

PART IV.

LAW, CRIME, ETC.

Legal system
in Victoria.

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

LITIGATION AND LEGAL BUSINESS.

Supreme
Court civil
business.

The Supreme Court of Victoria was established in 1852, and although the procedure was 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 1943, 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, 1939 TO 1943.

Heading.	1939.	1940.	1941.	1942.	1943.
Number of Places at which Sittings were held	7	7	7	6	8
Causes Entered—					
For Assessment of Damages	6	14	5	3	1
For Trial	169	152	148	137	67
Number of Causes Tried—					
By Juries of Six	23	20	27	34	29
By a Judge	50	24	30	41	22
Verdicts returned for—					
Plaintiff	59	32	45	61	41
Defendant	14	12	12	14	10
Amount Awarded	£ 15,914	26,573	10,165	17,947	9,764
Writs of Summons issued	747	616	604	562	440
Other Original Proceedings	140	122	147	118	111
Appellate Proceedings (other than Criminal Appeals heard and determined)—					
By Full Court	45	45	37	44	32
By a Judge	57	42	51	57	47
Fees Collected	£ 3,901	3,537	4,347	3,900	2,555

County Courts. County Courts have jurisdiction, both in equity and common law cases, limited to £500; but actions of tort or contract, commenced in the Supreme Court, may under certain conditions be remitted to the County Court, even although the amount claimed may exceed £500. At the present time County Courts are held at Melbourne and at twelve other places in Victoria. Every Court has jurisdiction throughout the whole of Victoria.

VICTORIA—COUNTY COURT CASES, 1939 TO 1943.

Year.					Number of Causes Tried.	Amount Sued For.	Amount Awarded.
						£	£
1939	..	..	..	..	1,210	605,738	216,929
1940	..	..	..	..	1,352	616,248	207,527
1941	..	..	..	..	2,173	448,292	140,764
1942	..	..	..	..	1,695	361,644	112,117
1943	..	..	..	..	1,154	320,882	73,660

Petty Sessions civil business.

In 1942, Courts of Petty Sessions by stipendiary magistrates and honorary justices were held at 222 places in Victoria. Clerks of courts of ten years' standing, who have passed the prescribed examination, and barristers of five years' standing are eligible for appointment as police magistrates, but there is no legal training or knowledge of the law required as a condition precedent to the appointment of a person as an honorary justice of the peace. The jurisdiction in civil cases is limited to what may be called ordinary debts, damages for assault, and restitution of goods, where the amount in dispute does not exceed £50. Particulars of civil cases, &c., heard during the last five years are as follows:—

VICTORIA—COURTS OF PETTY SESSIONS: CIVIL CASES, ETC., 1938 TO 1942.

Heading.	1938.	1939.	1940.	1941.	1942.
Civil Cases—					
Number heard	103,718	112,423	97,811	73,013	52,786
Debts or Damages—					
Claimed £	915,052	824,288	881,744	616,434	468,652
Awarded £	710,492	705,971	646,197	431,948	351,886
Other Cases—					
Appeals against Rates	575	716	1,020	758	413
Ejectment Cases	2,765	2,917	2,601	2,034	910
Examination of Lunatics	187	210	150	304	144
Fraud Summonses	4,641	6,248	4,893	3,695	2,616
Garnishee Cases	3,838	4,354	4,611	4,662	3,277
Licences and Certificates	18,824	17,479	15,384	14,043	10,179
Maintenance Cases	1,995	1,943	1,828	1,610	1,263
Prohibition Cases	74	80	91	41	55
Show Cause Summonses	10,889	6,570	5,150	3,705	2,199
Other		6,008	5,442	4,769	10,615*

* Increase as compared with previous years due mainly to cases dealt with under Commonwealth wartime legislation (National Securities Regulations, etc.).

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, 1939 TO 1943.

Year.	King's Writs against Person and Property.	Subjects' Writs against—		Total.
		The Person.	Property.	
1939	8	7	109	124
1940	10	1	110	121
1941	4	1	73	78
1942	6	1	41	48
1943	1	..	44	45

High Court of Australia.

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

BANKRUPTCIES.

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

The number of sequestrations, &c., in Victoria during each of the five years ended 31st July, 1943, under the *Commonwealth Bankruptcy Act* 1924-1933, and the amount of liabilities and assets relating thereto were as follows:—

VICTORIA—BANKRUPTCIES, 1938-39 TO 1942-43.

Year ended 31st July—	Sequestration Orders and Orders for Administration of Deceased Debtors' Estates.	Compositions, Assignments, &c., under Part XI. of the Act.	Deeds of Arrangement under Part XII. of the Act.	Total.
NUMBER.				
1939 ..	295	7	129	431
1940 ..	266	6	160	432
1941 ..	190	11	112	313
1942 ..	141	1	72	214
1943 ..	73	..	18	91
LIABILITIES.				
	£	£	£	£
1939 ..	211,630	11,747	206,235	429,612
1940 ..	188,926	24,742	193,683	407,351
1941 ..	149,908	7,933	145,215	303,056
1942 ..	148,615	2,505	101,723	252,843
1943 ..	75,344	..	21,225	96,569
ASSETS.				
	£	£	£	£
1939 ..	64,087	13,063	133,329	210,479
1940 ..	6,205	17,986	126,869	151,060
1941 ..	34,128	6,183	97,058	137,369
1942 ..	36,024	551	64,814	101,389
1943 ..	25,272	..	14,604	39,876

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, 1938 and 1943.

