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Part I.—Original Articles.

The New Inebriates Act. By A. WOOD RENTON, Barrister-at-Law.

AFTER many years of agitation and controversy, the first instalment of a much-needed reform of the law as to inebriates has been conceded by the Legislature. The aim of the present article is to subject the Inebriates Act, 1898, which came into operation on January 1st, 1899, to a somewhat minute and critical examination, in the hope at once of suggesting points for future amendment, and of throwing light on difficulties that may arise in its practical administration.

The Act divides itself roughly into two sets of provisions, which it is necessary to distinguish :

I. AMENDMENTS OF THE INEBRIATES ACTS, 1879 AND 1888.

II. NEW POWERS OF DEALING WITH CRIMINAL INEBRIATES.

We will deal with these classes in turn.

I. AMENDMENTS OF THE INEBRIATES ACTS, 1879 AND 1888.

(1) *No Powers of Compulsory Committal are given.*—The first point that calls for observation is that, in spite of the unanimous demand for them on the part of every Parliamentary committee that has inquired into the subject during the last quarter of a century, and of the licencees of the retreats established under

the Acts of 1879 and 1888, no powers for the compulsory committal of non-criminal inebriates to places of detention have been brought into existence by the new statute. It was not, indeed, expected that they would be; but it is important to emphasise once more the fact that the policy embodied in the Acts of 1879 and 1888 cannot be successfully carried out or developed until this defect in the law has been removed. It may be worth while to sum up in a few sentences the case for compulsory committal. Practically the whole body of expert opinion in the country is in its favour. The majority of inebriates cannot be induced to apply for their own committal; and the resolution of many of those who do so apply evaporates before the statutory formalities necessary to their admission to a retreat can be complied with. Moreover committals under the Acts of 1879 and 1888, where they are effected, are already, to a large extent, compulsory, since the friends of patients put upon them a moral pressure which they are unable to resist. Finally, compulsory committal has been tried with entirely successful results in America and on the Continent (cf. Kerr's *Inebriety*, second edition). Compulsory powers would be amply safeguarded against abuse by providing, as the Committee of 1893 suggested (c. 7008 A [8]), for an appeal to a divisional Court against any order made pursuant to the Act. What is further needed is a section like section 116 of the Lunacy Act, 1890, for the judicial application of the property of inebriates.

(2) *Most of the Minor Reforms of the Legislation of* 1879 *and* 1888 *which have been demanded are conceded.*—(*a*) *Duration of licence.*—There was considerable complaint (see first *Report of Inspector of Retreats*, 1881, c. 354, p. 1, par. 5) that the thirteen months' maximum duration of a licence under sect. 6 of the Act of 1879 was too short, on the ground that it both discouraged application for licences, and prevented licensees from laying out capital on the improvement of their retreats. The maximum duration is now two years (Act of 1898, s. 15).

(*b*) *Maximum period of voluntary detention.*—Under the Act of 1879 this was one year. In many cases that was felt to be too short a time to effect a cure, and the limit has now (Act of 1898, s. 16), in accordance with a recommendation of the Departmental Committee of 1893 (c. 7008 A [3]), and a clause in Lord Herschell's bill of 1894, been raised to two years. It will be noted, of course, that it is for the inebriate

at the time of the application to fix the limit of his detention. The statute only enlarges the possible limit.

