PART II.

LAW, CRIME, ETC.

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

LITIGATION AND LEGAL BUSINESS.

The Supreme Court of Victoria was established in 1852, and although the procedurewas entirely remoulded by The Judicature Act 1883 (now incorporated in the Supreme Court Act 1928), its constitution and powers remain practically unaltered. There were in 1940, six Judges, viz., a Chief Justice and five Puisne Judges.

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

VICTORIA-SUPREME COURT CIVIL CASES, 1936 TO 1940.

Heading.		1936.	1937.	1938.	1939.	1940.
					_	
Number of Places at which Sittings were hel	ld	5	5	5	7	7
Causes Entered—				_		
	•	6	4	5	6	14
		156	143	167	169	152
Number of Causes Tried—						
By Juries of Six		16	20	14	23	20
By a Judge		64	52	30	50	24
Verdicts returned for—			.			
Plaintiff		55	54	27	59	32
Defendent		20	19	17	14	12
Amount Awarded	£	29.369	25,525	8.810	15,914	26,573
Writs of Summons issued		626		699	747	616
Otton Oninto al Decembra din ma		288	302	274	140	122
Appellate Proceedings (other than Crimin			0			
Appeals heard and determined)—						
Per Pull Count		30	36	41	45	45
Dr. a Tradas	•	62		49	57	
Fees Collected	£	3,274		3,891	3,901	

County Courts have a jurisdiction, both in equity and common law cases, limited to £500; also in cases remitted **County Court** 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 1940 there were 81 sessions, which were held in 27 places. Particulars of litigation in each of the last five years are as follows:-

VICTORIA—COUNTY COURT CASES, 1936 TO 1940.

Year.		Number of Causes Tried.	Amount Sued For.	Amount Awarded
		<u> </u>		
And the second of the second o			£	£
1936		1,350	522,100	211,643
1937		1,385	560,926	199,972
1938(\&\:\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	••	1,390	569,575	207,455
1939		1,210	605,738	216,929
1940		1,352	616,248	207,527

Petty Bessions

In 1940, Courts of Petty Sessions by stipendiary magistrates and honorary justices were held at 224 places in Clerks of courts of ten years' standing, who Victoria. have passed the prescribed examination, and barristers of five years' standing are eligible for appointment as police magistrates, but there is no legal training or knowledge of the law required as a condition precedent to the appointment of a person as an honorary justice of the peace. The jurisdiction in civil cases is limited to what may be called ordinary debts, damages for assault, and restitution of goods, where the amount in dispute does not exceed £50. Particulars of civil cases, &c., heard during the last five years are as follows:-

VICTORIA—COURTS OF PETTY SESSIONS: CIVIL CASES, ETC., 1936 TO 1940.

Heading.		1936.	1937.	1938.	1939.	1940.
Civil Cases—						
Number heard		101,024	100,818	103,718	112,423	97,811
Debts or Damages-				· .		
Claimed	. £	877,991	835,370	915,052	824,288	881,744
Awarded	£	610,411	607,495	710,492	705,971	646,197
Other Cases—			-		1	
Appeals against Rates		493	617	575	716	1,020
Children's Maintenance		. 9	36	62	23	104
Ejectment Cases		3,351	2,766	2,765	2,917	2,601
Examination of Lunatics		255	241	187	210	150
Fraud Summonses	• • •	5,556	5,562	4,641	6,248	4,893
Garnishee Cases		3,526	3,475	3,838	4,354	4,611
Licences and Certificates		17,931	18,219	18,824	17,479	15,384
Maintenance Cases		1,553	1,802	1,995	1,943	1,828
Prohibition Cases		86	69	74	80	91
Show Cause Summonses	٠.	7	0.961	10.007	6,570	5,150
Other		7,501	9,361	10,827	1 5,985	5,338

Writs by the Sheriff.

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

VICTORIA—WRITS RECEIVED BY THE SHERIFF, 1936 TO 1940.

			King's Writs	Subjects' Wr		
Year.		against Person and Property.	The Person.	Property.	Total.	
1936	••	• •	25	5	152	182
1937	••	•••	24	5	120	149
1938	••		17	8	108	133
1939	••		8	7	109	124
1940	••	••	10	1	110	121

A statement showing the nature of this court and the powers vested in it appears in the Year-Book tor 1916-17, page 433.

BANKRUPTCIES.

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

The number of sequestrations, &c., in Victoria during each of the five years ended 31st July, 1941, under the Commonwealth Bankruptcy Acts 1924-1933, and the amount of liabilities and assets relating thereto were as follows:—

VICTORIA-BANKRUPTCIES, 1936-37 TO 1940-41.

	ended July—	Sequestration Orders and Orders for Administration of Deceased Debtors' Estates.	Compositions, Assignments, &c., under Part XI. of the Act.	Deeds of Arrangement under Part XII. of the Act.	Total.
			NUMBER.		
1937		227	12	103	342
1938		255	9	121	385
939		295	7	129	431
940		266	6	160	432
941	••	190	11	112	313
		I	LIABILITIES.		
		£	£	£	£
937		227,043	66,050	146,899	439,992
938		250,282	11,217	199,581	461,080
939		211,630	11,747	206,235	429,612
940		188,926	24,742	193,683	407,351
941	• • •	149,908	7,933	145,215	303,056
			ASSETS.		
		£	£	£	£
1937	•	29,924	13,601	91,465	134,990
938		74,138	5,553	114,401	194,092
939		64,087	13,063	133,329	210,479
940	• • • • • • • • • • • • • • • • • • • •	6.205	17,986	126,869	151,060
1941		34.128	6,183	97,058	137,369

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

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

DIVORCE.

