68 per cent. less than in 1871, 53 per cent. less than in 1881, and 50 per cent. less than in 1891.

Prisoners in confinement, 1871 to 1906—decrease.

PRISONERS IN CONFINEMENT, 1871 TO 1906.

Year.	Average number of Prisoners in confinement.			Per 10,000 of population, 15 years and over.
	Males.	Females.	Total.	
1871 ...	1,345	274	1,619	38·30
1881 ...	1,294	304	1,598	26·65
1891 ...	1,550	350	1,900	25·47
1901 ...	951	200	1,151	14·53
1902 ...	943	170	1,113	14·05
1903 ...	907	141	1,048	13·23
1904 ...	890	137	1,027	12·97
1905 ...	922	121	1,043	13·17
1906 ...	902	115	1,017	12·42

EXPENDITURE ON POLICE AND GAOLS.

In the 41½ years ended 30th June, 1906, the total amount expended in connexion with the police, and penal establishments and gaols of Victoria was £11,865,755, viz., £9,483,903 on the former, and £2,381,852 on the latter. The following table shows the amounts and the amount per head of population expended in connexion with the police, and penal establishments and gaols of Victoria during each of the five years ended with 1905-6:—

Expenditure on police, gaols, &c.

EXPENDITURE ON POLICE AND GAOLS, 1901-2 TO 1905-6.

Year.	Amount Expended (exclusive of the Cost of Buildings) on—			Amount per Head of Population.
	Police.	Gaols and Penal Establishments.	Total.	
	£	£	£	s. d.
1901-2 .. .. .	271,561	51,948	323,509	5 4
1902-3 .. .. .	264,422	51 919	316,341	5 3
1903-4 .. .. .	269,647	49,226	318,873	5 3
1904-5 .. .. .	269,339	48,529	317,868	5 3
1905-6 .. .. .	270,661	49,175	319,836	5 3

The expenditure is exclusive of pensions.

Expenditure  
on police  
and gaols  
in Austral-  
asia.

The following are the amounts expended on police and gaols in the Australian States and New Zealand during the year 1905-6:—

EXPENDITURE ON POLICE AND GAOLS IN AUSTRALIAN STATES AND NEW ZEALAND, 1905-6.

State.	Amount Expended (exclusive of the Cost of Buildings) on—			Amount per Head of Population.
	Police.	Gaols.	Total.	
	£	£	£	s. d.
Victoria .. ..	270,661	49,175	319,836	5 3
New South Wales .. ..	434,189	85,788	519,977	7 0
Queensland .. ..	155,384	23,617	179,001	6 9
South Australia .. ..	76,288	15,065	91,353	4 10
Western Australia .. ..	124,023	32,659	156,682	12 4
Tasmania .. ..	33,522	5,714	39,236	4 4
Australia .. ..	1,094,067	212,018	1,306,085	6 5
New Zealand .. ..	133,829	43,083	176,912	4 0

Executions.

No execution took place in 1906, nor in the previous year, but there was one in 1904, two in 1902, one in 1900, one in 1898, one in 1897, one in 1896, two in 1895, and five in 1894. Since the first settlement of Port Phillip, 168 criminals have been executed within the State, of whom only three were females.

Coroners'  
inquests.

In 1906 the number of coroner's inquiries into the causes of deaths of individuals was 1,414, which was below the average number of the five preceding years. In 807 cases death was found to be due to disease or natural causes, in 398 cases to accident, in 89 to suicide, in 103 to external causes which could not be ascertained, in 7 to homicide, in 2 to intemperance, in 5 a verdict of "still born" was returned, whilst in 3 cases the cause of death was doubtful. Of those due to violence, 67 per cent. were due to accidental causes, 1 per cent. to homicide, 15 per cent. to suicide, while in 17 per cent. of the cases the cause or motive of the violence which caused death was doubtful. The number of inquests during the last five years was 6,998, of which 4,032 deaths were found to be due to disease or natural causes, 2,922 to violence, and 44 to other causes.