Period.	Yearly Average Number.	Average declared Liabilities. £	Average declared Assets. £
1928-29 to 1932-33 ..	690	1,419,060	1,009,294
1933-34 to 1937-38 ..	381	595,056	274,545
1938-39 to 1942-43 ..	296	297,886	128,033

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 dissolution of marriage, judicial separation, and nullity of marriage during the year 1943. Every decree of dissolution of marriage is in the first instance a decree *nisi* and is not made absolute till the expiration of not less than three months thereafter.

VICTORIA—DIVORCES, 1943.

	Petitions filed by—			Decrees granted to—		
	Husbands.	Wives.	Total.	Husbands.	Wives.	Total.
Dissolution of Marriage ..	854	731	1,585	708	667	1,375
Judicial Separation ..	..	1	1	..	1	1
Nullity of Marriage ..	4	6	10	3	4	7
Total ..	858	738	1,596	711	672	1,383

The grounds upon which divorces were granted during the year 1943 were as set out in the following table:—

VICTORIA—DIVORCES, GROUNDS OF, 1943.

Grounds on which Granted.	Dissolution of Marriage.		Judicial Separation.		Nullity of Marriage.	
	Husbands' Petitions.	Wives' Petitions.	Husbands' Petitions.	Wives' Petitions.	Husbands' Petitions.	Wives' Petitions.
Adultery	284	147	..	1	..	..
Bigamy .. ..	..	..	..	..	..	..
Bigamy and adultery ..	..	4	..	..	..	1
Cruelty .. ..	..	3	..	..	..	..
Consanguinity .. ..	..	..	..	..	1	..
Desertion	398	487	..	..	..	..
Desertion and drunkenness ..	1	1	..	..	..	..
Desertion and Convictions for crime..	..	4	..	..	..	..
Desertion and adultery ..	12	11	..	..	..	..
Drunkenness (habitual) ..	3	1	..	..	..	..
Drunkenness and cruelty .. ..	..	5	..	..	..	..
Impotence .. ..	..	..	..	..	2	3
Insanity	10	2	..	..	..	..
Sentences for crime .. ..	..	2	..	..	..	..
Total	708	667	..	1	3	4

The following table shows the number of petitioners to whom decrees were granted in 1943, the ages of such petitioners and the number of their issue as at date of decree.

VICTORIA—DIVORCE PETITIONS GRANTED, AGES OF PETITIONERS AND ISSUE TO EXISTING MARRIAGE, 1943.

Ages (Years).	Dissolution of Marriage.		Judicial Separation.		Nullity of Marriage.		Number of Children*	
	Husbands' Petitions.	Wives' Petitions.	Husbands' Petitions.	Wives' Petitions.	Husbands' Petitions.	Wives' Petitions.	Husbands' Petitions.	Wives' Petitions.
19 ..	1	1	..	..	..	..	..	1
20 ..	2	2	..	..	..	..	..	1
21 ..	5	6	..	..	..	..	1	7
22-25 ..	55	63	..	..	..	..	23	49
26-29 ..	120	110	..	..	..	2	97	79
30-34 ..	153	152	..	..	1	2	146	144
35-39 ..	134	117	..	..	1	..	150	170
40-44 ..	99	83	..	1	1	..	157	137
45-49 ..	68	59	..	..	..	..	117	96
50-54 ..	37	48	..	..	..	..	85	124
55-59 ..	20	22	..	..	..	..	44	68
60 ..	2	1	..	..	..	..	..	2
61 ..	3	..	..	..	..	..	16	..
62 ..	2	..	..	..	..	..	6	..
63 ..	1	2	..	..	..	..	..	4
64 ..	1	..	..	..	..	..	..	..
66 ..	1	..	..	..	..	..	1	..
67 ..	1	..	..	..	..	..	3	..
68 ..	1	..	..	..	..	..	3	..
72 ..	..	1	..	..	..	..	..	..
Not stated	2	..	..	..	..	..	1	..
Total ..	708	667	..	1	3	4	850	882

* Of the total of 1,732, 1,726 relate to the decrees for dissolution of marriage and 6 to the decree for judicial separation.

Dissolutions of Marriage—Duration and Issue. In the following table particulars are given of the duration of marriage and the issue in respect of the petitions granted for dissolution of marriage during 1943.

VICTORIA—DISSOLUTIONS OF MARRIAGE, PETITIONS GRANTED; DURATION OF MARRIAGE AND ISSUE, 1943.