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

The following table gives the number of petitions filed by husbands and wives respectively, and the number of decrees granted for divorce, judicial separation, and nullity of marriage during the year 1940:—

VICTORIA—DIVORCES, 1940.

		Petitio	ns filed t	Decrees	ecrees granted to—		
	·	Husbands.	Wives.	Total.	Husbands.	Wives.	Total.
Dissolution of Marriage		396	494	890	358	459	817
Judicial Separation Nullity of Marriage	••,		. 5 2	5 2	i	2 3	$rac{2}{4}$
Total		396	501	897	359	464	823

The grounds upon which divorces were granted during the year 1940 were as follows:—

VICTORIA-DIVORCES, GROUNDS OF, 1940.

Grounds on which Granted.		ition of riage.		icial ation.	Nullity of Marriage.		
	Husbands' Petitions.	Wives' Petitions.	Husbands' Petitions.	Wives' Petitions.	Husbands' Petitions.		
Adultery	92	86					
Bigamy					1	1	
Cruelty, repeated acts of		4	1	1			
Desertion	253	345		1			
Desertion and adultery	3	- 4					
Drunkenness (habitual)	1	8	1				
Drunkenness and							
cruelty		2	l				
Impotence						2	
Insanity	9	6		• • •		_	
Sentences for Crime		4		••			
Total	358	459		2	1	3	

Divorces, In 1861 jurisdiction was conferred on the Supreme 1861 to 1940. Court of Victoria in matrimonial matters. The Divorce Act of 1889, which received the Royal Assent on 13th May, 1890, considerably extended the grounds upon which divorce might be granted.

The following is a statement of the number of decrees granted in Victoria for dissolution of marriage and for judicial separation during the period 1861 to 1890, for the decennial periods 1891–1900 to 1921–30, and for each of the years 1931 to 1940.

VICTORIA—DIVORCES AND JUDICIAL SEPARATIONS, 1861 TO 1940.

					Decrees Gran	nted for—
	Peri	od.			Dissolution of Marriage.	Judicial Separation.
1861-1890	. • •	••			348	71
1891-1900				-	949	14
1901-1910	••				1,255	6
1911-1920				5	2,499	14
1921-1930					4,403	16
1931					417	2
1932					454	
1933					495	
1934					618	
1935					599	3
1936		•, •			685	1
1937					796	1
1938					820	3
1939					794	4
1940	••	• •	• •	••	817	2
Tot	tal—1891 t	o 1940.			15,601	66
Tot	al—1861 t	ю 1940			15,949	137

RACECOURSE LICENCES.

The Police Offences Act 1928 provides that no racemeeting shall be held except on a racecourse which is
percentage
fees.

Itemsed under such Act for horse races or for pony races
or for trotting races. Any licence shall, unless cancelled,
be in force for twelve months from the date of its issue. For each
such licence there shall be paid into the Consolidated Revenue a fee
of £1, and also an annual sum equal to 3 per cent. of the gross revenue
from all sources received from such racecourse by the owner or

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

VICTORIA—REVENUE FROM RACECOURSE LICENCES AND PERCENTAGE FEES, 1931–32 TO 1940–41.

Year e	Year ended 30th June.		Amount.	Year end	June.	Amount.	
			£				£
932			16,457	1937			15,718
933	•••		15,575	1938			16,627
934	••		15,050	1939			17,191
1935	•••		14,885	1940			16,710
1936			15,554	1941	, .		15,420

CRIME.

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

CRIME AND DRUNKENNESS.

The statistics of crime and drunkenness for the years subsequent to 1932 have been compiled on a basis which differs from that for the years 1893 to 1932. The particulars for the years 1933 to 1940 represent, in respect of multiple charges, the total number of all offences with which arrested persons were charged whereas, for the period 1893 to 1932, only the most serious offence in each case was tabulated. Summons cases in 1933 to 1940 relate, as in previous years, to all offences with which a person was charged. The statistics for the last eight years are comparable, therefore, with those for the years prior to 1893 appearing in earlier issues of the Year-Book.

The subjoined table shows, for a series of years, the numbers of arrest and summons cases, and also the numbers per 1,000 of the population, tabulated according to the only classes of offences for which complete comparisons can be made. The particulars include cases (other than arrests of neglected children) disposed of in Children's Courts.

VICTORIA-OFFENCES AND DRUNKENNESS, 1890 TO 1940.