(*c*) *Simplification of procedure.*—At quite a number of points the procedure under the Acts of 1879 and 1888 was unsatisfactory. Under the Act of 1879, applications for admission to retreats had to be attested by two justices *having jurisdiction under the Summary Jurisdiction Acts in the place where the matter requiring their cognizance arose.* The difficulty of finding two such justices was, however, an obstacle to the efficacy of the statute, and the requisition was repealed by sect. 3 of the Act of 1888. But even so the procedure was cumbrous, and the advocates of fresh legislation as to inebriates have contended that the attestation of a single justice should be sufficient. The 16th section of the Act of 1898 makes it so. Again, no facilities were afforded by the Acts of 1879 and 1888 for the extension of the term of a patient's detention, or for his readmission into a retreat. In either case the whole minuet of proceedings attendant on an original application had to be gone through. The new Act deals with this difficulty. Section 10 enables the extension or readmission to be effected "in like manner as an habitual drunkard may be admitted under section 10 of the Habitual Drunkards Act, 1879, as amended by section 4 of the Inebriates Act, 1888, and by this Act," the statutory declaration being dispensed with, and the attesting justice not being required to satisfy himself that the applicant is an habitual drunkard. The net result of this somewhat cumbersome provision is that extension or readmission may now be effected on the written application of the patient to the licensee, attested by a single justice: no statutory declaration by two witnesses that the applicant is an inebriate, and no inquiry by the attesting justice into the question, being necessary. Once more, the machinery in the Acts of 1879 and 1888 for dealing with cases of escape was singularly defective. Two distinct classes of escapes were dealt with—escapes from retreats, and escapes of patients during leave of absence from the persons in whose charge they were placed. The first defect in the old law was a curious *casus omissus.* Section 26 of the Act of 1879 provided for the apprehension of an habitual drunkard escaping either from a retreat or while absent on leave, on the warrant of "any justice or magistrate having jurisdiction in the place or district where he is found, or in the place or district where the retreat from

which he escaped is situate." It will be observed that from the wording of this section the warrant could only be issued in the case of an escape during absence on leave by a justice having jurisdiction in the place where the patient was found. Section 18, sub-section (2), of the Act of 1898 supplies this hiatus by enabling the warrant to be issued by any justice having jurisdiction in the place where the person in charge of the patient resides. Again, while the Act of 1879 provided that (section 21) where a licence for leave of absence was forfeited or revoked (and escape from a person in charge was an *ipso facto* ground of forfeiture [section 22]), the time during which such habitual drunkard was so absent from the retreat should be excluded in computing the time of his detention, there was no similar enactment in regard to patients, not absent on leave, escaping from retreats. Section 18, sub-section (1), of the Act of 1898 provides for the exclusion in such cases of the time between escape and return. It may be pointed out that there is some doubt, from the language used in section 21 of the Act of 1879, as to whether any time that may elapse between the escape and the recapture of a patient absent on leave is to be excluded in computing the term of his detention. Section 21 provides for the exclusion of "the time during which such habitual drunkard was *so absent* from the retreat." But a prior part of the section indicates that the words "so absent" mean "absent under licence," whereas, on escape, a licence is *ipso facto* forfeited (section 22), and therefore ceases to exist.

The point is fine, and possibly unsound; but in any subsequent legislation on the subject, any doubts in regard to it might be expressly negatived. Another hiatus in the Acts seems to call for passing mention. Section 22 of the Act of 1879 provides for the revocation of a licence by the Secretary of State, &c., and that "thereupon the habitual drunkard to whom the licence related shall return to the retreat." Probably a patient failing or refusing to return after such a revocation could be recaptured as an escaped patient under section 26. But the question might advantageously be settled by express enactment, definite provision being made, here again, for the exclusion of an interval between revocation and recapture in the computation of the time of detention.

There are more serious objections to be urged, however, against the law as to escapes as it still stands. In the first place,

while any officer, &c., of a retreat who induces or wilfully assists the escape of a patient is guilty of an offence against the Act under section 24, sub-section (2), such an escape does not appear to be an offence on the part of the patient. It ought to be made one. In the second place, although the licensees of retreats have long complained that the requirements of the section dealing with escapes (section 26)—the swearing of an information, the finding of a magistrate with jurisdiction, and the issue of a warrant—frequently occupy so much time that the escaped patient cannot be recaptured, no amendment of this unnecessarily intricate machinery has been effected.