Duration of Marriage in Years.	Number of Children.											Total Dissolutions of Marriage.	Total Children.	
	0	1	2	3	4	5	6	7	8	9	10			11
Under 1 year ..	2	..	..	..	..	..	..	..	..	..	..	..	2	..
1 " ..	21	2	..	..	..	..	..	..	..	..	..	..	23	2
2 " ..	24	4	..	..	..	..	..	..	..	..	..	..	28	4
3 " ..	38	17	3	..	..	..	..	..	..	..	..	..	58	23
4 " ..	49	22	5	..	..	..	..	..	..	..	..	..	76	32
5 " ..	51	32	9	2	..	..	..	..	..	..	..	..	94	56
6 " ..	44	36	6	1	..	..	..	..	..	..	..	..	87	51
7 " ..	45	29	7	..	..	..	..	..	..	..	..	..	81	43
8 " ..	44	30	16	8	..	1	..	..	..	..	..	..	99	91
9 " ..	27	21	13	3	1	..	..	..	..	..	..	..	65	60
10 " ..	17	16	13	2	1	1	..	..	..	..	..	..	50	57
11 " ..	20	26	11	4	1	..	..	..	..	..	..	..	62	64
12 " ..	12	24	22	3	1	..	..	..	..	..	..	..	62	81
13 " ..	16	14	7	9	..	1	..	..	1	..	..	..	48	68
14 " ..	10	17	12	4	2	..	..	..	..	..	..	..	45	61
15 " ..	7	15	13	8	1	1	..	..	..	..	..	..	45	74
16 " ..	11	22	7	4	2	..	..	..	..	..	..	..	46	56
17 " ..	10	12	7	5	1	..	..	..	..	..	..	..	35	45
18 " ..	10	13	12	6	6	1	..	..	..	..	..	..	48	84
19 " ..	8	10	14	4	5	3	1	1	..	..	..	..	46	98
20 " ..	8	12	4	4	3	1	1	..	..	..	..	..	33	55
21 " ..	4	8	7	6	2	..	..	..	..	..	..	..	28	53
22 " ..	4	6	9	7	2	..	..	..	..	..	..	..	21	66
23 " ..	6	8	4	5	6	1	1	..	..	..	..	..	31	44
24 " ..	2	5	6	5	3	..	..	..	..	..	..	..	13	37
25 " ..	2	2	3	1	2	..	3	..	..	..	..	..	17	28
26 " ..	2	9	2	1	3	..	..	..	..	..	..	..	12	26
27 " ..	3	1	4	1	1	2	..	..	..	..	..	..	13	41
28 " ..	1	1	3	2	2	4	..	..	..	..	..	..	14	43
29 " ..	..	..	6	4	2	1	1	..	..	..	..	..	12	49
30 " ..	2	..	1	2	4	..	1	..	1	1	..	..	15	44
31 " ..	2	2	4	2	1	2	1	..	1	..	..	..	12	44
32 " ..	1	..	1	..	2	..	..	..	..	..	..	..	4	10
33 " ..	1	..	5	1	3	2	..	..	..	1	..	..	13	41
34 " ..	..	1	..	1	..	2	..	..	..	..	..	..	4	14
35 " ..	..	..	..	1	..	1	..	..	..	..	..	..	2	8
36 " ..	..	1	1	1	1	2	..	..	..	..	..	..	6	20
37 " ..	..	..	..	..	..	..	1	..	..	..	..	..	1	6
38 " ..	..	1	1	..	1	..	..	..	..	1	..	..	4	17
39 " ..	..	..	..	..	..	..	..	..	..	..	1	..	1	11
42 " ..	..	..	1	..	..	..	..	..	..	..	..	..	1	2
43 " ..	..	1	..	1	..	..	..	..	..	..	..	..	2	4
Total Dissolutions of marriage ..	504	420	239	108	59	27	10	1	2	1	3	1	1,375	--
Total children ..	..	420	478	324	236	135	60	7	16	9	30	11	..	1,726

The following table shows the ages of the parties concerned in the decrees for dissolution of marriages, petitions for which had been granted during 1943.

VICTORIA—DISSOLUTIONS OF MARRIAGE, PETITIONS GRANTED—AGES OF PARTIES, 1943.

Ages of Husbands in Years.	Ages of Wives in Years.										Total Husbands.	
	Under 21.	21-25.	26-29.	30-34.	35-39.	40-44.	45-49.	50-54.	55-59.	60 and Over.		Not Stated.
Under 21 ..	3	..	..	..	..	..	..	..	..	..	..	3
21-25 ..	13	58	5	3	..	..	..	..	1	..	..	80
26-29 ..	2	93	92	22	1	..	..	..	..	..	..	210
30-34 ..	1	25	101	128	16	1	..	1	..	..	1	274
35-39 ..	1	16	31	117	98	17	..	1	..	..	..	281
40-44 ..	..	1	16	25	85	64	11	4	..	..	..	206
45-49 ..	..	..	2	6	17	56	46	7	2	1	1	138
50-54 ..	..	..	1	4	3	22	27	32	2	..	..	91
55-59 ..	..	1	..	1	1	1	15	18	15	1	..	53
60 and over..	..	..	..	..	..	2	4	8	9	11	..	34
Not stated ..	..	1	..	2	..	..	1	..	..	..	1	5
Total wives	20	195	248	308	221	163	104	71	29	13	3	1,375

In 1861 jurisdiction was conferred on the Supreme Court of Victoria in matrimonial matters. The *Divorce Act* 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 1931-40, and for each of the years 1941, 1942, and 1943.

VICTORIA—DIVORCES AND JUDICIAL SEPARATIONS, 1861 TO 1943.

Period.	Decrees Granted for—	
	Dissolution of Marriage.	Judicial Separation.
1861-1890 ..	348	71
1891-1900 ..	949	14
1901-1910 ..	1,255	6
1911-1920 ..	2,499	14
1921-1930 ..	4,403	16
1931-1940 ..	6,495	16
1941 ..	833	5
1942 ..	953	2
1943 ..	1,375	1
Total—1891 to 1943 ..	18,762	74
Total—1861 to 1943 ..	19,110	145

RACECOURSE LICENCES.

Racecourse
licences and
percentage
fees.

