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SECTION XXIII.

PUBLIC JUSTICE.

§ 1. Police.

1. **Introductory.**—In previous issues of the Year Book a résumé was given of the evolution of the police force in Australia up to the passing of the Police Act of 1862 (25 Vic. No. 16) in New South Wales, but considerations of space preclude its inclusion in the present volume.

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

2. **Strength of Police Force.**—The strength of the police force in each State during the five years ended 1920 was as follows. It may be mentioned that the police forces are entirely under State control, but, by arrangement, the Commonwealth Government utilizes their services in various directions, such as the collection of particulars for Commonwealth electoral rolls, etc. :—

POLICE FORCES IN THE COMMONWEALTH, 1916 TO 1920.

State.	Area of State in Sq. Miles.	1916.	1917.	1918.	1919.	1920.
New South Wales ..	310,372	2,587	2,557	2,481	2,569	2,630
Victoria ..	87,884	1,638	1,650	1,558	1,719	1,733
Queensland ..	670,500	1,176	1,152	1,141	1,119	1,126
South Australia ..	380,070	567	540	521	541	566
Western Australia..	975,920	473	472	465	466	473
Tasmania ..	26,215	232	235	235	243	240
Northern Territory	523,620	27	27	28	32	32
Commonwealth ..	2,974,581	6,700	6,633	6,429	6,689	6,800

The figures for New South Wales for 1920 are exclusive of 33 "black trackers," i.e., natives employed in detection of offenders chiefly in outlying districts, and four female searchers. In Queensland there were 86 native trackers and 1 female searcher. The South Australian returns for 1920 are exclusive of 10 "black trackers" and 1 female searcher. The Northern Territory had 27 "black trackers" in 1919. There are also 43 "black trackers" and 5 female searchers in Western Australia, not included in the table.

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

INHABITANTS TO EACH POLICE OFFICER, 1916 TO 1920.

(COMMONWEALTH.)

State.	Number of Persons per Sq. Mile, 1921 Census.	Inhabitants to each Police Officer.				
		1916.	1917.	1918.	1919.	1920.
New South Wales	6.76	732	475	784	779	786
Victoria	17.43	864	855	914	857	872
Queensland	1.13	583	593	613	648	664
South Australia	1.30	779	819	867	866	860
Western Australia	0.34	661	648	662	686	697
Tasmania	8.16	838	827	844	844	877
Northern Territory .. ..	..	176	180	174	145	132
Commonwealth	1.83	738	746	782	777	788

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

3. **Duties of the Police.**—In addition to the ordinary employment attaching to their office, the police are called upon to perform many duties which in other countries are carried out by various functionaries. Thus, in Queensland, according to the Commissioner's report for 1921, no less than sixty-six subsidiary offices are held by the police. The Commissioner for South Australia, in his Report for 1921, mentions that during this year the police made 92,479 enquiries for other Departments. As far as the statistician is concerned, it is found that the expert local knowledge possessed by the police renders their services in the collection of such returns as those relating to the agricultural, pastoral and manufacturing industries, private schools, etc., more than ordinarily valuable. Then, again, the fact that their services are enlisted by such widely different departments as those dealing with mines, stock, agriculture, elections, registrations of births, deaths and marriages, forestry, fisheries, explosives, old-age pensions, lunacy, public works, labour, etc., greatly enhances their general alertness by widening the range of their experience. Occasionally the objection is heard in some quarters that these special tasks involve some degree of sacrifice of ordinary routine duties, but that the general intelligence of the Australian police is adequate to the performance of the work, besides being most creditable, results in a great saving of the public money.

4. **Cost of Police Forces.**—The expenditure from Consolidated Revenue on the police forces in each State during the five years 1916 to 1920 is shewn in the following table:—

COST OF POLICE FORCES IN THE COMMONWEALTH, 1916 TO 1920.

State.	1916.	1917.	1918.	1919.	1920.
	£	£	£	£	£
New South Wales	649,093	709,649	722,754	977,506	1,101,767
Victoria	356,885	371,413	397,025	490,016	577,407
Queensland	322,422	337,259	346,802	407,480	476,153
South Australia	127,632	136,158	151,090	159,258	197,157
Western Australia	125,446	136,752	136,295	171,832	186,717
Tasmania	47,320	49,448	54,960	66,940	79,372
Northern Territory	10,260	10,210	10,200	11,435	12,970
Commonwealth	1,639,058	1,750,889	1,819,126	2,284,467	2,631,543

The total for New South Wales in 1920 includes £80,000 payment to Police Superannuation Fund. Similar payments in Victoria and Queensland amount to £40,000 and £36,000 respectively, while smaller sums are included in the returns for other States. The cost per head of the population in each State for the period 1916 to 1920 was as follows:—

COST OF POLICE PER INHABITANT, 1916 TO 1920.

(COMMONWEALTH.)

State.	1916.	1917.	1918.	1919.	1920.
	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>
New South Wales	6 10	7 5	7 5	9 9	10 8
Victoria	5 1	5 3	5 7	6 8	7 8
Queensland	9 3	9 10	9 11	11 1	12 9
South Australia	5 9	6 2	6 8	6 10	8 1
Western Australia	8 0	8 11	8 10	10 9	11 4
Tasmania	4 10	5 1	5 7	6 6	7 7
Northern Territory	43 2	42 1	41 11	49 2	61 7
Commonwealth	6 8	7 1	7 3	8 9	9 10

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

Increases in salary and in cost of supplies and equipment are responsible for the all-round rise which took place in 1920.

In view of the small number of its white population and the vast extent of country to be patrolled, the figures for the Northern Territory necessarily shew a very high average. The duties of the police, moreover, chiefly pertain to matters connected with the control of aborigines.

Expenditure in connexion with police patrol in Papua during 1920-21 amounted to about £17,600.

§ 2. Lower (Magistrates') Courts.

1. **Introductory.**—In considering the criminal returns of the various States, due allowance must be made on account of several factors, such as the relative powers of the courts, both lower and higher, etc. In the case of lower courts, the actual number of laws in each State, the breach of which renders a person liable to fine or imprisonment, must be taken into account. Again, the attitude of the magistracy and police towards certain classes of offences is a factor, for in the case of liquor laws, or laws connected with vagrancy or gaming, the views of magistrates, and instructions issued to the police, may be responsible for considerable variations in the returns. The strength and distribution of the police forces, and the age constitution and distribution of the State's population, also influence the results. In any consideration of criminal returns, due weight should also be given to the prevalence of undetected crime, but information on this point can only be obtained for the State of Victoria. It may be mentioned that each State has its own separate judicial system, the Commonwealth jurisdiction being confined to the High Court of Australia, which is largely a Court of Appeal intermediate to the Privy Council, although it has also original jurisdiction, and the Commonwealth Court of Arbitration and Conciliation. Full particulars regarding the judicial power of the Commonwealth will be found in Chapter III. of the Commonwealth Constitution (see page 19).