Only three other amendments of the Act of 1879 are effected. The case of the death of a patient under licence—another hiatus in the Act of 1879—is covered by a section (Act of 1898, sect. 19) practically identical with section 27 of the Act of 1879, relating to the death of a patient actually detained in a retreat. The licensing authorities under the Acts of 1879 and 1888 were the borough justices in boroughs and the county justices in counties (Act of 1879, sect. 4, 5, Schedule I). Now they are the borough councils and county councils respectively; the clerk of the local authority being the town clerk in boroughs, and the clerk of the county council in counties (Act of 1898, sect. 13). A county council may delegate any of its powers as such local authority (*ibid.*). A county or borough council may contribute towards the establishment or maintenance of retreats, and any two or more may combine for such purpose (*ibid.*, sect. 14). Lastly, the Secretary of State is enabled to make arrangements with respect to (*a*) the procedure for admission, extension of the term of detention, or readmission; (*b*) medical or curative treatment, including (a very necessary provision) the enforcement of such work on patients as may be necessary for their health; (*c*) inspection of retreats; (*d*) other matters for carrying out the Acts (*ibid.*, sect. 20). Regulations made under this section are not to come into force till they have lain on the table of each House of Parliament for four weeks while that House is sitting, and therefore do not require publication under the Rules Publication Act, 1893, and the making of them and their date are to be notified in the *London Gazette* (*ibid.*, sect. 21).

II. NEW POWERS OF DEALING WITH CRIMINAL INE-

BRIATES.—The Act provides for the establishment and recognition of two classes of reformatories :

1. *State Inebriate Reformatories.*
2. *Certified Inebriate Reformatories.*

Some of the provisions of the statute have special application to each of these separately. Others apply to both classes jointly. These provisions must now be noticed in turn.

1. *State Inebriate Reformatories.*—The Secretary of State is enabled to establish State Inebriate Reformatories, and for this purpose—with the approval of the Treasury—to acquire land and erect buildings, or appropriate the whole or any part of any buildings vested in him or under his control, and any expenses incurred by him in connection therewith are to be met "out of money provided by Parliament" (Act of 1898, sect. 3). Subject to regulations which the Secretary of State is empowered to make for the management of these reformatories, and for the classification and treatment of their inmates, and for absence on leave, the Prison Acts, 1865—1898, including the penal provisions of such Acts, apply to them. But no regulation (*semble* either by the Secretary of State or by the Prison Commissioners) is to authorise the infliction of corporal punishment in any State Inebriate Reformatory (Act of 1898, Sect. 4.) The Home Secretary has indicated in a recent circular letter to Judges, Chairmen of Quarter Sessions, and Recorders, that no State Inebriate Reformatory is to be established in England in the meantime.

2. *Certified Inebriate Reformatories — Applications.* — The Secretary of State is empowered, on the initiative of the council of any county or borough, or of any persons desirous of establishing an Inebriate Reformatory, to certify it as such if he is satisfied of the fitness of the proposed establishment, and of the applicants intending to maintain it (Act of 1898, sect. 5 [1]). The procedure on applications is now prescribed by model regulations made by the Secretary of State under sect. 5 (2). These regulations are referred to in this article as M. R. Applications for certificates are to be addressed to the Under Secretary of State, Home Office, Whitehall, and to give the following particulars :—(i) Name proposed for reformatory. (ii) Names of managers, corresponding secretary, and treasurer. (iii) Description and plan of site ; the land must be of healthy character, at some distance from large centres of population,

and must allow not less than one acre for every ten patients in the case of male reformatories, and half that quantity in the case of female. (iv) Full plans exhibiting (*a*) adequate and separate accommodation for dormitories, day-rooms, and workshops; (*b*) proper infirmary accommodation; (*c*) proper associated dormitories for healthy inmates. (v) Number—not less than twenty-five—of inmates proposed to be received. (vi) Sex: if different sexes are to be received, the buildings and grounds occupied by them must be absolutely separated. (vii) Whether inmates of certain classes only, *e.g.* of specified religious denominations or from specified localities. (viii) Rules: these should either incorporate or be based on the Model Regulations, and must be approved by the Secretary of State before any inmates are received, and the payment of the Treasury grant (*vide inf.*) is contingent on their observance. (ix) Names of superintendent (*vide inf.*), medical officer (*vide inf.*), and proposed staff. (x) Statement of proposed work for inmates, and arrangements as to individual training (M. R., App. X, 1). It should further be noted that an application for a certificate is to be deemed to be an undertaking on the part of the managers (*vide inf.*) to feed, clothe and maintain any person who may be committed to their care with their consent for the period of the sentence, subject to the regulations approved for their institution (M. R. 1 [6]); and further, that as no certificate can be granted till the site and plans have been approved, such approval should in every case be obtained before money is spent or contracts are entered into in connection with a new institution (*ibid.*, App. I). If the Secretary of State is satisfied on the points above indicated he may grant a certificate containing (M. R. 1 [2]) any conditions that he may prescribe, and such certificate is to remain in force until it is withdrawn or surrendered (*ibid.* 1 [3]). A certificate is not to be surrendered till the Secretary of State is satisfied that proper arrangements have been made for the disposal of the inmates (*ibid.*, 1 [5]). The grant, withdrawal, or surrender of a certificate is to be notified in the *London Gazette* (*ibid.*, 1 [4]).