The *Police Offences Act* 1928 provides that no race-meeting shall be held except on a racecourse which is licensed under such Act for horse races or for pony races or for trotting races. Any licence shall, unless cancelled, be in force for twelve months from the date of its issue. For each such licence there shall be paid into the Consolidated Revenue a fee of £1, and also an annual sum equal to 3 per cent. of the gross revenue from all sources received from such racecourse by the owner or trustees of the racecourse during the year immediately preceding the year for which the licence is required. It is provided, however, that where the gross revenue is less than £1,500 but more than £600, the annual sum payable shall be 2 per cent. of the gross revenue, and where the gross revenue is £600 or less no amount shall be payable. The amounts paid into the Consolidated Revenue in licence fees and percentages on gross revenue during each of the last ten years were as follows:—

VICTORIA—REVENUE FROM RACECOURSE LICENCES AND PERCENTAGE FEES, 1933-34 TO 1942-43.

Year ended 30th June.			Amount.	Year ended 30th June.			Amount.
			£				£
1934	..	..	15,050	1939	..	..	17,191
1935	..	..	14,885	1940	..	..	16,710
1936	..	..	15,564	1941	..	..	15,420
1937	..	..	15,718	1942	..	..	15,095
1938	..	..	16,627	1943	..	..	13,525

CRIME.

Administration
of the criminal
law.

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

CRIME AND DRUNKENNESS.

Alteration in
method of
tabulation.

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 1942 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 1942 relate, as in previous years, to all offences with which a person was charged. The statistics for the last ten years are comparable, therefore, with those for the years prior to 1893 appearing in earlier issues of the *Year-Book*.

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

VICTORIA—OFFENCES AND DRUNKENNESS, 1890 TO 1942.

Year.	Number of Arrest and Summons Cases—				
	Offences Against the Person.	Offences Against Property.	Drunkenness.	Other Offences.	Total.
1890	4,091	5,036	18,501	36,456	64,084
1895*	2,344	3,336	11,143	20,843	37,666
1900*	2,103	3,106	15,878	28,003	49,090
1910*	1,663	3,052	12,719	34,626	52,060
1920*	1,909	4,877	7,154	42,758	56,698
1930*	1,680	5,078	8,132	41,859	56,749
1938	1,412	8,320	11,311	58,013	79,056
1939	1,308	8,104	11,609	61,837	82,858
1940	1,346	7,698	11,619	65,624	86,287
1941	1,380	7,329	12,064	56,230	77,033
1942	1,632	8,210	12,887	51,769	74,498

Number of Arrest and Summons Cases per 1,000 of Population.					
1890	3·66	4·50	16·54	32·59	57·29
1895*	1·98	2·82	9·41	17·60	31·81
1900*	1·76	2·60	13·31	23·47	41·14
1910*	1·30	2·38	9·92	27·00	40·60
1920*	1·26	3·23	4·73	28·27	37·49
1930*	·94	2·84	4·55	23·44	31·77
1938	·76	4·45	6·06	31·06	42·33
1939	·69	4·31	6·17	32·86	44·03
1940	·71	4·06	6·12	34·61	45·50
1941	·71	3·75	6·17	28·77	39·40
1942	·83	4·16	6·53	26·24	37·76

* See paragraph "Alteration in method of tabulation" on page 137.

**Offences
against the
person and
property.**

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

Other offences.

The only serious crimes included under "Other Offences" are forgery, counterfeiting, conspiracy, and perjury. These were very few in number, there having been in Victoria in 1942 only 54 of such charges out of a total of 51,769 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 1942.

VICTORIA—ARRESTS AND SUMMONSES FOR VARIOUS
OFFENCES, 1942.

Nature of Offence.	Total.	Summarily Disposed of—				Committed for Trial.	
		Convicted.		Dismissed, Withdrawn, Struck Out.		M.	F.
		M.	F.	M.	F.		
Against the Person—							
Murder and attempts at	12	..	..	1	5	6	..
Manslaughter ..	5	..	..	2	..	3	..
Shooting at, wounding, &c.	52	3	3	3	..	42	1
Assaults	1,366	837	43	387	76	20	3
Others	197	24	2	15	6	136	14
Total	1,632	864	48	408	87	207	18
Against Property—							
Robbery, burglary, &c.	835	260	1	41	3	510	20
Larceny and similar offences	5,642	4,001	459	635	66	431	50
Wilful damage ..	403	270	24	96	8	5	..
Others	1,330	855	50	284	25	107	9
Total	8,210	5,386	534	1,056	102	1,053	79
Forgery and Offences against the Currency ..	39	11	..	1	..	27	..
Against Good Order—							
Drunkenness*	12,887	11,452	1,297	121	17	..	..
Others	7,908	6,253	659	809	185	2	..
Total	20,795	17,705	1,956	930	202	2	..
Other Offences—							
Breaches of—							
Education Act ..	9,509	6,032	2,811	441	225	..	..
Licensing Act ..	7,625	5,471	924	913	317	..	..
Motor Car Act ..	7,387	6,654	374	338	21	..	..
Traffic Regulations ..	5,088	4,572	262	236	18	..	..
Vermin and Noxious Weeds Act	166	113	16	29	8	..	..
Miscellaneous	14,047	11,559	1,219	1,076	157	25	11
Total	43,822	34,401	5,606	3,033	746	25	11
Grand Total	74,498	58,367	8,144	5,428	1,137	1,314	108

* See footnote on page 141.