2. **Powers of the Magistrates.**—In New South Wales there is no general limit to the powers of the magistrates in regard to offences punished summarily, their authority depending in each case on the statute which creates the offence and gives them jurisdiction. Except in the case of a very few statutes, and excluding cumulative sentences, the power

of sentence is limited to six months. Imprisonment in default of payment of fine is regulated by a scale limiting the maximum period according to the sum ordered to be paid, but in no case exceeding twelve months. Actions for debt and damage within certain limits also come within magisterial jurisdiction. In cases of debts, liquidated or unliquidated, the amount recoverable is not exceeding £50 before a court constituted of a stipendiary or police magistrate at certain authorized places, and not exceeding £30 at any other place before a court constituted of a stipendiary or police magistrate or two or more justices of the peace. The amount in actions of damage is limited to £10, but may extend to £30 by consent of parties.

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

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

In South Australia, under the Minor Offences Act, magistrates can impose sentences up to six months, and under the Summary Convictions Act, up to three months. The Police Act of 1916 gives power to sentence up to one year, with hard labour, in the case of incorrigible rogues; while under the Quarantine Act of 1877, and the Lottery and Gaming Act of 1875, sentences of two years may be imposed.

Under the Petty Offences Act of 1867, in Tasmania, any person charged with having committed, or with having aided or abetted in the commission of an offence, in regard to property of a value not exceeding £10, may, on conviction, for a first offence, before two or more justices in Petty Sessions, be imprisoned for any term not exceeding one year, and for a term not exceeding two years for a second or subsequent offence.

3. Persons Charged at Magistrates' Courts.—The total number of persons who were charged before magistrates in each State is given below for the five years 1916 to 1920 :—

**PERSONS CHARGED BEFORE MAGISTRATES IN THE COMMONWEALTH,
1916 TO 1920.**

State.	1916.	1917.	1918.	1919.	1920.
New South Wales ..	82,036	71,666	76,870	78,103	89,572
Victoria.. ..	59,315	52,175	58,965	58,470	56,698
Queensland	25,206	24,243	25,006	21,926	24,180
South Australia ..	8,322	8,627	9,161	8,804	10,143
Western Australia ..	15,454	11,885	11,599	9,769	10,430
Tasmania	5,259	5,278	6,583	6,362	6,629
Northern Territory ..	313	239	301	221	221*
Commonwealth ..	195,905	174,113	188,485	183,655	197,873

* Year 1919. Returns for 1920 not available.

As the table shews, there was a large decrease in 1917 in charges in New South Wales, Victoria, Queensland, and Western Australia, small increases being recorded in South Australia and Tasmania. In 1918, increases were shewn in all States except Western Australia, in 1919 a decline was experienced in all States except New South Wales, but for 1920 an increase was recorded in all States with the exception of Victoria.

Investigation of the returns shews, however, that considerable variations in the total for single States are occasioned by breaches of new Acts, or the more stringent

enforcement of the provisions of existing Acts. Any deductions drawn from the total returns as to the increase or otherwise of criminality must, therefore, be largely influenced by a careful analysis of the detailed list of offences. (See also § 2, 1, *ante*.)

The figures given in the tabulation above include, of course, a number of people who were wrongly charged, and statistically are not of general importance. The actual number of convictions in connexion with the persons who appeared before the lower courts in each year of the period 1916 to 1920 is, therefore, given hereunder. A separate line is added shewing the committals to higher courts.

CONVICTIONS AND COMMITTALS AT MAGISTRATES' COURTS, 1916 TO 1920.

(COMMONWEALTH.)

State.		1916.	1917.	1918.	1919.	1920.
New South Wales	{ Convictions	63,615	59,999	63,811	64,518	64,803
	{ Committals	1,656	1,353	1,308	1,680	2,239
Victoria	{ Convictions	40,246	38,757	44,900	44,623	43,088
	{ Committals	552	495	406	575	795
Queensland	{ Convictions	23,161	21,985	22,818	19,773	21,922
	{ Committals	304	312	207	255	309
South Australia	{ Convictions	7,145	7,417	7,898	7,527	8,628
	{ Committals	71	82	79	74	123
Western Australia	{ Convictions	13,595	10,535	10,162	8,702	9,198
	{ Committals	141	126	96	127	112
Tasmania	{ Convictions	4,614	4,722	5,854	5,807	6,033
	{ Committals	42	40	37	55	72
Northern Territory	{ Convictions	288	230	255	187	187*
	{ Committals	3	3	6	3	3*
Commonwealth	{ Convictions	157,664	143,645	155,698	151,137	153,859
	{ Committals	2,769	2,441	2,139	2,769	3,653

* Year 1919. Returns for 1920 not available.

4. **Convictions for Serious Crime.**—While the figures given in the preceding table refer to the entire body of convictions, the fact must not be overlooked that they include a large proportion of offences of a technical nature, many of them unwittingly committed, against various Acts of Parliament. Cases of drunkenness and minor breaches of good order, which, if they can be said to come within the category of crime at all, at least do so in a very different sense to some other offences, also help to swell the list. The following table has, therefore, been prepared for the purpose of shewing the convictions at magistrates' courts for what may be regarded as the more serious offences, *i.e.*, against the person and property, either separately or conjointly, and forgery and offences against the currency :—

CONVICTIONS FOR SERIOUS CRIME AT MAGISTRATES' COURTS, 1916 TO 1920.

(COMMONWEALTH.)

State.		1916.	1917.	1918.	1919.	1920.
New South Wales	..	6,271	5,499	6,355	7,232	7,704
Victoria	..	2,736	2,830	3,162	2,976	4,294
Queensland	..	1,487	1,403	1,427	1,526	1,357
South Australia	..	522	490	534	629	772
Western Australia	..	1,014	845	884	995	993
Tasmania	..	441	390	479	594	548
Northern Territory	..	37	50	18	11	11*
Commonwealth	..	12,508	11,507	12,859	13,963	15,679

* Year 1919. Returns for 1920 not available.

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

CONVICTIONS FOR SERIOUS CRIME PER 10,000 INHABITANTS, 1916 TO 1920.

(COMMONWEALTH.)

State.	1916.	1917.	1918.	1919.	1920.
New South Wales ..	33.1	28.9	32.7	36.1	37.2
Victoria.. ..	19.3	20.0	22.2	20.2	28.4
Queensland ..	21.7	20.5	20.4	21.1	18.1
South Australia ..	11.8	11.1	11.8	13.4	15.9
Western Australia ..	32.4	27.6	28.7	31.1	30.1
Tasmania ..	22.7	20.1	24.2	29.0	26.0
Northern Territory ..	77.8	103.1	37.0	23.6	23.6
Commonwealth ..	25.3	23.3	25.6	26.9	29.3

5. **Decrease in Crime, 1881-1920.**—The figures quoted in the preceding table shew that while during the last five years the rate of serious crime has increased somewhat, if the comparison be carried back to 1881 the position is seen to be more satisfactory. The rate of convictions at magistrates' courts per 10,000 of the population is given below for each of the years 1881, 1891, 1901, 1916, and 1920. Only the more serious offences particularised in the preceding sub-section, have been taken into consideration.