The Managers.—The expression "managers" in relation to a certified inebriate reformatory means any persons having the management or control of the reformatory (Act of 1898, sect. 27). The duties of the managers in relation to applications for

certificates are stated under the heading "Applications," *sup.* Their other general duties are (i) to furnish the Secretary of State with a yearly statement of the receipts and expenditure of the reformatory in such form as may be (none has yet been) prescribed (M. R. 2); (ii) to acquaint the Secretary of State with any changes in the *personnel* of the staff (*ibid.*, 3); (iii) to make application quarterly to the Secretary of State for the Treasury grant, forwarding the necessary particulars of the number of inmates during the quarter, and the length of time each has been detained in the reformatory (*ibid.*, 5); (iv) to deal with the question whether application should be made to the county court under sect. 12 of the Act of 1898 (*vide inf.*); and (v) to deal with various questions of administration and discipline which are noticed incidentally under other headings.

The Superintendent.—The superintendent is to reside in the reformatory, and is not to be absent without due arrangements for the discharge of his duties having been made to the satisfaction of the managers (M. R. 6). He is to report to the Secretary of State the reception of every inmate, sending a copy of the commitment or order of court (*ibid.*, 7). He is to be responsible for the observance of the regulations and the proper conduct of the officers of the reformatory (*ibid.*, 8), and for communicating to inmates the regulations affecting them (*ibid.*, 13), and to carry out the rules as to the employment and industrial training of inmates (*ibid.*, 10). He is to keep and be responsible for a journal and such other books and records as may from time to time be prescribed (*ibid.*, 9). His duties as to inspection and visitation are (*a*) to inspect daily the whole reformatory, and see every inmate once in twenty-four hours (*ibid.*, 11); (*b*) to visit daily all inmates while employed at labour (*ibid.*, 11); and (*c*) to see that every inmate under punishment is visited during the day at intervals of not more than half an hour by the appointed officer (*ibid.*, 29). He is to take every precaution to prevent escapes (*ibid.*, 12 [1]) or fires (*ibid.*, 26), to assure himself that all gates are locked at the proper times, and that all the keys of the reformatory are in their proper places (*ibid.*, 12 [2]; and to pay attention to the ventilation, drainage, &c., of the reformatory (*ibid.*, 23). The superintendent is, further, to inform the managers or inspector (*vide inf.*) of the desire of any inmate to see them (*ibid.*, 28); to take care that no inmate is subjected to any punishment