				Number of A	Arrest and Sum	nons Cases—	
	Year.		Offences Against the Person.	Offences Against Property.	Drunkenness.	Other Offences.	Total.
1890			4,091	5,036	18,501	36,456	64,084
1895*			2,344	3,336	11,143	20,843	37,666
1900*	••		2,103	3,106	15,878	28,003	49,090
1910*			1,663	3,052	12,719	34,626	52,060
1920*	••		1,909	4,877	7,154	42,758	56,698
1930*	••		1,680	5,078	8,132	41,859	56,749
1936		••	1,503	6,865	10,390	63,360	82,118
1937			1,351	7,244	10,433	55,194	74,222
1938	••		1,412	8,320	11,311	58,013	79,056
939			1,308	8,104	11,609	61,837	82,858
940	••	••	1,346	7,698	11,619	65,624	86,287
			Number of	Arrest and S	dummons Cases 1	per 1,000 of	Population
1890	••	••	3.66	4.50	16.24	32.59	57 · 29
895*	••		1.98	$2 \cdot 82$	9.41	17.60	31 · 81
900*	• •	• • •	1.76	2.60	13.31	23 · 47	41 · 14
910*			1.30	2·3 8	9.92	27.00	40.60
920*	••	••,	1.26	3 · 23	4.73	28 · 27	37:49
930*			:94	2.84	4.55	23 · 44	31 · 77
936			-81	$3 \cdot 72$	5.62	$34 \cdot 29$	44 · 44
937			73	3.90	5 62	29.74	39.99
938	•		•76	4.45	6.06	31 06	42 33
939	• •		-69	4.31	6.17	32.86	44.03
1940			-71	4.06	6.12	34.61	45.50

See paragraph "Alteration in method of tabulation" on page 51.

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

Offences. The only serious crimes included under "Other Offences" are forgery, counterfeiting, conspiracy, and perjury. These were very few in number, there having been in Victoria in 1940 only 109 of such charges out of a total of 65,624 in the category to which they belong. A large proportion of the cases under the heading "Other Offences" were merely breaches of various Acts of Parliament, by-laws, &c., which indicate no degree of criminal instinct or intent on the part of the person charged. There were also among them a large number of offences against good order, including insulting behaviour, vagrancy, &c.

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

Arrests and summonses for various offences.

The following are particulars of the different classes of offences dealt with by magistrates in 1940.

VICTORIA—ARRESTS AND SUMMONSES FOR VARIOUS OFFENCES, 1940.

		Sum	marily D	isposed o	of—		
Nature of Offence.	Total.	Total. Convicted.		With	issed, Irawn, k Out.		tted for ial.
		М.	F.	М.	F.	М.	F.
A		-			i I		
Against the Person—	1			8	•	2	2
Murder and attempts at	12			4	• • •	4	ī
Manslaughter	9		i	4	٠٠.	4	1
Shooting at, wounding,						- 00	
&c	55	2	1	22	3	28	٠٠,
Assaults	1,098	581	46	379	61	27	4
Others	172	33	1	12	2	116	8
Total	1,346	616	47	425	66	177	15
Against Property—							
Robbery, burglary, &c.	940	240	2	89	2	584	23
Larceny and similar	0.10		_	-	-		-
~	5,253	3,431	302	913	60	501	46
337-16 1 1	353	264	14	69	3	1	$\tilde{2}$
0.1		712	24	331	21	61	3
Otners	1,152	/12	24	331			
Total	7,698	4,647	342	1,402	86	1,147	74
Forgery and Offences against the Currency	86	1		8		74	3
Against Good Order-							
T) 1 m	11,619	10,111	1,329	161	18		
Od	7,526	5,468	580	1,273	201	4	
Others	7,520	0,400	300	1,210			
Total	19,145	15,579	1,909	1,434	219	4	••
Other Offences— Breaches of—							
	0.000	4.001	1,362	443	137		3.00
Education Act	6,623	4,681			403		• • •
Licensing Act	7,291	5,082	726	1,080			. • .•
Motor Car Act	14,111	13,003	452	637	19		• • •
Traffic Regulations	15,668	14,436	765	406	61		• •
Vermin and Noxious			ļ <u>_</u> _	140	00		100
Weeds Act	621	334	75	149	63	1 ::	٠٠,
Miscellaneous	13,698	10,575	1,080	1,798	196	44	5
Total	58,012	48,111	4,460	4,513	879	44	5
Grand Total	86,287	68,954	6,758	7,782	1,250	1,446	97

[•] See footnote on page 55.

Arrest and summons cases.

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

VICTORIA—ARREST AND SUMMONS CASES, 1936 TO

Year.			Arrest	Cases.	Summor	Total.	
			Males.	Females.	Males.	Females.	
1936	•		18,798	2,218	56,471	4,631	82,118
1937	• •		18,534	2,070	50,108	3,510	74,222
1938			20,893	2,292	52,085	3,786	79,056
1939			21,121	2,369	54,726	4,642	82,858
1940			20,666	2,406	57.516	5,699	86.287

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

VICTORIA—DISPOSAL OF ARREST AND SUMMONS CASES, 1936 TO 1940.