RATE OF CONVICTIONS FOR SERIOUS CRIME IN THE COMMONWEALTH, 1881 TO 1920.

Year.	Convictions per 10,000 Persons.
1881	69.3
1891	44.8
1901	29.1
1916	25.5
1920	29.3

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

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

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

discharged prisoners was in the hands of private organizations, such as the Salvation Army Prison Gate Brigade, but in some of the States, and notably in New South Wales, the authorities themselves look after the welfare of discharged prisoners in the way of finding work, providing tools, etc. Improvements in the means of communication and identification have been responsible for some of the falling-off noticeable in the criminal returns, the introduction of the Bertillon system having contributed to certainty of identification. In his report for the year 1910 the Inspector-General of Police in New South Wales states that "criminals have a wholesome dread of the finger print system, and I have not the slightest doubt that it is one of the principal causes of the diminution of serious crimes." Part of the improvement may no doubt be referred also to the general amelioration in social conditions that has taken place during the last fifty years.

As will be seen from the following table the restrictions on the consumption of intoxicants during the course of the war has been responsible for a great falling off in convictions for drunkenness.

7. **Drunkenness.**—The number of cases of drunkenness and the convictions recorded in connexion therewith during the period 1916 to 1920 will be found in the following table :—

CASES AND CONVICTIONS.—DRUNKENNESS, 1916 TO 1920.

(COMMONWEALTH.)

State.	1916.		1917.		1918.		1919.		1920.	
	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.	Cases.	Convictions.
New South Wales	23,192	23,017	21,063	20,902	20,651	20,511	19,834	19,546	26,030	25,843
Victoria	11,316	6,049	7,575	4,101	5,987	3,049	6,237	3,000	7,154	3,834
Queensland	13,374	13,059	13,562	13,065	12,302	11,518	12,178	11,403	12,017	11,712
South Australia	3,451	3,433	3,097	3,072	3,308	3,298	3,197	3,171	3,463	3,448
Western Australia	5,045	5,009	4,623	4,598	4,058	4,020	3,612	3,595	4,222	4,185
Tasmania	488	480	415	407	433	426	485	474	536	530
Northern Territory	208	202	210	207	81	81	109	109	*109	*109
Commonwealth	57,074	51,249	50,545	46,352	46,820	42,903	45,652	41,298	53,581	49,661

* For 1919. Returns for 1920 not available.

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

The convictions for drunkenness per 10,000 of the population during each of the years from 1916 to 1920 are given hereunder :—

CONVICTIONS FOR DRUNKENNESS PER 10,000 INHABITANTS, 1916 TO 1920.

(COMMONWEALTH.)

State.	1916.	1917.	1918.	1919.	1920.
New South Wales	121.5	109.7	105.5	97.7	124.9
Victoria	42.8	29.1	21.4	20.4	25.4
Queensland	190.5	191.2	164.8	157.4	156.7
South Australia	77.7	69.5	73.0	67.7	70.1
Western Australia	160.1	150.3	130.6	112.5	127.0
Tasmania	24.7	21.0	21.5	23.1	25.2
Northern Territory	424.5	426.6	166.3	234.2	234.2
Commonwealth	103.6	93.7	85.3	79.5	92.6

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

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

The following table shews the consumption of spirits, wine, and beer per head of the population in the Commonwealth during each year of the quinquennium 1917-21 :—

CONSUMPTION OF ALCOHOLIC BEVERAGES IN THE COMMONWEALTH, 1917-21.

Year.	Consumption per Head of Population.		
	Spirits.	Wine.	Beer.
	Imp. Galls.	Imp. Galls.	Imp. Galls.
1916-7	0.61	0.50	11.62
1917-8	0.50	0.50	11.92
1918-9	0.39	0.50	12.50
1919-20	0.45	0.50	13.39
1920-21	0.36	0.50	12.20

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

9. Remedial Treatment of Inebriates.—Legislation has been passed in each State, providing for the commitment of inebriates to special Government institutions. The laws in the various States are as follows :—New South Wales, Inebriates Act 1912 ; Victoria, Inebriates Act 1915 ; Queensland, Inebriate Institutions Act 1896 ; South Australia, Inebriates Acts 1908, 1913, and 1920 ; Western Australia, Inebriates Acts 1912 and 1919 ; Tasmania, Inebriates Act 1885, Inebriate Hospitals Act 1892. Curative work was first undertaken by the Government of New South Wales in 1907. In most cases the institutes are connected with the gaols, and, naturally, custodial measures are still a strong feature in their management ; nevertheless, the results of remedial measures have been encouraging. In Victoria an institute purporting to be wholly remedial was founded in 1907. It may be mentioned that there are private retreats in various places in the Commonwealth, but these are not officially subsidised or inspected.

10. Treatment of Habitual Offenders.—In New South Wales the Habitual Criminal Act of 1905 gives judges the power of declaring a prisoner, after a certain number of sentences, to be an habitual criminal, and as such to be detained until, in the opinion of the authorities, he is fit to be at large. At the end of 1920 there were 30 persons in prison under this Act, including 3 in the hospital for criminal insane. Since the passing of the Act, 83 males and 1 female have been declared to be habitual criminals. The Indeterminate Sentences Act came into force in Victoria in July, 1908, and up to the end of June, 1920, 452 prisoners had been released on probation or parole. Of this number, 216 were classed as habitual criminals, of whom 66 satisfactorily completed probation and were not again convicted, 85 were convicted and returned to prison, 61 were still on probation or on parole, and 7 died while on probation. Since the passing of the Act 635 persons have been brought under its provisions. At the 30th June, 1920, the number under indeterminate detention was 135. The provisions of the Habitual Criminals Amendment Act of 1907 were put into force in South Australia in 1909, and 23 criminals had been declared to be habitual offenders up to the end of 1920. Of these, 20 had been released after serving the indeterminate portion, and 3 were serving the definite portion of their sentence. The Criminal Code Amendment Act of 1914, which makes provision for the detention and control of habitual criminals, was assented to in Queensland on the 3rd December, 1914, but up to the end of 1920 no prisoners had been brought under its provisions. Naturally it will be some time before the full effect of these measures on the prevalence of crime can be estimated. The Comptroller-General of Prisons in New South Wales, states, however, that the system has exercised a wholesome deterrent effect on the criminal who is not a prisoner, while the Indeterminate Sentence Board in Victoria states that it has become impressed with the advantages which this form of sentence offers, both from a reformatory and deterrent standpoint, over the ordinary sentence. In Western Australia, under the Criminal Code Amendment Act of 1918, power is given to declare a prisoner after a certain number of convictions to be an habitual criminal. Six prisoners were under preventive detention in 1920, of whom 3 were habituals. During the period in which the Habitual Criminals and Offenders Act of 1907 (now Indeterminate Sentences Act 1921) has been in force in Tasmania, 103 men and 2 women have been released under its provisions, and the results, according to the Sheriff, have been satisfactory, only two prisoners having been reconvicted and sentenced to further imprisonment. Eleven male prisoners were released on parole in 1920.