without the approval of the medical officer (*ibid.*, 30); to assist in providing inmates with employment on their discharge, and in preventing them from falling again under the influence of drink (*ibid.*, 32). He may read every letter addressed to or written by an inmate, and may use his discretion in communicating to or withholding from an inmate at any time the contents of a letter addressed to such inmate—why should this latter provision not be extended, as in the Lunacy Acts (see sect. 41 [1] of the Lunacy Act, 1890) to letters written by an inmate to private correspondents?—noting every case of such withholding in his journal. All letters withheld are to be forwarded to the inspector (*ibid.*, 34). The superintendent is to inquire with respect to every inmate, on reception, whether he has any real and personal property more than sufficient to maintain his family, and to lay the result of his inquiries before the managers and the Secretary of State (*ibid.*, 34). As to consequential proceedings see *inf.* The superintendent is to (*a*) call the attention of the medical officer to any patient whose state of body or mind seems to require notice (*ibid.*, 14), or who is ill, —a daily list of sick inmates is to be furnished (*ibid.*, 15), and to carry into effect the written recommendation of the medical officer for the alteration of the discipline or treatment of any inmate (*ibid.*, 19), or for separating from the other inmates any inmate labouring or supposed to labour under any infectious, contagious, or mental disease (*ibid.*, 20), reporting forthwith to the inspector if in any case the recommendations of the medical officer are not carried out (*ibid.*, 21); (*b*) report without delay to the inspector the case of any patient as to whom the medical officer is of opinion that his life will be endangered by further detention, or that he is unfit totally and permanently for reformatory discipline, or that his mind is becoming impaired (*ibid.*, 18); (*c*) notify to relatives any case assuming in the medical officer's opinion a dangerous aspect (*ibid.*, 22); and (*d*) notify any case of death to the managers, the nearest relative, the coroner, and the Secretary of State (*ibid.*, 16), who is also to be furnished, if an inquest is held, with the finding of the jury and the facts elicited (*ibid.*, 17). Finally, the superintendent may examine all persons and vehicles going in or out of the reformatory, and may exclude any person who refuses to be examined (*ibid.*, 24); and may remove any visitor to the

reformatory or to an inmate whose conduct is objectionable, recording the fact in his journal.

The Medical Officer.—The medical officer is entrusted with the general care of the health of the inmates, and is to report to the managers and notify the superintendent of any circumstances requiring attention on medical grounds. These reports are to be shown to the inspector on his visits, and in cases of importance copies are to be transmitted to the inspector (M. R. 35). The medical officer is to visit the reformatory at least once every day, and every inmate at least twice a week (*ibid.*, 36). He is further required to visit (*a*) every day such inmates as complain of illness, reporting to the superintendent in writing as to their fitness for labour, and the sick in the infirmary (*ibid.*, 37); (*b*) every day, or oftener, any inmate under punishment to whom his attention is specially called (*ibid.*, 38); (*c*) at once any patient of whose illness he receives information (*ibid.*, 37). He is to examine every patient on reception, and to report the result to the Secretary of State (*ibid.*, 39); to examine washing places, &c. (*ibid.*, 40), and food, &c. (*ibid.*, 41), and report to the superintendent on any defect or insufficiency thereof, and to send accounts of cases and statistical records as required (*ibid.*, 42—44). The duties of the medical officer as to sick patients whose illness assumes a dangerous form, and in contagious cases and cases under punishment, have already been touched upon under the head of "The Superintendent," and see further M. R. 45—48.

In case of illness or other cause of necessary absence the medical officer is to appoint a substitute approved of by the managers (*ibid.*, 49).

The Inspector.—The Secretary of State is empowered, with the consent of the Treasury in writing, to appoint inspectors of certified inebriate reformatories, and assign to them such remuneration, out of money provided by Parliament, as the Treasury may determine (Act of 1898, sect. 7). In the meantime only one inspector—Dr. Branthwaite—has been appointed.

Officers of the Reformatory.—Every officer is to be a total abstainer (M. R. 50), and any officer who is to the slightest extent under the influence of drink whilst in the execution of his duty is to be liable on conviction to a fine not exceeding £20, or to imprisonment, with or without hard labour, for not

more than three months (*ibid.*, 60, v). Liability to a similar penalty is incurred by any officer who (i) mutinies or incites to mutiny; (ii) violently assaults an inmate; (iii) wilfully aids or permits an inmate to escape, or attempt to do so; (iv) introduces or attempts to introduce intoxicating liquors into the reformatory (*ibid.*, 60, i—iv). No officer is to receive any gratuity for the admission of visitors or patients on any pretext whatever (*ibid.*, 31), or to strike a patient unless in self-defence (*ibid.*, 56), and then, as in any other case where the application of force is needful, with no more force than necessary (57), or to inflict any punishment or privation on any inmate unless ordered by the superintendent (*ibid.*, 58). Minor offences by officers are to be dealt with by the superintendent, under the orders of the manager (*ibid.*, 59). Female inmates—a provision borrowed from the Lunacy Acts—are in all cases to be attended to by female officers, and a male officer is not to enter a reformatory, or division of one, appropriated to females, except on duty, and accompanied by a female officer (*ibid.*, 32). It should further be noted under this head that every officer authorised in writing by the managers to carry an inebriate to or from a reformatory, or to arrest him in case of escape, is to have all the powers, protections, and privileges of a constable (Act of 1898, sect. 11 [1]); and that any patient escaping from a reformatory, or from the charge of the person in whose control he is placed under licence, may be apprehended without a warrant and brought back to the reformatory (*ibid.*, 11 [2]).