	Year.		Total.	Summarily Convicted.	Discharged by Magistrates.	Committed for Trial.
1936			82,118	70,752	9,884	1,482
1937			74,222	64,772	7,905	1,545
938			79,056	68,841	8,199	2,016
939			82,858	72,186	8,895	1,777
.940	••		86,287	75,712	9,032	1,543
				Number per 10,0	000 of Population.	• .
.936			444 · 4	382.9	53.5	8.0
1937			399 9	349.0	42 6	8.3
000	••		423 . 3	368 6	43.9	10.8
.938			440.3	383.6	47.3	9.4
1938 1939						

NOTE.—The convictions in respect of drunkenness include those cases in which offenders were discharged by magistrates on a first appearance. Prior to 1936 such cases were not treated as convictions.

The jurisdiction of Children's Courts is limited to children under the age of seventeen years. In 1939, the office was re-organized and the appointment was made of a Stipendiary Special Magistrate with jurisdiction throughout the State. He has the assistance of two Stipendiary Probation Officers who investigate problem cases which come before the Court. A clinic has been established for the purpose of dealing with cases referred to it by the Court.

The table which follows shows the number of cases which were disposed of in Children's Courts during the year 1940.

VICTORIA—CHILDREN'S COURTS: CASES DISPOSED OF, 1940.

			Sum	marily D	isposed o	f—		
Nature of Offence.		Total.	otal. Convicted.		Dismi Withdi Struck	rawn,	Committed for Trial.	
e de la companya de l			М.	F.	М.	F.	м.	F.
Against the Person-				.		.		
Assaults		60	36		18	4 :	2	
Others	••	10	10		•••			
Total		70	46		18	4.	2	
Against Property—								
Larceny, &c		3,031	2,561	71	395	4		
Wilful Damage		136	113	1	20	1	1	
Others	• •	114	77	1	36		• •	٠
Total	••	3,281	2,751	73	451	5	1	•••
Against Good Order—					-		1	
Drunkenness		9	6	1	2	••		
Others	• •	234	165	7	57	5	••	• •
Total	•	243	171	8	59	5		•••
Other Offences, &c.—								
Traffic Offences	٠.	589	530	- 11	48			
Other Offences		346	260	16	64	6		
Neglected Children	٠.	558	203	163	110	82		
Total		1,493	993	190	222	88	•••	
Grand Total		5,087	3,961	271	750	102		

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

VICTORIA—CHILDREN'S COURTS: CASES DISPOSED OF 1936 TO 1940.

Nature of Offence.		1936.	1937.	1938.	1939.	1940.
Against the Person—					-	
Assaults	٠.	98	86	98	65	60
Others		25	9	2	3	10
Against Property—		1.			Ì	
Larceny, &c		1,991	2,475	3,249	3,076	3,031
Wilful Damage		226	199	210	128	136
Others		41	30	36	73	114
Against Good Order—						
Drunkenness		9	13	5	. 5	9
Others		382	294	165	244	234
Traffic Offences		1	954	1,162	862	589
Other Offences		> 2,187	√ 538	627	425	346
Neglected Children			582	697	610	558
Total		4,959	5,180	6,251	5,491	5,087
Summarily Convicted		4,003	4,212	5,394	4,585	4,232
Summarily Dismissed, &c.		954	966	851	905	852
Committed for Trial		2	2	6	1	3

Children's The following statement gives particulars of the manner Courts—Cases, in which the cases in the Children's Courts were disposed how dealt with. of by magistrates in 1940.

VICTORIA—CHILDREN'S COURTS: CASES, HOW DEALT WITH, 1940.

How dealt with.	Males.	Females.	Total.
Adjourned for period without probation	886	47	933
Released on probation	1,214	77	1,291
Committed to care of Children's Welfare Department		108	476
Committed to reformatory	94	1	95
Committed to care of a private person or institution	18	4	22
Fined	589	20	609
Released under Section 356 of Crimes Act 1928	17		17
Dismissed on payment of costs or damages or both	91	1	92
Discharged upon surety	11		11
Sentenced to term of imprisonment	3		3
Sentenced to imprisonment, the execution of which			_
has been suspended	51		51
Convicted and discharged	426	8	434
Discharged with a caution	181	3	184
Otherwise dealt with	12	2	14
Summarily Convicted	3,961	271	4,232
Summarily Dismissed, &c	750	102	852
Committed for Trial	3	1	3
TOTAL			
Grand Total	4,714	373	5,087

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

VICTORIA—CHILDREN'S COURTS: PROBATION CASES, 1936 TO 1940.

Year.		Cases Released			
		on Probation.	Satisfactory.	Fair.	Unsatisfactory
			0/	0/	%
		924	82	8	10
٠		1.113	84	7	9
,		1,743	86	5	9
		1,401	90	4	6
• •		1,291	82	8	10
	••		1,113 1,743 1,401	924 82 1,113 84 1,743 86 1,401 90	$\begin{array}{c ccccccccccccccccccccccccccccccccccc$

Arrest cases summarily disposed of by magistrates. The following is a statement of the arrest cases summarily disposed of by magistrates during 1940.

VICTORIA—ARREST CASES SUMMARILY DISPOSED OF BY MAGISTRATES, 1940.