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, 1938 TO 1942.

Year.	Arrest Cases.		Summons Cases.		Total.
	Males.	Females.	Males.	Females.	
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
1941	19,710	2,624	48,617	6,052	77,003
1942	22,542	2,515	42,567	6,874	74,498

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, 1938 TO 1942.

Year.	Total.	Summarily Convicted.	Discharged by Magistrates.	Committed for Trial.
1938	79,056	68,841	8,199	2,016
1939	82,858	72,186	8,895	1,777
1940	86,287	75,712	9,032	1,543
1941	77,003	67,520	8,083	1,400
1942	74,498	66,511	6,565	1,422
Number per 10,000 of Population.				
1938	423·3	368·6	43·9	10·8
1939	440·3	383·6	47·3	9·4
1940	455·0	399·3	47·6	8·1
1941	394·0	345·5	41·3	7·2
1942	377·6	337·1	33·3	7·2

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.

Children's Courts. The jurisdiction of Children's Courts is limited to children under the age of seventeen years. In 1939, the Children's Court 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 years 1942 and 1943.

VICTORIA—CHILDREN'S COURTS: CASES DISPOSED OF, 1942 AND 1943.

Nature of Offence.	Total.	Summarily Disposed of—				Committed for Trial.	
		Convicted.		Dismissed, Withdrawn, Struck Out.		M.	F.
		M.	F.	M.	F.		
During 1942.							
Against the Person—							
Assaults	82	64	..	18	..	..	..
Others	11	10	..	1	..	..	..
Total	93	74	..	19	..	..	..
Against Property—							
Larceny, &c.	3,865	3,305	151	383	22	4	..
Wilful Damage	146	104	11	28	3	..	..
Others	296	238	5	51	2	..	..
Total	4,307	3,647	167	462	27	4	..
Against Good Order—							
Drunkenness	25	20	2	3	..	..	..
Others	278	205	16	53	4	..	..
Total	303	225	18	56	4	..	..
Other Offences, &c.—							
Traffic Offences	731	610	66	53	2	..	..
Other Offences	240	175	25	39	1	..	..
Neglected Children	604	253	154	96	101	..	..
Total	1,575	1,038	245	188	104	..	..
Grand Total	6,278	4,984	430	725	135	4	..

VICTORIA—CHILDREN'S COURTS: CASES DISPOSED
OF, 1942 AND 1943 (continued).

Nature of Offence.	Total.	Summarily Disposed of—				Committed for Trial.	
		Convicted.		Dismissed, Withdrawn, Struck Out.		M.	F.
		M.	F.	M.	F.		
During 1943.							
Against the Person—							
Assaults	111	82	5	21	1	2	..
Others	4	4	..	..	..	..	..
Total	115	86	5	21	1	2	..
Against Property—							
Larceny, &c.	3,426	2,788	119	499	19	1	..
Wilful Damage	157	128	..	29	..	..	..
Others	152	121	5	26	..	..	..
Total	3,735	3,037	124	554	19	1	..
Against Good Order—							
Drunkenness	22	19	2	1	..	..	..
Others	183	140	8	30	5	..	..
Total	205	159	10	31	5	..	..
Other Offences, &c.—							
Traffic Offences	722	619	63	34	6	..	..
Other Offences	560	441	52	59	7	..	1
Neglected Children	701	319	241	80	61	..	..
Total	1,983	1,379	356	173	74	..	1
Grand Total	6,038	4,661	495	779	99	3	1

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

VICTORIA—CHILDREN'S COURTS: CASES DISPOSED OF
1939 TO 1943.

Nature of Offence.	1939.	1940.	1941.	1942.	1943.
Against the Person—					
Assaults	65	60	70	82	111
Others	3	10	4	11	4
Against Property—					
Larceny, &c. .. .	3,076	3,031	3,383	3,865	3,426
Wilful Damage .. .	128	136	185	146	157
Others	73	114	261	296	152
Against Good Order—					
Drunkenness .. .	5	9	10	25	22
Others	244	234	249	278	183
Traffic Offences .. .	862	589	589	731	722
Other Offences .. .	425	346	240	240	560
Neglected Children .. .	610	558	527	604	701
Total	5,491	5,087	5,518	6,278	6,038
Summarily Convicted .. .	4,585	4,232	4,557	5,414	5,156
Summarily Dismissed, &c. .. .	905	852	958	860	878
Committed for Trial .. .	1	3	3	4	4

The following statement gives particulars of the manner in which the cases in the Children's Courts were disposed of by magistrates in 1942 and 1943.

VICTORIA—CHILDREN'S COURTS: CASES, HOW DEALT WITH, 1942 AND 1943.