11. Treatment of First Offenders.—In all the States and in New Zealand statutes dealing with first offenders have been in force for some years, the dates of passing the Acts being as follows :—New South Wales, 1894 ; Victoria, 1890, 1908, and 1915 (Crimes Act, sec. 340) ; Queensland, 1887 ; South Australia, 1887 and 1913 ; Western Australia, 1892 ; Tasmania and New Zealand, 1886. The method of procedure is practically the same in all cases, i.e., with regard to most first offenders the magistrate or judge is empowered to allow the offender to go free on recognisances being entered into for his good behaviour for a certain period. In practice, this humane law has been found to work excellently, very few of those to whom its provisions have been extended having been found to relapse into crime.

12. **Children's Courts.**—Special courts for the trial of juvenile offenders have been established in New South Wales, Victoria, Western Australia, Tasmania, and New Zealand within the last few years, while Children's Courts, although not under that name, are practically provided for by the State Children's Acts of 1895 and 1900 in South Australia. The object of these courts is to avoid, as far as possible, the unpleasant surroundings of the ordinary police court.

13. **Committals to Superior Courts.**—In a previous section it has been pointed out that comparisons of criminality based on a consideration of the total returns from magistrates' courts are somewhat inadequate, seeing that the figures include numbers of cases which are merely technical breaches of laws having in some instances a purely local significance. The committals to higher courts give a better basis of comparison, although even in this connexion allowance must be made for the want of uniformity in jurisdiction. The table below gives the number of committals in each year from 1916 to 1920, with the proportion of such committals per 10,000 of the population. The rates are shewn on a separate line.

COMMITTALS TO SUPERIOR COURTS, 1916 TO 1920.

(COMMONWEALTH.)

State.		1916.	1917.	1918.	1919.	1920.
New South Wales	{ No.	1,707	1,383	1,308	1,680	2,239
	{ Rate	9.0	7.3	6.7	8.4	10.8
Victoria	{ No.	552	495	406	575	795
	{ Rate	3.9	3.5	2.9	3.9	5.3
Queensland	{ No.	304	312	207	255	309
	{ Rate	4.4	4.6	3.0	3.5	4.1
South Australia	{ No.	71	82	79	74	123
	{ Rate	1.6	1.9	1.7	1.6	2.5
Western Australia	{ No.	141	126	96	127	112
	{ Rate	4.5	4.1	3.1	4.0	3.4
Tasmania	{ No.	42	40	37	55	72
	{ Rate	2.2	2.1	1.9	2.7	3.4
Northern Territory	{ No.	3	3	6	3	3
	{ Rate	6.3	6.2	12.3	6.4	7.1
Commonwealth	{ No.	2,820	2,441	2,139	2,769	3,653
	{ Rate	5.7	4.9	4.3	5.3	6.8

The above figures shew that the rate of committals for serious crime has increased by 19 per cent. during the last five years, but if the comparison be carried further back, it will be found that, as compared with the earlier years, there has been a considerable improvement. This will be evident from an examination of the following figures, which shew the rate of committals per 10,000 persons in Australia at various periods since 1861 :—

RATE OF COMMITTALS IN AUSTRALIA, 1861 TO 1920.

Year	..	1861.	1871.	1881.	1891.	1901.	1911.	1920.
Committals per 10,000 inhabitants	..	22	14	12	11	8	6	7

The decline in proportion to population since 1861 has therefore been about 68 per cent.

§ 3. Superior Courts.

1. **Convictions at Superior Courts.**—The total number of convictions at superior courts, together with the rate per 10,000 of the population, is shewn below for each of the years 1916 to 1920 :—

CONVICTIONS AT SUPERIOR COURTS, 1916 TO 1920.

(COMMONWEALTH.)

State.		1916.	1917.	1918.	1919.	1920.
New South Wales	{ No.	815	661	622	762	1,027
	{ Rate	4.3	3.5	3.2	3.8	5.0
Victoria	{ No.	366	303	245	347	461
	{ Rate	2.6	2.2	1.7	2.4	3.0
Queensland	{ No.	266	226	193	254	302
	{ Rate	3.9	3.3	2.8	3.5	4.0
South Australia	{ No.	52	59	46	47	83
	{ Rate	1.2	1.3	1.0	1.0	1.7
Western Australia	{ No.	91	55	55	63	69
	{ Rate	2.9	1.8	1.8	2.0	2.1
Tasmania	{ No.	30	28	18	39	51
	{ Rate	1.5	1.4	0.9	1.9	2.4
Northern Territory	{ No.	1	1	..	..	..
	{ Rate	2.1	2.0	..	..	..
Commonwealth	{ No.	1,621	1,333	1,179	1,512	1,993
	{ Rate	3.3	2.7	2.3	2.9	3.7

The rate in 1901 was 4.6 per 10,000, and the decrease to the end of 1920 was, therefore, about 20 per cent.

In considering the above figures allowance must be made for the various factors enumerated in a preceding paragraph. Tasmania, it will be noted, shews the smallest proportion of serious crime, while the figures available shew that the island State is relatively the smallest consumer of alcoholic beverages. That a definite causal relation exists between the figures shewn by the respective tables is not, however, obvious.

2. **Offences for which Convictions were Recorded at Superior Courts.**—In the following table will be found a classification of the principal offences for which persons were convicted at the higher courts during each year of the period 1916 to 1920. Owing to lack of uniformity in the presentation of the returns for the several States the information is confined to the chief offences against the person only. In the case of Victoria the information is incomplete regarding the convictions on summons committals. The figures quoted refer to convictions in the Commonwealth during the period dealt with.

CONVICTIONS FOR SERIOUS CRIME, SUPERIOR COURTS, 1916 TO 1920.

(COMMONWEALTH.)

Offences.		1916.	1917.	1918.	1919.	1920.
Murder, and attempts at	.. ..	21	21	14	34	20
Manslaughter	.. ..	14	9	7	14	18
Rape, and attempts at	.. ..	15	15	11	3	7
Other offences against females	.. ..	78	79	75	66	69
“ “ “ the person	.. ..	193	239	155	220	223
Total	.. ..	321	363	262	337	337

While the individual totals shew considerable fluctuations, the returns generally manifest considerable improvement. The general total of convictions for all offences against the person shews a decline since 1901 of nearly 22 per cent., and since 1915 of about 6 per cent.

3. Capital Punishment.—The table below gives the number of executions in each State during the period 1916 to 1920 :—

EXECUTIONS, 1916 TO 1920.

(COMMONWEALTH.)