Sentence	Males.	Females.	Total.
Fines paid	5,436	465	5,901
Imprisonment for—	,		, -
Under 1 month	3,866	675	4,541
1 month and under 6 months	1,297	182	1,479
6 months and under 12 months	178	11	189
1 year and under 2 years	27	3	30
2 years	. 1		1
Admonished	5,311	606	5,917
Ordered to find bail or sentence sus-			
pended on entering surety	441	107	548
Sent to Reformatory Schools, &c	285	5	290
Otherwise dealt with	291	18	309
Total Convicted Dismissed, Withdrawn, Struck	17,133	2,072	19,205
Out	2,207	254	2,461
Total summarily disposed of	19,340	2,326	21,666

Committals for Trial—Convictions.

The following table shows the offences of distinct persons who were convicted in the Supreme Court and in Courts of General Sessions during 1940. Where a person was charged with more than one offence, the principal offence only has been counted.

VICTORIA—COMMITTALS FOR TRIAL, DISTINCT PERSONS CONVICTED, 1940.

Offence.	Males.	Females.	Total.
Against the Person—			
Murder	1		1
Manslaughter	3	••	3
Wounding or inflicting grievous bodily	v	•••	, ,
harm, &c.	9		9
Rape and other offences against females	55		55
Unnatural offences	22	.,	22
Bigamy	10	5	15
Suicide, attempt to commit	1	1	2
Demanding money with menaces	• •	1	. I
Other	3	1	4
Against Property—			
Robbery and Stealing from the Person	30		30
Burglary, Housebreaking, &c.	211	7	218
Stealing Horses, Cattle, and Sheep	8		8
Other Larceny	144	14	158
Fraud and False Pretences	39	3	42
Receiving	39	3	42
Arson and attempts at	4	ī	5
Other	3		3
Forgery and offences against the Currency	14		14
Other offences—		• •	14
Perjury and Subornation			
Effection a Dublic Minch ! C	3	2	5
Conspiracy	1	• •	1
Breaches of Registration of Births, Deaths,	3	1	4
and Maurican Art 1000			4
Other	2	2	4
	4	1	5
Total	609	42	651
ere a dia non regionale e			

Offence and age of distinct persons after commitment for trial.

The following table contains for the year 1940 a classifioffice and age of distinct persons after commitment for trial.

	į:			A	ges (Y	ears).			
Offences.	Under 16.	16 to 17.	18 to 19.	20 to 24.	25 to 29.	30 to 39.	40 to 59.	60 and Over.	Total
		MAI	LES.	1		-		[
Against the Person .	. 1 1	8	1 7	1 19	19	25	22	3	104
Against Property .		54	93	112	71	77	66	5	478
Forgery and Offences again	st			İ					Ì
the Currency	- (1	3	3	1	3	2	1	14
Other Offences		1	2	1	2	3	4		13
Total	. 1	64	105	135	93	108	94	9	609
		FEMA	LES.						
Against the Person	.		1	1 2	2	3	1		8
Against Property .	.	3	6	$\begin{vmatrix} 2 \\ 5 \end{vmatrix}$	1	- 6	6	i	28
Forgery and Offences agains	st	1	i		Ì	-	1		
the Currency	T .	1	1	1					
Other Offences	.			2		2	2	••	6
Total	.	3	6	9	3	11	9	1	42

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

VICTORIA—PERSONS ARRESTED OR SUMMONED FOR DRUNKENNESS, 1936 TO 1940.

	Year.	N	Number per 1,000 of		
		Arrested.	Summoned.	Total	Population.
1936		 10.339	51	10,390	5.62
1937		 10,409	24	10,433	5.62
1938		 11,282	29	11,311	6.06
1939		 11,577	32	11,609	6.17
1940		 11,590	29	11,619	6.12

The continuity of the above statistics has not been materially affected by the alteration in the method of tabulation referred to on page 51.

Drunkenness — Comparison lation, as measured by the number of arrests therefor, be represented as 100 for the period 1874–78, the corresponding numbers for subsequent periods will show the comparative increase or decrease. These numbers are given in the following table:—

VICTORIA—DRUNKENNESS. 187	4 TO	1940.
---------------------------	------	-------

Period.	Index Number	Period.	Index Number
1874-78	 100	1918-22	 32
1879-85	 88	1923-27	 41
1886-92	 106	1928-32	 30
1893-97	 65	1933-37	 36
1898-1902	 . 84	1938	 41.
1903-07	 77	1939	 42
1908-12	 68	1940	 42
1913-17	 59		100

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

Young persons charged drunkenness.

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

VICTORIA—ARRESTS OF PERSONS UNDER 20 YEARS OF AGE CHARGED WITH DRUNKENNESS, 1936 TO 1940.

	Year.		Number.	Number per 100,000 of the Population under 20 years of age.
1936			96	14.93
1937			108	16.72
1938			95	14.06
1939			126	19.24
1940	• •		142	21.52

REGULATION OF LIQUOR TRADE.

Licences Reduction

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

To 31st December, 1940, 1,836 hotels had been closed by the Board or had surrendered their licences. Of these hotels 530 were located in metropolitan districts, and the compensation paid in respect thereof amounted to £581,662, or an average of £1,097 each. Of the 1,306 hotels closed in country districts, compensation amounted to £679,789—an average of £520 each. The total sum paid in compensation in all districts of the State was £1,261,451, or an average of £687 for each hotel.