Admissions, Discharge, and Removal.—As the judicial machinery for the admission of patients to State Inebriate Reformatories and Certified Inebriate Reformatories is the same, it will be more conveniently considered hereafter when we come to deal with the provisions equally applicable to these two classes of institutions. Here we are concerned with special administrative details alone. Every inmate, on admission, is to be separately examined by the medical officer, as above noted (M. R. 63), and is to have a bath, unless the superintendent or medical officer otherwise directs (*ibid.*, 64); and if he is found to have any cutaneous disease, or to be infested with vermin, means are to be taken effectually to eradicate the same (*ibid.*, 65). Then follows a valuable provision, which has many analogues in American lunacy law. "Chronic invalids incapable of earning their own livelihood, and persons who

require special care and constant medical attention, or persons suffering from any contagious or infectious disease, should not be eligible for an inebriate reformatory. Persons suffering from any organic disease in an advanced stage are not fit subjects for admission; and in all cases of pulmonary tuberculosis special precautions should be taken to prevent the communication of the disease to others" (*ibid.*, 66). Every inmate may also be searched on admission or subsequently, and all prohibited articles are to be taken from him (*ibid.*, 61). All money or other effects brought into the reformatory by any inmate, or sent there for his use, which he is not allowed to retain, are to be placed in the custody of the superintendent, who is to keep an inventory of them in a separate book (*ibid.*, 62). No inmate is to be removed to any other reformatory or discharged without an examination by the medical officer; and prior to removal, or to the discharge at the expiration of his sentence, of a patient labouring under an acute or dangerous illness, the medical officer's certificate of fitness is necessary (*ibid.*, 67). Where a sentence expires on a Sunday, Christmas Day, or Good Friday, the discharge should be effected on the day preceding (*ibid.*, 68). Discharge on licence (a form is given in M. R., App. III; the licence should be granted by one or more of the managers on the recommendation of the superintendent and medical officer [M. R. 70]) should be possible after nine months' treatment, and the rule after twelve. If an inmate is not licensed at the end of a year, the matter is to be reported to the Secretary of State; if he is still in the reformatory at the end of eighteen months, there is to be a detailed report on the case. A temporary licence is to be given when any inmate is allowed to leave the reformatory for more than a few hours, either on business or on part of his probationary treatment (*ibid.*, 69). A copy of every licence is to be sent to the police of the district in which the inmate is about to reside (*ibid.*, 71).

Food.—The prescribed dietary will be found in M. R., App. IV, which contains not only the ordinary diet, but the diet for ill-conducted patients. No substantial alteration is to be made in it without previous notice to the inspector, and all deductions from it are to be recorded. A copy of the dietary is to be hung in the dining-room or other public place (M. R. 72). The medical officer alone may permit any special addition to the

food in the diet scale in the case of a patient not being an inmate of the infirmary (M. R. 74). The inmates of the reformatory are to mess together, and the food is to be canned in the room, and not weighed out to each man. An inmate who has any complaint to make on the diet must make his request to an officer deputed for the purpose as soon as possible after the diet is handed to him (M. R. 74). No intoxicating liquor or drug of any kind is to be admitted into the reformatory under any pretext whatever, except in pursuance of a written order of the medical officer specifying the quantity to be admitted, and the name of the name of the patient for whose use it is intended. This rule does not apply to the infirmary (M. R. 73).