State.	1916.	1917.	1918.	1919.	1920.
New South Wales	2	2	..	..	..
Victoria	2	..	2	..	..
Queensland .. ..	..	..	..	..	..
South Australia .. ..	..	..	..	1	1
Western Australia .. ..	..	..	..	..	..
Tasmania .. ..	..	..	..	..	..
Commonwealth	4	2	2	1	1

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

During the period 1861 to 1880 the annual average number of executions in the Commonwealth was nine, from 1881 to 1900 the average was six, for the period 1901 to 1910 the figure stood at four, while the average for the last quinquennium was two.

§ 4. Prisons.

1. Prison Accommodation and Prisoners in Gaol.—The table below shews the number of prisons in each State and the accommodation therein at the end of 1920 :—

PRISONS AND PRISON ACCOMMODATION, 1920.

(COMMONWEALTH.)

State.	Number of Prisons.	Accommodation in—		Prisoners at End of Year.
		Separate Cells.	Wards.	
New South Wales	26	2,232	..	1,128
Victoria	15	1,485	672	700
Queensland	12	586	380	275
South Australia	13	759	466	229
Western Australia	23	458	909	167
Tasmania	2	100	..	63
Northern Territory (a) ..	3	3	62	3
Commonwealth	94	5,623	2,489	2,565

(a) Year 1919. Returns for 1920 not available.

The figures refer to prisoners under sentence, and are exclusive of aborigines

The number of prisoners in gaol at the 31st December in each of the years 1916 to 1920 is given below. As stated above, the figures refer to prisoners under sentence, and are exclusive of aborigines. A separate line is added in each instance, shewing the proportion per 10,000 of the population.

PRISONERS IN GAOL, 1916 TO 1920.

(COMMONWEALTH.)

State.		1916.	1917.	1918.	1919.	1920.
New South Wales	Number..	1,451	1,292	959	941	1,128
	Proportion	7.7	6.8	5.0	4.7	5.5
Victoria	Number..	773	689	588	665	700
	Proportion	5.5	4.9	4.1	4.5	4.6
Queensland	Number..	319	260	255	279	275
	Proportion	4.7	3.8	3.6	3.9	3.7
South Australia	Number..	237	268	233	222	229
	Proportion	5.4	6.1	5.2	4.7	4.7
Western Australia	Number..	207	195	185	158	167
	Proportion	6.6	6.4	6.0	4.9	5.1
Tasmania	Number	49	46	55	72	63
	Proportion	2.5	2.4	2.8	3.5	3.0
Northern Territory	Number..	14	12	7	3	3
	Proportion	29.4	24.7	14.4	6.4	7.1
Commonwealth	Number..	3,050	2,762	2,282	2,340	2,565
	Proportion	6.2	5.6	4.5	4.5	4.8

From the preceding table it will be seen that the proportion to population of prisoners in gaol has fallen by 23 per cent. during the last five years, but, if the comparison be carried farther back, the position is seen to be more favourable, the prisoners in gaol in the Commonwealth numbering as much as 16 per 10,000 of the population in 1891.

2. Improvement of Penological Methods.—During recent years Australia, in common with most other civilised countries, has introduced considerable modifications and improvements in methods of prison management. Under the old régime punishment partook more or less of the character of reprisal for wrongdoing, and the idea of constituting the prison as a reformatory agency was in the background. But in recent years there has been an earnest attempt at effecting a moral reformation in the unfortunates who lapse into crime. This aspect of prison management has been specially prominent in New South Wales. A short account of the re-organization of the prison system in this State appears in preceding Year Books (see No. V., p. 922), but considerations of space preclude its repetition here. At the present time it is found that good results have followed the principles of scientific classification and restricted association of prisoners, together with the provision of separate institutions for the treatment of inebriates. Special efforts are put forward to provide reproductive work for prisoners, and no capable able-bodied man is engaged in labour that demeans him, but on the other hand is encouraged to take pride and pleasure in good work. The Parramatta gaol, which dates from 1842, was closed on the 15th September, 1918, and to provide for the prisoners transferred therefrom the gaol at Young was proclaimed as a place of detention for the treatment of habitual criminals in the indeterminate stage. Short sentence prisoners were sent to Tamworth gaol, and longer sentence men were accommodated in Bathurst and Maitland gaols and the State penitentiary at Long Bay. At Long Bay there is a well-designed reformatory institution for females, providing for effective classification, and a penitentiary used as a distributing centre and a place of detention for short-term prisoners from the metropolis. Goulburn gaol is used for first offenders. The first-class minor gaols at Albury, Armidale, Broken Hill, Grafton, and Maitland are convenient centres for the reception of country prisoners, and for the treatment of special cases. There are also several second-class minor gaols and police gaols where short-sentenced prisoners from the surrounding districts are dealt with. The system of carrying on afforestation by prison labour, somewhat after the

manner of that in vogue for several years in New Zealand, has been introduced, and in 1911 a site near Tuncurry, on the Manning river, was selected for the purpose of initiating the scheme. Pine trees of various kinds were planted, and at the end of 1920 over 1,000,000 trees, some exceeding 10 feet in height, were well established. The daily average number of prisoners in 1920 was 18. So far the scheme appears to be a great success, the prisoners being healthy, cheerful, well-behaved, and industrious. Each prisoner has his own comfortable hut, where he takes his meals and sleeps, and may, if he so desires, write his letters. There are no armed or night guards at the camp. During the year 1914 a property of 107 acres was purchased, near the Emu Plains railway station, for the purpose of establishing a prison farm, and this was opened in April, 1915, with ten prisoners. This institution was disestablished in 1916, when it was taken over by the Department of Agriculture, and beyond selecting the prisoners for work on the farm, the Prisons Department had no further responsibility. The farm was again transferred to the control of the Prisons Department in November, 1917. Accommodation is provided for 42 prisoners, each of whom occupies a roomy, comfortable hut. The inmates consist principally of first offenders under the age of 25 years, and they receive a practical training in general farm work. The daily average in 1920 was 33. That there is some connexion between mental and physical health and crime is proved by the condition in which many persons are received into gaol. In a large number of instances prisoners are found to be suffering from contagious diseases. Under the Prisoners Detention Act, and its amendment of 1918, such persons may be kept in gaol until cured. A further reform, introduced in 1915, was the provision of the Shaftesbury Inebriate Institution for the treatment of non-criminal inebriates. In 1916 accommodation was provided for voluntary paying guests who wish to undergo treatment. A portion of the establishment was set apart for the special treatment of returned soldiers convicted of minor offences, who on medical grounds are not suitable for farming or afforestation work. Physically capable men over the age of 25 years were provided for at Tuncurry, and younger men at Emu Plains prison farm. A special wing of Goulburn gaol was set apart for general treatment under returned soldier officers. More serious and less hopeful cases were sent to Bathurst and Maitland gaols. Altogether 1,014 soldiers were received, of whom 363 were first offenders, the majority coming from the minor courts.