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

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

Since 1922 plans have been passed by the Board for new and improved licensed premises, the estimated cost thereof being £5,996,060 exclusive of the cost of sewerage and new equipment.

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

VICTORIA—NUMBER OF HOTELS, 1885 TO 31st DECEMBER, 1940.

	Year.		Estimated Population.	Number of Hotels.*	Average Number of Persons to each Hotel
1885			969,200	4,339	223
1906			1,219,832	3,520	347
1930			1,792,605	1,803	994
1931			1,803,570	1,781	1,013
1932			1,813,387	1,770	1,025
1933		••	1,824,479	1,759	1,037
1934		••	1,837,490	1,749	1,051
1935			1,843,023	1,744	1,057
1936	• • • • • • • • • • • • • • • • • • • •		1,851,593	1,725	1,073
1937			1,859,487	1,711	1,087
1938			1,873,760	1,706	1,098
1939				1,700	1,110
1940	••	•••	. 1,918,660†	1,691	1,135
	e, 1885 to 31st Dece				912
Decreas	se, 1885 to 31st Dec	ember, 1940.	. !	2,648	

^{*} Including Roadside Licences. † Subject to Revision.

While the population since 1885 has increased by 102 per cent. the number of hotels has decreased by 61 per cent. The average number of persons to an hotel is now 409 per cent. more than it was in that year. During the period 1885 to 31st December, 1940, 227 hotels were closed as the result of local option polls, 1,836 were deprived of or surrendered their licences, and 664 were closed voluntarily. During the period 1907 to 31st December, 1940, 79 new licences were granted.

The revenue for the year ended 30th June, 1941, amounted to £310,040. The amounts received from the various sources were:—Licences, certificates, &c., £286,711; interest on investments, £10,982; fees and fines, £12,309; and miscellaneous, £38. The expenditure which totalled £310,040 consisted of the following items:—Annual payments to municipalities, £59,304; compensation, £18,035; transferred to Police Superannuation Fund under section 311 of Act No. 3717, £23,000; transferred to revenue under section 312 of Act No. 3717, as amended by Act No. 4757, £191,070; and salaries, expenses, &c., £18,631. The amount at credit of the fund at 30th June, 1941, was £410,976, of which £341,000 was invested.

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

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

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

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

On the 29th March, 1930, a Referendum, called a Licensing Poll, was conducted under Part XIV. of the Licensing Act 1928 (as amended) to determine whether or not licences should be abolished throughout Victoria. The Act provides that the resolution shall be carried if three-fifths at least in number of the votes given is in favour of the resolution. The poll was State-wide, and was the first of the octennial polls provided for by the Licensing Act of 1922 (now incorporated in the Licensing Act 1928). A similar poll was held on the 8th October, 1938. Particulars relating to the number of votes recorded at each of these polls appears in the Year-Book for 1939-40, page 71.

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

CONSUMPTION OF BEER IN VICTORIA, 1936-37 TO 1940-41.

	Yea	τ.	Quantity of Beer Consumed.	Per head of Population.
· _			gallons.	gallons.
	1936 – 37		20,750,800	11.20
	1937 - 38		23,099,800	$12 \cdot 41$
	1938-39		23,555,700	12.56
	1939-40		24,524,500	$12 \cdot 97$
	1940-41		26,364,500	$13 \cdot 90$

GAOLS AND PRISONERS.

There are five gaols in Victoria, including the Pentridge Penal Establishment, and the Cooriemungle Prison Camp. There are also sixty-seven police gaols which are used for the detention of prisoners undergoing short sentences. The following statement contains information (other than for police gaols) for the year 1940 in regard to the accommodation for prisoners, the daily average number in confinement, the number received during the year, and the number in confinement at the end of the year.

VICTORIA-GAOL ACCOMMODATION AND PRISONERS, 1940.

			N	umber of	Prisoners	.		
Name of Institution.	For whom there is Accommodation.		verage.	Total R (inclu trans	iding	In Confinement. at end of year. (a)		
	Males.	Females	Males.	Females	Males.	Females	Males.	Females
Pentridge Pentridge Refor-	908	83	668.1	52.3	5,057	830	642	49
matory Prison	64	3	$68 \cdot 7$. 6	172	3	59	1
Ballarat Gaol Beechworth Re-	66	18	32.6	••	242	2	25	
formatoryPrison CastlemaineRefor-			60.5		32	,	60	
matory Prison Cooriemungle	91	•••	84.4		127.	•••	74	
Prison Camp	32	l	24.8		74		31	l
Geelong Gaol Geelong Reforma-	179		125.9	••	392	•••	94	••
tory Prison McLeod Settle- ment Reforma-	21	•••	6.6	••	3	••	4	
tory Prison	53		48.6		42		46	
Sale Gaol	26	9	7.8		62	2	6	
Total	1,518	113	1,128 · 0	52.9	6,203	837	1,041	50

⁽a) Including 43 males and 2 females awaiting trial.