Clothing.—Each inmate is to be provided with a complete and suitable dress, and required to wear it, unless there are special reasons to the contrary; however, a patient is to be allowed to use his own clothes if he desires (M. R. 76). There are further regulations imposed on patients—obligations as to cleanliness (*ibid.*, 77), baths (*ibid.*, 78), tidiness (*ibid.*, 79); "any inmate may, however, if and on such conditions as the managers approve, employ another inmate as a servant to relieve him from the performance of any unaccustomed tasks or offices" (*ibid.*); providing for the supply of sufficient clean bedding, with additions in cold weather or in special cases as the medical officer may deem requisite (*ibid.*, 80); and prohibiting inmates from receiving clothing, bedding, or necessaries other than the allowance, except with the permission of the medical officer (*ibid.*, 81). In the lunacy laws of several of the American States there is a provision that patients on discharge are to be supplied, if necessary, with clothing. It might be worthy of consideration whether a rule of this kind should not be incorporated in the regulations.

Employment of Inmates.—App. V of the M. R. contains a model time-table of reformatory regimen, which may be reproduced here, as it is quite short.

Rise at 6 a.m.; breakfast, 7 a.m.; physical drill (*no fixed time*); chapel, 8.15; work, 8.30 till 11.30, compulsory; dinner, 12 noon; work, 1.30 p.m. till 4.30, compulsory; tea, 5; recreation till bedtime; inmates to go to bed at 9.30 p.m., lights out in day-room; all lights out at 10 p.m.

It will be noticed that (unlike the dietary *sup.*) this is a

model, and not a prescribed form. Whatever time-table is adopted, however, is to be approved by the Secretary of State, exhibited in conspicuous places, and strictly adhered to—occasional variations with the consent of the inspector being permissible (M. R. 82). On Sunday, Christmas Day, Good Friday, and fast or thanksgiving days the labour of an inmate is to be confined to what is strictly necessary for the service of the reformatory. It would be well if express provision were made for relaxations in favour of Roman Catholics and Anglicans on other feast days than those above specified. A Roman Catholic or an Anglican cannot fairly be required to be engaged in "compulsory" work from 8.30 to 11.30 a.m. on say Ascension Day. Questions of this kind have occasioned considerable trouble in Board schools and workhouses during recent years, and there is all the less reason for any dubiety being left on the point that the rule above quoted is immediately followed by another (M. R. 84), that "an inmate who is a Jew shall not be compelled to labour on his sabbath, or on such days of festival as may be prescribed." Otherwise the regulations as to religious observances are of the usual character and quite unexceptionable (cf. M. R. 99—101): inmates are to be encouraged to do the kind of work, whatever it be, for which their training and capacity suit them; an accurate account of the earnings is to be kept, and assignment of the sums to be allotted (1) for maintenance, (2) to the inmate for his own use, and (3) to the inmate's family or otherwise, is to be made in each case and notified to the inmate, who is to have a right of appeal to the Secretary of State. The scheme should specify what comforts (*e.g.* to have extra clothes, boots, &c.) may be purchased by an inmate from that part of the earnings assigned to himself (*ibid.*, 85). Provision is also made for chess, cards, &c. (M. R. 86), newspapers and magazines (*ibid.*, 87), drill and outdoor games (*ibid.*, 88), supply of books (*ibid.*, 89), and inmates are to be allowed to receive works or periodicals from their friends if the superintendent is satisfied that they are of an unobjectionable nature (*ibid.*, 90) and instructive (*ibid.*, 91).

Visits and Letters.—Visits to inmates are to be made within sight, but not (unless the superintendent orders it) within hearing of an officer (M. R. 92). The superintendent is to have power to remove from the premises (duly recording the fact in his

journal) any visitor exercising a bad influence over a patient, &c. (*ibid.*, 93). Permission may be given for Sunday visits in the case of friends who cannot come at other times (*ibid.*, 94). Facilities are to be given to patients for seeing legal and business visitors (*ibid.*, 95). The managers, when the circumstances allow of it, may permit female inmates to have their infant children with them (*ibid.*, 96). The powers of the superintendent as to letters have been noticed above (and see M. R. 97). Letters addressed to the Secretary of State or the inspector are to be forwarded unopened (*ibid.*). Inmates unless under punishment may receive and write letters as often as they desire, and receive a visit weekly, and the managers may allow any additional visits (*ibid.*, 98).