During 1920 further improvements were effected in the application of progressive ideas to prison treatment. The monotony of non-working hours at week-ends was relieved by the provision of concerts and lectures at the principal gaols, and more open air exercise was allowed, particularly on Saturday afternoons and Sundays. Greater facilities were also provided for the reading of books and magazines, and a wider range of literature was made available.

Special attention is drawn by the Comptroller-General to the valuable work performed by the Prisoners' Aid Association in helping prisoners during the period of detention and after discharge.

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

It is stated that about 46 per cent. of the prisoners received into gaol in 1920 were not natives of New South Wales.

Space will not permit of more than a passing reference to the improvements brought about in prison management in the other States. In Victoria there is an excellent system of classification and allocation of prisoners in various grades to different gaols, while at the important penal establishment at Pentridge a careful segregation into several classes is carried out. In common with the other States the latest humane methods of accommodation and prison treatment have for some time been employed. An afforestation camp known as McLeod Settlement, French Island, was opened in 1916, and on the 30th June, 1920, there were 28 inmates. Since the establishment of the Camp about 2,300,000 trees have been planted by the prisoners for the Forests Department. It is stated that the experiment has resulted in improvement, both in demeanour and physique of prisoners, and it is hoped that in many cases it will be conducive to a return to honest citizenship. A prison farm has also been established about three miles from the prison at Castlemaine, and the inmates are taken to and fro daily. The number in confinement on the 30th June, 1920, was 51. Accommodation has been provided for housing a certain number of prisoners on the farm site. The orchard planted in connexion with the farm contains about 1,000 fruit trees. Provision

has been made for practical instruction in carpentering and other work which will help in securing employment for prisoners on release. During the year, 92 male and 32 female cases under the Venereal Diseases Act were received, of whom 2 were treated at Ballarat and the balance at the metropolitan prisons. The discharges after certificate by the Health Department numbered 89. Curative treatment is given during the period of incarceration and, if necessary, is continued afterwards outside the prison at places gazetted by the Health Department. Provision is made for dental attention in the case of prisoners requiring it, free treatment being given when the prisoner is unable to pay or to make arrangements for payment.

Queensland prisons have been considerably modernised during recent years. Amongst the principal reforms may be mentioned the reduction of the period of separate treatment undergone by prisoners sentenced to hard labour or penal servitude, a remodelling of the remission clauses and the provision of more liberal privileges in the way of correspondence and visits by friends. Electric light has been installed in the Brisbane prison, and prisoners are allowed to read up to 8 o'clock each evening. Careful classification of prisoners is carried out. Under the provisions of the Health Act venereal cases are detained until danger of infection has ceased. St. Helena Penal Establishment, which hitherto has been used for the accommodation of prisoners serving sentences of twelve months and upwards, is being converted into a farm colony. Well-conducted long-time prisoners will be sent to this establishment for special treatment during the latter stages of their sentences while qualifying for release. The regulations will be modified, as deemed expedient, in order to bridge the gulf between confinement and liberty. It is also intended to afford better facilities for the instruction of prisoners in trades, which will afford them the means of earning a livelihood on their release, as, naturally, men and women in this position will be less likely to relapse into crime.

Unusual circumstances have combined to keep crime at a low point in South Australia. In the first place there was never any transportation of criminals to the State, while in the earlier years of its history South Australian law breakers were transported elsewhere. The discovery of gold in the neighbouring colonies was also responsible for the drawing away of turbulent spirits who might later on have caused trouble. The present system of gaol administration was drafted mainly on English and European lines by the late W. R. Boothby, C.M.G., and has since been as far as possible adapted to modern penological procedure. At the Yatala Labor Prison, which is the largest in the State, the number in confinement on the 31st December, 1920, was 114. The prisoners are graded into three classes—first offenders, second offenders, and old offenders, the various classes being kept apart. The Adelaide gaol, which had 70 prisoners in confinement at the end of 1920, is the next in point of importance. It is proposed to establish an afforestation camp prison at the Bangham Forest Reserve on similar lines to that at Tuncurry in New South Wales. Excellent work for the benefit and assistance of discharged prisoners is performed by the Prisoners' Aid Association.

A Royal Commission in 1911 recommended the adoption of various reforms in connexion with the prison system of Western Australia. The bulk of these were carried out, and included, amongst other things, an extension of the principle of separate treatment, improvement in prisoners' dietary scale, more satisfactory arrangements in regard to remission of sentences, and improvements in regard to hours of labour, leave of absence, etc., for the staff. Amongst other improvements recently introduced may be mentioned the grant of an eight hours' day to officers, enlargement and improved hygiene of cells, additional library facilities, assistance to discharged prisoners by provision of railway passes and monetary aid, appointment of committees to look after the welfare of discharged prisoners, and the remodelling of the "mark" system. The military method of control at Rottnest Island, coupled with considerable privileges to well-conducted prisoners, has proved very successful. Under the Prisons Act Amendment Act of 1918 a portion of Fremantle Prison was set aside as a reformatory prison in 1919, and first offenders are kept separate from other prisoners.

The daily average number of prisoners in confinement in Tasmanian gaols during the year 1920 was about 63, the bulk of whom were confined in the penal establishment at Hobart. There were no prisoners in the country gaols. The completion of alterations to the Hobart gaol will facilitate the segregation of youthful offenders, and afford opportunities for teaching trades. At present these first offenders are placed in the House of Correction and work at gardening and other tasks apart from the ordinary prisoners.

§ 5. Civil Courts.

1. **Lower Courts.**—The transactions of the lower courts on the civil side during each of the last five years are given in the table hereunder. As pointed out previously the jurisdiction of the courts is by no means uniform in the various States.

LOWER COURTS.—CIVIL CASES, 1916 TO 1920.

(COMMONWEALTH.)

State.		1916	1917.	1918.	1919.	1920.
New South Wales ..	{ Cases No.	35,724	31,172	32,135	31,847	34,475
	{ Amount £	101,530	88,576	94,026	92,853	111,531
Victoria ..	{ Cases No.	38,573	32,187	31,870	34,841	38,300
	{ Amount £	170,086	143,469	149,755	155,009	158,198
Queensland	{ Cases No.	14,094	11,867	10,957	9,289	10,428
	{ Amount £	64,502	51,302	53,710	56,555	58,476
South Australia ..	{ Cases No.	16,505	14,579	13,619	14,600	18,030
	{ Amount £	50,515	42,774	52,847	58,647	73,505
Western Australia..	{ Cases No.	15,776	13,798	11,387	11,990	12,306
	{ Amount £	51,050	44,937	40,243	43,601	46,765
Tasmania	{ Cases No.	4,879	4,611	4,489	4,325	4,954
	{ Amount £	30,739	29,080	28,769	30,537	34,329
Commonwealth	{ Cases No.	125,551	108,214	104,457	106,892	118,493
	{ Amount £	468,422	400,138	419,350	437,202	482,804

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

2. **Superior Courts.**—In the next table will be found the transactions on the civil side in the Superior Courts during each of the years 1916 to 1920.