Prisoners received at and discharged from the gaols and reformatory prisons (excluding police gaols) in Victoria is given in the following table for the year 1940:—

VICTORIA—PRISONERS RECEIVED AT AND DISCHARGED FROM GAOLS AND REFORMATORY PRISONS, 1940.

(Exclusive of Police Gaols.)

	Classifica	ation.			Males.	Females.	Total.
Number in Confinen	ent at	31st Dec	cember,	1940—			
Convicted	• •				1,107	37	1,144
Awaiting trial	• •	• •	••		61	5	66
$\mathbf{T_{ota}}$	1		••	••	1,168	42	·1,210
Received during 194	0						
Convicted of—							
$Felon \mathbf{v}$					1,260	102	1,362
Misdemeand	ייוור	• •	• •		2,723	545	3,268
Other offen		••	• •	•••	277	20	297
Transfers from-		• •	• •	•••	211	20	. 20
			ъ.		275		575
Other Gaols	and K	eiormato	ry Prison	s	577		577
Hospitals, A	Asylums	s, Reform	latory S	chools,			
&c.		• •			50	4	54
For Trial, not su	bseque	ntly conv	icted	••	1,316	166	1,482
Tota	l		••	••	6,203	837	7,040
Discharged during 19	940			1			
By remission of		Α.			509	24	533
On expiration of	cantan	oo and m	ormont c	ffings	3,604	618	4,222
Bailed to appeal	BOILUÇII	ce and p	ayment c	i iiiics	26	5	31
On bond from (·d2 O			. 20		91
Company's Ond	e.	uage s O.	ruer, Att	orney-	10		10
General's Ord	er, &c.		• •	•.•	13	3	16
By special author	rity	• •	• •	•••	6	3	9
On parole	• •	• •	• •		188	1	189
Died			• •			• •	• • .
$\mathbf{E}_{\mathbf{xecuted}}$		• •					
Deported					9		9
Absconded	• •				13		13
Transfers to—							2 - 1
Other Gaols	and Re	eformator	v Prison	s	576	1.	577
Hospitals, A	sylums	Reform	atory So	hools			
&c.		, 100,0111	ittioij St	,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	52	5	57
Unconvicted	••	• •	••		1.334	169	1,503
Onconvicted	••	•	••	••	1,004	100	1,000
Total	l	••			6,330	829	7,159
Number in Confinem	ent at	31st Dec	ember, 1	940			
Convicted			••	1	998	48	1,046
Awaiting trial	••		••		43	2	45
Total	ı			-	1,041	50	1,091
						201	1 1141

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

VICTORIA—PRISONERS UNDER SENTENCE, 1931 TO 1940.

At 31st De- cember.	Males.	Females.	Total.	Number per 10,000 of Popula- tion.	At 31st De- cember.	Males.	Females.	Total.	Number per 10,000 of Popula- tion.
1931	1.364	43	1.407	7.80	1936	1.057	37	1.094	5.91
1932	1,275	64	1,339	7.38	1937	955	34	989	5.32
1933	1,297	50	1,347	7.38	1938	1,043	41	1,084	5.71
1934	1,191	34	1,225	6.67	1939	1,107	37	1,144	6.06
1935	1,118	41	1,159	6.29	1940	998	48	1,046	5.45

Daily average number of Prisoners in detention in the gaols of the State in the confinement of prisoners in detention in the gaols of the State in the last year of each of the decennial periods 1871 to 1931 inclusive, and in each of the last five years. The rate per 10,000 of the population aged fifteen years and over was, in 1940, 42 per cent. less than in 1901, and 6 per cent. less than the yearly average in the quinquennial period 1926–30.

VICTORIA—DAILY AVERAGE NUMBER OF PRISONERS IN CONFINEMENT, 1871 TO 1940.

Year.	Daily Avera	ge Number of Confinement.	Prisoners in	Number per 10,000 of Population, aged 15 years and over.				
	Males.	Females.	Total.	Males.	Females.	Total.		
1871	1,345	274	1,619	54.77	15.46	38.30		
1881	1,294	304	1,598	$45 \cdot 25$	12.35	30.03		
1891	1,550	350	1,900	38.78	10.07	25 43		
1901	951	200	1,151	$23 \cdot 92$	5.06	14.53		
911	713	100	813	$15 \cdot 73$	2.16	8 87		
921	741	54	795	14.56	.98	7.40		
931	1,391	50	1.441	$22 \cdot 59$	•78	11.43		
1936	1.179	43	1,222	17.56	61	8.91		
1937	1,072	41	1,113	15 94	.58	8.10		
1938	1.084	45	1.129	16.02	•64	8.16		
939	1,193	49	1,242	17.50	.69	8.91		
1940	1,128	53	1,181	16.47	.74	8.41		

Indeterminate sentences.

The Indeterminate Sentences Act came into force on 1st July, 1908. It is now incorporated in the Crimes Act 1928. The principal provisions are—

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

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

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

VICTORIA—PRISONERS UNDER INDETERMINATE DETENTION, 1936-37 TO 1940-41.