How dealt with.	During 1942.			During 1943.		
	Males.	Females.	Total.	Males.	Females.	Total.
Adjudged for period without probation	1,423	85	1,508	1,414	90	1,504
Released on probation .. .	1,370	79	1,449	1,044	78	1,122
Committed to care of Children's Welfare Department .. .	473	142	615	409	170	579
Committed to reformatory .. .	96	..	96	82	1	83
Committed to care of a private person or Institution .. .	12	8	20	20	9	29
Fined	851	75	926	964	107	1,071
Released under Section 356 of <i>Crimes Act 1928</i> .. .	12	..	12	4	2	6
Dismissed on payment of costs or damages or both .. .	46	13	59	23	4	27
Discharged upon surety .. .	27	1	28	32	..	32
Sentenced to term of imprisonment .. .	3	..	3	..	..	..
Sentenced to imprisonment, the execution of which has been suspended	58	4	62	59	1	60
Convicted and discharged .. .	413	13	426	369	21	390
Discharged with a caution .. .	146	6	152	152	5	157
Otherwise dealt with .. .	54	4	58	89	7	96
Summarily Convicted .. .	4,984	430	5,414	4,661	495	5,156
Summarily Dismissed, &c. .. .	725	135	860	779	99	878
Committed for Trial .. .	4	..	4	3	1	4
Grand Total .. .	5,713	565	6,278	5,443	595	6,038

Children's
Courts—pro-
bation 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,
1939 TO 1943.

Year.	Cases Released on Probation.	Results of Probation.		
		Satisfactory.	Fair.	Unsatisfactory.
		%	%	%
1939	1,401	90	4	6
1940	1,291	82	8	10
1941	1,254	81	9	10
1942	1,449	81	9	10
1943	1,122	79	7	14

Arrest cases
summarily
disposed of by
magistrates.

The following is a statement of the arrest cases summarily disposed of by magistrates in Courts of Petty Sessions during 1942.

VICTORIA—ARREST CASES SUMMARILY DISPOSED OF
BY MAGISTRATES IN COURTS OF PETTY SESSIONS,
1942.

How disposed of.	Males.	Females.	Total.
Fines paid	7,274	698	7,972
Imprisonment for—			
Under 1 month	4,501	512	5,013
1 month and under 6 months	1,597	151	1,748
6 months and under 12 months	233	26	259
1 year and under 2 years	20	1	21
Admonished	5,027	590	5,617
Ordered to find bail or sentence suspended on entering surety	416	138	554
Sent to Reformatory Schools, &c.	287	..	287
Otherwise dealt with	548	81	629
Total Convicted	19,903	2,197	22,100
Dismissed, Withdrawn, Struck Out	1,498	236	1,734
Total summarily disposed of	21,401	2,433	23,834

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 1942. Where a person was charged with more than one offence, the principal offence only has been counted.

VICTORIA—COMMITTALS FOR TRIAL, DISTINCT PERSONS CONVICTED, 1942.

Offence.	Males.	Females.	Total.
Against the Person—			
Murder	1	..	1
Manslaughter	3	..	3
Wounding or inflicting grievous bodily harm, &c.	32	..	32
Rape and other offences against females	34	..	34
Unnatural offences	47	..	47
Bigamy	21	9	30
Assault	9	..	9
Demanding money with menaces ..	3	..	3
Other	7	1	8
Against Property—			
Robbery and Stealing from the Person	41	5	46
Burglary, Housebreaking, &c. ..	259	2	261
Stealing Horses, Cattle, and Sheep ..	9	..	9
Other Larceny	100	19	119
Embezzlement	13	..	13
Fraud and False Pretences	13	3	16
Receiving	46	2	48
Arson, Incendiarism	4	..	4
Other	5	1	6
Forgery and offences against the Currency	9	..	9
Other offences—			
Perjury and Subornation	4	1	5
Effecting a Public Mischief	1	..	1
Conspiracy	7	2	9
Breaches of <i>Registration of Births, Deaths, and Marriages Act 1928</i>	2	1	3
Other	4	1	5
Total	674	47	721

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

VICTORIA—PERSONS ARRESTED OR SUMMONED FOR DRUNKENNESS, 1938 TO 1942.

Year.	Number of Persons—			Number per 1,000 of Population.
	Arrested.	Summoned.	Total	
1938	11,282	29	11,311	6·06
1939	11,577	32	11,609	6·17
1940	11,590	29	11,619	6·12
1941	12,035	29	12,064	6·17
1942	12,857	30	12,887	6·53

The continuity of the above statistics has not been materially affected by the alteration in the method of tabulation referred to on page 137.

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

VICTORIA—DRUNKENNESS, 1874 TO 1942.

Period.	Index Number.	Period.	Index Number
1874-78	100	1923-27	41
1879-85	88	1928-32	30
1886-92	106	1933-37	36
1893-97	65	1938	41
1898-1902	84	1939	42
1903-07	77	1940	42
1908-12	68	1941	42
1913-17	59	1942	44
1918-22	32		

A considerable decrease in drunkness 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 with drunkenness.

The accompanying table shows for the last five years the number of persons under 20 years of age arrested for drunkenness.

VICTORIA—ARRESTS OF PERSONS UNDER 20 YEARS OF AGE CHARGED WITH DRUNKENNESS, 1938 TO 1942.

Year.	Number.		Total.
	Males.	Females.	
1939.. .. .	*	*	126
1940.. .. .	*	*	142
1941.. .. .	*	*	126
1942.. .. .	156	24	180
1943.. .. .	150	20	170

* Not available.

REGULATION OF LIQUOR TRADE.

Licences Reduction Board.

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, 1942, 1,856 hotels had been closed by the Board or had surrendered their licences. Of these hotels 530 were located in metropolitan districts, and the compensation paid amounted to £581,662, or an average of £1,097 each. There were 1,326 hotels closed in country districts, and compensation amounting to £713,394 was paid, or an average of £538 each. The total sum paid in compensation in all districts of the State was £1,295,056, or an average of £698 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, 11 grocers' and 98 Australian wine licences have been taken away, for which compensation to the amount of £20,206 has been awarded.