The New South Wales returns refer to the total amounts sued for, and not the sums actually awarded after trial in the District Courts, and are exclusive of judgments signed in the Supreme Court for which the amount is not available.

SUPERIOR COURTS.—CIVIL CASES, 1916 TO 1920.

(COMMONWEALTH.)

State.		1916.	1917.	1918.	1919.	1920.
New South Wales..	{ Causes No.	902	862	846	933	1,148
	{ Amount £	a290,642	a274,646	a259,902	a333,539	a377,419
Victoria ..	{ Causes No.	536	573	583	661	760
	{ Amount £	104,965	88,177	108,919	100,200	122,840
Queensland	{ Causes No.	124	126	184	172	225
	{ Amount £	20,335	27,169	19,994	44,567	19,707
South Australia	{ Causes No.	14	13	18	20	39
	{ Amount £	2,482	..	4,518	3,491	16,938
Western Australia..	{ Causes No.	348	108	141	138	174
	{ Amount £	36,042	14,639	30,100	26,757	28,890
Tasmania	{ Causes No.	308	326	329	237	145
	{ Amount £	17,539	20,481	17,453	29,808	14,507
Commonwealth	{ Causes No.	2,232	2,008	2,101	2,161	2,491
	{ Amount £	472,005	425,112	440,886	533,362	580,301

(a) Exclusive of judgments signed, Supreme Court, the amount not being recorded.

3. **Divorces and Judicial Separations.**—The number of divorces and judicial separations in each State during the period 1916 to 1920 is shewn below. The figures refer in the case of divorces to decrees made absolute in each year.

DIVORCES AND JUDICIAL SEPARATIONS, 1916 TO 1920.

(COMMONWEALTH.)

State.	1916.		1917.		1918.		1919.		1920.	
	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.	Divorces.	Judicial Separations.
New South Wales ..	350	12	383	13	380	11	427	7	556	11
Victoria ..	206	1	202	..	233	3	346	2	373	2
Queensland ..	22	..	16	3	24	2	25	1	45	1
South Australia ..	15	..	20	1	17	..	30	..	32	2
Western Australia ..	13	..	24	..	63	..	37	..	27	..
Tasmania ..	2	..	7	..	4	..	6	2	18	..
Northern Territory ..	..	..	..	..	..	..	..	..	..	..
Commonwealth ..	617	13	652	17	721	16	871	12	1,051	16

The average annual number of divorces and judicial separations in the Commonwealth at decennial periods from 1871 to 1920 is as follows :—

DIVORCES AND JUDICIAL SEPARATIONS, 1871 TO 1920.

	1871-1880.	1881-90.	1891-1900.	1901-10.	1911-20.
Commonwealth ..	29	70	358	401	719

The bulk of the divorces and judicial separations refer, as the table shews, to New South Wales and Victoria, the Acts of 1899 and 1889 in the respective States having made the separation of the marriage tie comparatively easy. In some statistical works it is customary to compare the divorces in any year with the marriages in the same year. The comparison is, however, quite valueless, as there is no necessary connexion between the figures.

4. **Probates.**—The number of probates and letters of administration granted, together with the value of the estates concerned, is shewn below for each State for the period 1916 to 1920 :—

PROBATES AND LETTERS OF ADMINISTRATION, 1916 TO 1920.

(COMMONWEALTH.)

State.		1916.	1917.	1918.	1919.	1920.
New South Wales	{ Number	5,336	6,498	6,877	7,188	5,737
	{ Value £	11,687,910	11,923,328	11,827,552	17,131,181	12,265,044
Victoria ..	{ Number	5,448	5,835	6,935	7,404	5,837
	{ Value £	8,917,481	9,486,584	11,009,294	13,844,186	14,672,239
Queensland ..	{ Number	967	841	959	1,122	1,027
	{ Value £	3,041,514	2,706,692	2,335,843	3,733,964	3,594,844
South Australia ..	{ Number	1,661	1,946	2,321	2,319	1,844
	{ Value £	2,031,206	3,188,871	4,760,203	3,470,000	3,831,914
Western Australia	{ Number	957	1,176	1,574	1,353	948
	{ Value £	1,609,297	1,119,024	1,193,841	2,451,828	1,438,192
Tasmania ..	{ Number	423	513	435	564	517
	{ Value £	871,950	844,276	923,317	1,390,836	1,095,536
Commonwealth	{ Number	14,792	16,809	19,101	19,950	15,910
	{ Value £	28,249,358	29,358,775	32,055,055	42,021,945	36,897,769

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

For several reasons comparisons drawn from the figures in the following table are of little value. In the first place, the statements of assets and liabilities are notably

unsatisfactory, particularly in regard to the former. Then, again, there is wide dissimilarity in regard to the laws in force in the various States and the method of procedure thereunder in connexion with bankruptcy. Further, there are no means of knowing how many persons in each State who were in a bankrupt condition made private arrangements with their creditors either personally or by intervention of a solicitor. The figures quoted in the table exclude private arrangements in Victoria and South Australia, and the liquidations and compositions in Queensland and Tasmania.

BANKRUPTCIES, 1916 TO 1920.

(COMMONWEALTH.)

State.		1916.	1917.	1918.	1919.	1920.
New South Wales	Number ..	360	301	264	316	344
	Liabilities £	383,448	227,663	221,928	323,222	204,594
	Assets £	303,893	208,093	115,776	189,920	139,550
Victoria	Number ..	337	222	243	207	186
	Liabilities £	213,989	152,338	131,247	184,041	154,658
	Assets £	127,730	94,390	77,089	130,328	53,229
Queensland	Number ..	181	137	170	144	118
	Liabilities £	42,272	81,148	35,837	68,291	73,853
	Assets £	30,785	29,084	11,694	26,863	57,904
South Australia	Number ..	139	108	91	59	60
	Liabilities £	160,601	122,036	137,469	78,888	81,610
	Assets £	151,332	79,810	109,641	63,724	54,502
Western Australia	Number ..	34	56	23	31	25
	Liabilities £	52,345	46,588	9,559	23,958	46,381
	Assets £	52,024	44,829	4,010	21,190	41,875
Tasmania	Number ..	1	2	1	..	..
	Liabilities £	144	1,255	912	..	..
	Assets £	20	5	118	..	..
Northern Territory	Number ..	1	..	..	1	..
	Liabilities £	96	..	..	115	..
	Assets £	306	..	..	7	..
Commonwealth	Number ..	1,053	826	792	758	733
	Liabilities £	852,395	631,028	536,952	678,515	561,096
	Assets £	666,090	456,211	318,328	432,032	347,060

6. High Court of Australia.—Under the provisions of section 71 of the Commonwealth Constitution Act, the judicial power of the Commonwealth is vested in a Federal Supreme Court, called the High Court of Australia, and in such other courts as the Parliament creates or invests with federal jurisdiction. The Federal High Court possesses both original and appellate jurisdiction. The powers of the court are defined in Chapter III. of the Constitution Act and in the Judiciary Acts of 1903–20. At present the Court consists of a Chief Justice and six other judges. Sittings of the Court are held in the capitals of the various States as occasion may require. The following statement shews the transactions of the High Court for the quinquennium 1916–20 :—

COMMONWEALTH HIGH COURT TRANSACTIONS, 1916 TO 1920.