			Year Ended 30th June.						
Name of Reformatory Prison.		1937.	1938.	1939.	1940.	1941.			
Pentridge Reformatory Prison	.	64	56	71	73	59			
Beechworth Reformatory Prison	. !	65	59	-52	65	55			
Castlemaine Reformatory Prison .	.	77	100	90	97	58			
Geelong Reformatory Prison		18	16	10	6	6			
McLeod Settlement, French Island .	.	55	48	50	49	47			
${\bf Total} \qquad \dots \qquad \dots \qquad .$. -	279	279	273	290	225			

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

From 1st July, 1908, to 30th June, 1941, admissions to the several reformatories totalled 4,532 (4,483 males and 49 females). Particulars of those released on parole or probation (inclusive of cases released more than once) and of those otherwise dealt with during the same period are given hereunder:—

Heading.			Number.	Per Cent.
Reconvicted or returned to prison			1,644	36 · 28
Probation satisfactorily completed			1,843	40.67
Still on parole or probation			398	8.78
Deaths—				
In institutions			22	0.49
On parole or probation			. 26	0.57
Escapes*			167	3.68
Released by Special Authority, depor	ted, &c.		207	4.57
In institutions at 30th June, 1941			225	4.96
Total admissions to 30th	June, 1941		4,532	100.00

^{*} Of 167 who escaped, 147 were subsequently recaptured.

POLICE PROTECTION.

Numerical Strength of Police Force in Victoria,

The following table shows the numbers in the various ranks of the police force in Victoria on 31st December, 1940.

VICTORIA—POLICE FORCE, CLASSIFICATION AND NUMERICAL STRENGTH AT 31st DECEMBER, 1940.

Designation.		Number.	
1700Enanone	Metropolitan.	Country.	Total.
77			
Foot.	-		
Chief Commissioner	1		. 1
Superintendents	3	7	10
Inspectors	7	6	13
Sub-Inspectors	21	7	28
Sergeants, First class	34	11	45
Sergeants, First class	35	14	49
Senior Constables	169	75	244
Senior Constables (brevet rank)	3		3
First Constables	597	337	934
Constables	585	114	699
Total	1,455	571	2,026
Detectives.			
Superintendent	1		1
Inspector	2		2
Sub-Inspectors	2	• •	$\frac{2}{2}$
Sub-Inspectors (brevet rank)	2	••	2
Sergeants, First class	4		4
Sergeants, Second class	7		7
Senior Detectives	19	2	21
First Detectives	59	14	73
Detectives	32		32
Total	128	16	144
Mounted.			
n ountea.		h	
First Constables	14	76	90
Constables	22	37	59
Total	36	113	149
Grand Total	1,619	700	2,319

The above particulars include 8 police-women, but exclude 33 members with Defence Forces, 16 recalled police pensioners, 3 matrons and 1 black tracker.

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

VICTORIA—POLICE FORCE, NUMERICAL STRENGTH, 1931 to 1940.

Year.	Total Strength including Police-women.	Number of Inhabitants to each Police-officer.	Year.	Total Strength including Police-women.	Number of Inhabitants to each Police-officer.
1931	2,107	856	1936	2,289	809
1932	2,121	855	1937	2,280	815
1933	2,148	849	1938	2,271	825
1934	2,170	847	1939	2,313*	816
1935	2,247	820	1940	2,319*	827

^{*} Excluding members with Defence Forces but including recalled Police Pensioners.

Expenditure on police, Gaols, &c.

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

VICTORIA—EXPENDITURE ON POLICE AND GAOLS, 1936-37 TO 1940-41.

	An	nount Expended	i (exclusiv	e of Pensions) o	on—	
Year ended	Mainten	ance, &c.	Bu	ildings.		Amount per Head
30th June.	Police.	Gaols and Penal Es- tablishments.	Police.	Gaols and Penal Es- tablishments.	Total.	of Population.
1937 .	£ . 755,505	£ 116,904	£ 38,328	£ 3,992	£ 914,729	s. d. 9 11
19 3 8 .	. 777,953	117,850	39,011	4,490	939,304	10 1
1939 .	780,068	119,254	35,665	7,101	942,088	10 1
1940	799,450	122,260	32,527	9,306	963,543	10 2
1941 .	. 800,071	129,850	32,143	6,264	968,328	10 2

During the thirty-five years ended with 1940 there were only thirteen executions in Victoria, one of which took place in 1908, one in 1912, two in 1916, two in 1918, one in 1922, one in 1924, one in 1932, two in 1936, and two in 1939. Since the first settlement of Port Phillip in 1835, 181 criminals (177 males and 4 females) have been executed within the State on account of the following offences:—Murder, 141; attempted murder, 17; robbery with violence, 9; burglary and wounding, 1; sexual offences, 12; and arson, 1.

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

VICTORIA—INQUESTS, 1936 TO 1940.

			Inquests into the Deaths of—			Total
	Year.	-	Males.	Males. Females. Total Persons.		Persons per 1,000 Deaths.
				-		
1936		\	1,239	511	1,750	93.2
1937			1,255	483	1,738	93.4
1938	• •		1,234	535	1,769	93.3
1939	••		1,346	630	1,976	98.0
1940	•••		1,190	509	1,699	83 · 7