Improvement and Extension of Licensed accommodation. 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 £6,080,615 exclusive of the cost of sewerage and new equipment. National Security Regulations have restricted since 1940 all building operations in regard to hotels. During the six months ended 30th June, 1942, only £6,375 was expended throughout the State.

Number of Hotels. 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, 1942.

Year.	Estimated Population.	Number of Hotels.*	Average Number of Persons to each Hotel.
1885	969,200	4,339	223
1906	1,219,832	3,520	347
1930	1,792,605	1,803	994
1931	1,803,570	1,781	1,013
1932	1,813,387	1,770	1,025
1933	1,824,479	1,759	1,037
1934	1,837,490	1,749	1,051
1935	1,843,023	1,744	1,057
1936	1,851,593	1,725	1,073
1937	1,859,487	1,711	1,087
1938	1,873,760	1,706	1,098
1939	1,887,356	1,700	1,110
1940	1,918,660†	1,691	1,135
1941	1,952,153†	1,683	1,160
1942	1,969,977†	1,671	1,179

* Including Roadside Licences.

† Subject to revision.

During the period 1885 to 31st December, 1942, 227 hotels were closed as the result of local option polls, 1,856 were deprived of or surrendered their licences, and 60 lapsed. During the period 1907 to 31st December, 1942, 79 new licences were granted.

Licensing Fund. The revenue for the year ended 30th June, 1943, amounted to £386,893. The amounts received from the various sources were :—Licences, certificates, &c., £362,380 ; interest on investments, £10,982 ; fees and fines, £13,481 ; and miscellaneous, £50. The expenditure which totalled £386,893 consisted of the following items :—Annual payments to municipalities, £59,044 ; compensation, £8,170 ; 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, £279,871 ; and salaries, expenses, &c., £16,808. The amount at credit of the fund at 30th June, 1943, was £410,976, of which £341,000 was invested.

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

Local Option Acts of 1920 and 1922. 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.

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

* By National Security Regulations, the trading hours in the Metropolitan Electoral District have, as from 24th August, 1942, been confined to the period between 10 a.m. to 6 p.m.

Hotels closed
by local
option.

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.

Licensing
polls 1930
and 1938.

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, 1938-39 TO 1942-43.

Year.	Quantity of Beer Consumed.	Per Head of Population.
	gallons.	gallons.
1938-39	23,555,700	12·56
1939-40	24,524,500	12·97
1940-41	26,364,500	13·90
1941-42	27,288,500	13·96
1942-43	25,113,950	12·73

GAOLS AND PRISONERS

Gaols and prisoners. In Victoria there are five gaols and five reformatory prisons as set out hereunder. 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 1942 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, 1942.

Name of Institution.	Number of Prisoners.							
	For whom there is Accommodation.		Daily Average.		Total Received (including transfers).		In Confinement at end of year. *	
	Males.	Females	Males.	Females	Males.	Females	Males.	Females
Pentridge ..	908	83	775	52	5,987	762	766	46
Pentridge Reformatory Prison	64	3	50	..	162	..	47	..
Ballarat Gaol ..	66	18	38	..	259	..	59	..
Beechworth Reformatory Prison	78	..	49	..	40	..	50	..
Castlemaine Reformatory Prison	91	..	69	..	119	..	104	..
Cooriemungle Prison Camp	32	..	29	..	75	..	27	..
Geelong Gaol†	179	..	11	..	17	..	..	..
Geelong Reformatory Prison†	21	..	..	..	..	..	..	..
McLeod Settlement Reformatory Prison ..	52	..	51	..	47	..	49	..
Sale Gaol ..	26	9	5	..	68	..	10	..
Total ..	1,517	113	1,077	52	6,774	762	1,112	46

* Including 46 males and 3 females awaiting trial.

† By order of the Governor in Council these institutions ceased to be public gaols as from and inclusive of 16th February, 1942.

The number of prisoners received at and discharged from the gaols and reformatory prisons (excluding police gaols) in Victoria is given in the following table for the year 1942 :—

VICTORIA—PRISONERS RECEIVED AT AND DISCHARGED FROM GAOLS AND REFORMATORY PRISONS, 1942.
(Exclusive of Police Gaols.)

Classification.	Males.	Females.	Total.
Number in Confinement at 31st December, 1941—			
Convicted	904	35	939
Awaiting trial	45	6	51
Total	949	41	990
Received during 1942—			
Convicted of—			
Felony	1,573	93	1,666
Misdemeanour	3,085	460	3,545
Other offences	353	23	376
Transfers from—			
Other Gaols and Reformatory Prisons ..	506	..	506
Hospitals, Asylums, Reformatory Schools, &c.	23	2	25
For Trial, not subsequently convicted ..	1,234	184	1,418
Total	6,774	762	7,536
Discharged during 1942—			
By remission of sentence	467	33	500
On expiration of sentence and payment of fines	4,130	526	4,656
Bailed to appeal	24	4	28
On bond from Court, Judge's Order, Attorney- General's Order, &c.	7	2	9
By special authority	26	2	28
On parole	129	..	129
Died	2	1	3
Executed .. .. .	..	..	..
Deported	28	..	28
Absconded	12	..	12
Transfers to—			
Other Gaols and Reformatory Prisons ..	525	..	525
Hospitals, Asylums, Reformatory Schools, &c.	28	2	30
Unconvicted	1,233	187	1,420
Total	6,611	757	7,368
Number in Confinement at 31st December, 1942—			
Convicted	1,066	43	1,109
Awaiting trial	46	3	49
Total	1,112	46	1,158

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

VICTORIA—PRISONERS UNDER SENTENCE, 1933 TO 1942.