Items.	1916.	1917.	1918.	1919.	1920.
I. ORIGINAL JURISDICTION.					
Number of writs issued	141	106	76	93	123
Number of causes entered for trial	14	18	8	8	20
Verdicts for plaintiffs	7	6	4	3	6
Verdicts for defendants	3	5	1	..	5
Otherwise disposed of	60	47	10	5	31
Amount of judgments	£4,479	£6,025	£3,463	£1,730	£6,907
II. APPELLATE JURISDICTION.					
Number of appeals set down for hearing ..	67	72	67	54	65
Number allowed	23	31	33	20	20
Number dismissed	24	33	27	25	31
Otherwise disposed of	10	8	7	9	14

III. AMOUNT OF FEES COLLECTED.

Amount in each year	£756	£619	£708	£502	£675
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During the year 1920 the Court dealt also with other matters as follows :—

Appeals from Assessments under the Taxation Assessment Acts ..	27
Special cases stated for the opinion of the Full Court	22
Applications for Prohibition	3
Applications under the Trading with the Enemy Act	8

7. Commonwealth Court of Conciliation and Arbitration.—A more or less detailed statement regarding the operation of this Court, which was established under the provisions of the Commonwealth Conciliation and Arbitration Act of 1904–20 will be found in section XXVII.

§ 6. Cost of Administration of Justice.

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

EXPENDITURE ON JUSTICE, 1916 TO 1920.

(STATES.)

State.		1916.	1917.	1918.	1919.	1920.
		£	£	£	£	£
New South Wales ..	Police	649,093	709,649	722,754	977,506	1,101,767
	Gaols	91,913	90,633	87,875	92,781	113,882
	Other	287,419	276,722	277,805	309,632	370,061
Victoria	Police	356,885	371,413	397,025	490,016	577,407
	Gaols	59,614	55,027	54,328	61,937	75,986
	Other	165,789	163,381	166,916	193,481	227,190
Queensland	Police	322,422	337,259	346,802	407,480	476,153
	Gaols	30,803	33,626	35,346	36,802	40,190
	Other	140,643	128,328	124,763	140,374	149,068
South Australia ..	Police	127,632	136,158	151,090	159,258	197,157
	Gaols	22,052	22,040	23,063	27,381	31,940
	Other	36,854	39,569	41,124	60,784	52,500
Western Australia ..	Police	125,446	136,752	136,295	171,832	186,717
	Gaols	22,321	22,104	23,939	28,639	30,417
	Other	79,510	75,184	71,787	83,546	97,779
Tasmania	Police	47,320	49,448	54,960	66,940	79,372
	Gaols	7,013	6,419	6,418	8,274	9,774
	Other	22,190	21,223	21,407	29,289	33,322
Northern Territory ..	Police	10,260	10,210	10,200	11,435	12,970
	Gaols	2,875	2,972	3,043	2,663	3,857
	Other	2,744	1,991	2,196	1,925	3,396
Commonwealth ..	Police	1,639,058	1,750,889	1,819,126	2,284,467	2,631,543
	Gaols	236,591	233,021	234,017	258,507	306,046
	Other	735,149	706,398	706,028	819,031	933,316

The rise in expenditure during the last few years was due chiefly to increases in wages and salaries and heavier outlay on stores and supplies.

With the exception of that of the Northern Territory, the expenditure shewn in the foregoing table is that incurred by the State Governments only, and does not include expenditure in connexion with the Federal High Court, which is shewn hereunder for the period 1915–16 to 1920–21.

EXPENDITURE ON FEDERAL HIGH COURT, 1915–16 TO 1920–21.

Year.		Amount.	Year.		Amount.
		£			£
1915–16		31,447	1918–19		30,337
1916–17		31,780	1919–20		34,370
1917–18		31,352	1920–21		34,669

Other items of federal legal expenditure also not included in the table are :—Court of Conciliation and Arbitration £9,112, Crown Solicitor £17,879, and Secretary's office, £15,558. Excluding Patents and Copyrights, the total expenditure by the federal law authorities for the year 1920–21 was £89,268.

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

EXPENDITURE ON JUSTICE PER INHABITANT, 1916 TO 1920.

(STATES.)

State.		1916.	1917.	1918.	1919.	1920.	
		<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	<i>s. d.</i>	
New South Wales	..	{ Police	6 10	7 5	7 5	9 9	10 8
		{ Gaols	1 0	0 11	0 11	0 11	1 1
		{ Other	3 0	2 11	2 10	3 1	3 7
Victoria	..	{ Police	5 1	5 3	5 7	6 8	7 8
		{ Gaols	0 10	0 9	0 9	0 10	1 0
		{ Other	2 3	2 4	2 4	2 8	3 0
Queensland	..	{ Police	9 5	9 10	9 11	11 3	12 9
		{ Gaols	0 11	1 0	1 0	0 11	1 1
		{ Other	4 1	3 9	3 7	3 10	4 0
South Australia	..	{ Police	5 9	6 2	6 8	6 10	8 1
		{ Gaols	1 0	1 0	1 0	1 2	1 4
		{ Other	1 8	1 9	1 10	2 7	2 2
Western Australia	..	{ Police	8 0	8 11	8 10	10 9	11 4
		{ Gaols	1 5	1 5	1 7	1 10	1 10
		{ Other	5 1	4 11	4 8	5 3	5 11
Tasmania	..	{ Police	4 10	5 1	5 7	6 6	7 7
		{ Gaols	0 9	0 8	0 8	0 10	0 11
		{ Other	2 3	2 2	2 2	2 10	3 2
Northern Territory	..	{ Police	43 2	42 1	41 11	49 2	61 7
		{ Gaols	12 1	12 3	12 6	11 5	18 4
		{ Other	11 6	8 2	9 10	8 3	16 1
Commonwealth	..	{ Police	6 8	7 1	7 3	8 9	9 10
		{ Gaols	0 11	0 11	0 11	1 0	1 2
		{ Other	3 0	2 10	2 10	3 2	3 6

Owing to the smallness of the white population, large area to be policed, and cost of supplies, transport, etc., the figures for the Northern Territory must necessarily appear somewhat abnormal.

The total expenditure in the Commonwealth in connexion with the administration of justice in the various States has risen from 10s. per inhabitant in 1901 to 14s. 6d. in 1920. Police expenditure has increased by 4s. 1d. per head, the average for gaols is identical in each year, while the expenditure on courts and the remaining machinery of justice has increased by 5d. per head during the same period. Increased salaries and allowances, and the heavier cost of materials and equipment, were responsible for the rise in the rate per head during the last few years.