At 31st December.	Males.	Females.	Total.	Number per 10,000 of Population.	At 31st December.	Males.	Females.	Total.	Number per 10,000 of Population.
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
1936	1,057	37	1,094	5·91	1941	904	35	939	4·82
1937	955	34	989	5·32	1942	1,066	43	1,109	5·55

A statement is given below of the daily average number of prisoners in detention in the gaols of the State in the last year of each of the decennial periods 1871 to 1931 inclusive, and in each of the last six years.

VICTORIA—DAILY AVERAGE NUMBER OF PRISONERS IN CONFINEMENT, 1871 TO 1942.

Year.	Daily Average Number of Prisoners in Confinement.		
	Males.	Females.	Total.
1871	1,345	274	1,619
1881	1,294	304	1,598
1891	1,550	350	1,900
1901	951	200	1,151
1911	713	100	813
1921	741	54	795
1931	1,391	50	1,441
1937	1,072	41	1,113
1938	1,084	45	1,129
1939	1,193	49	1,242
1940	1,128	53	1,181
1941	1,023	50	1,073
1942	1,077	52	1,129

The *Indeterminate Sentences Act* 1908 came into force on 1st July of that year. 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, 1938-39 TO 1942-43.

Name of Reformatory Prison.	Year Ended 30th June.				
	1939.	1940.	1941.	1942.	1943.
Pentridge Reformatory Prison	71	73	59	46	51
Beechworth Reformatory Prison	52	65	55	43	43
Castlemaine Reformatory Prison	90	97	58	70	79
Geelong Reformatory Prison	10	6	6	*	*
McLeod Settlement, French Island	50	49	47	52	51
Total	273	290	225	211	224

* See † note on page 152.

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, 1943, admissions to the several reformatories totalled 4,881 (4,830 males and 51 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	1,762	36·10
Probation satisfactorily completed	2,038	41·75
Still on parole or probation	397	8·13
Deaths—		
In institutions	26	·53
On parole or probation	26	·53
Escapes*	190	3·90
Released by Special Authority, deported, time, &c.	220	4·51
In institutions at 30th June, 1943	222	4·55
Total to 30th June, 1943	4,881	100·00

* Of 190 who escaped, 170 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, 1943.

**VICTORIA—POLICE FORCE, CLASSIFICATION AND
NUMERICAL STRENGTH AT 31st DECEMBER, 1943.**

Designation.	Number.		
	Metropolitan.	Country.	Total.
<i>Foot.</i>			
Chief Commissioner	1	..	1
Superintendents	3	8	11
Inspectors	10	6	16
Sub-Inspectors	17	7	24
Sergeants, First class	31	15	46
Sergeants, Second class	41	13	54
Senior Constables	174	68	242
Senior Constables (brevet rank)	2	..	2
First Constables	646	347	993
Constables	493	91	584
Total	1,418	555	1,973
<i>Detectives.</i>			
Superintendent	1	..	1
Sub-Inspectors	6	..	6
Sub-Inspector (brevet rank)	1	..	1
Sergeants, First class	5	..	5
Sergeants, Second class	2	..	2
Senior Detectives	24	2	26
First Detectives	89	14	103
Detectives	20	..	20
Total	148	16	164
<i>Mounted.</i>			
First Constables	16	76	92
Constables	8	26	34
Total	24	102	126
Grand Total	1,590	673	2,263

The above particulars include 12 police-women, and 36 members with Defence Forces, but exclude 31 recalled police pensioners, 46 members of the Victoria Police Women's Auxiliary, 6 members of the Police Auxiliary Force, 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,
1934 to 1943.

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.
1934 ..	2,170	847	1939 ..	2,313*	816
1935 ..	2,247	820	1940 ..	2,352*	824
1936 ..	2,289	809	1941 ..	2,327*	838
1937 ..	2,280	815	1942 ..	2,318*	855
1938 ..	2,271	825	1943 ..	2,263*	882

* Including members with Defence Forces but excluding 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,
1938-39 TO 1942-43.

Year ended 30th June.	Amount Expended (exclusive of Pensions) on—					Amount per Head of Population.
	Maintenance, &c.		Buildings and Rents.		Total.	
	Police.	Gaols and Penal Establishments.	Police.	Gaols and Penal Establishments.		
	£	£	£	£	£	s. d.
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
1942 ..	813,010	136,193	30,557	5,875	985,635	10 1
1943 ..	1,019,144	143,716	33,007	7,542	1,203,409	12 2

Executions. During the 38 years ended with 1943 there were only fourteen 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, two in 1939, and one in 1941. Since the first settlement of Port Phillip in 1835, 182 criminals (178 males and 4 females) have been executed within the State on account of the following offences:—Murder, 142; 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, 1939 TO 1943.

Year.	Inquests into the Deaths of—			Total Persons per 1,000 Deaths.
	Males.	Females.	Total Persons.	
1939	1,346	630	1,976	98·0
1940	1,190	509	1,699	83·7
1941	1,139	568	1,707	83·2
1942	1,386	577	1,963	89·3
1943	1,193	559	1,752	82·1