Mechanical Means of Restraint.— The strait-jacket alone is to be employed, and it is to be used only to prevent a patient from injuring himself or others. Particulars of every case of such use are to be entered in the superintendent's journal. Notice is to be given forthwith to the managers; and no inmate is to be kept under mechanical restraint without the approval of the medical officer except in urgent cases, nor for longer than the medical officer thinks necessary. Every patient so restrained is to be seen by an officer at least every half-hour (*ibid.*, 107).

Punishments.—These are of two kinds:

I. *Dietary or other Restrictions or Deprivations of Privileges* as set out in the rules (approved by the Secretary of State) for each reformatory (M. R. 102).—No such punishment is to be awarded except by the superintendent or the officer acting for him, nor until the accused has had an opportunity of hearing the charges and evidence against him, and of making his defence (*ibid.*). Dietary punishment is not to be inflicted on any inmate, nor is he to be placed in close confinement, unless on a certificate of the medical officer that he is fit to undergo it (*ibid.*, 106). The offences punishable in this way are disobedience (M. R. 103 [1]), disrespect to an officer (*ibid.*, 103 [2]), idleness (*ibid.*, 103 [3])—only, however, on a certificate by the medical officer of capacity to do the allotted work (*ibid.*, 106),—absence without leave from (*ibid.*, 103 [4]) or irreverence at (*ibid.*, 103 [5]) divine service or prayers, cursing (*ibid.*, 103 [6]) or indecency in language, act, or gesture (*ibid.*, 103 [7]), making objectionable noises, giving unnecessary trouble, or making repeated

groundless complaints (*ibid.*, 103 [8]), disfiguring or injuring any part of the reformatory or any article (*ibid.*, 103 [9]), committing any nuisance (*ibid.*, 103 [10]), possessing any prohibited article (*ibid.*, 103 [11]), in any way offending against good order (*ibid.*, 103 [12]), and attempting any of the foregoing offences.

II. *Punishment by a Court of Summary Jurisdiction.*—The offences for which this may be inflicted are mutiny or inciting thereto (M. R. 104 [1]) personal violence to an officer or servant or fellow-inmate (*ibid.*, 104 [2]), grossly offensive or threatening language to any officer or servant (*ibid.*, 104 [3]), wilfully or wantonly breaking windows, &c., in the reformatory (*ibid.*, 104 [4]), wilfully making serious disturbance while under punishment (*ibid.*, 104 [5]), gross misconduct or insubordination (*ibid.*, 104 [6]), escaping or attempting to escape or aiding an escape (*ibid.*, 104 [7]), introducing intoxicating liquors or drugs (*ibid.*, 104 [8]), entering a public-house or taking any intoxicating liquor (*ibid.*, 104 [9]), and serious or repeated offences under I, *sup.* (cf. 104, first par.). When any of these cases arise the superintendent is to report to the managers, who may (i) punish the offender by severer or longer continued restrictions in the reformatory, or (ii) prosecute before a court of summary jurisdiction. Punishment: maximum penalty of £20, or three months' imprisonment with or without hard labour. In lieu of or in addition to any punishment, the managers may apply to the Secretary of State to transfer the inmate to another certified or State reformatory.

The superintendent is to record details of punishments in the punishment book, and to remit them to the inspector for review. A supplementary Bill is to be passed this session dealing with the costs of prosecutions under these Rules.

The chief provisions applicable to both State and Certified Inebriate Reformatories are the following: a county court judge may order the recovery of expenses against the estate of an inebriate whose real or personal property is more than sufficient to maintain his family (section 12 [1]), on the application (*a*) in the case of a patient detained in a State Inebriate Reformatory, of a person authorised for the purpose by the Secretary of State, and (*b*) in the case of a patient detained in a Certified Inebriate Reformatory, of the managers or any two of them or of any authority contributing to the maintenance of such patient (section 12 [2]). This section

should be compared with sections 299, 300 of the Lunacy Act, 1890 (see Wood Renton on *Lunacy*, *ad loc.*; section 1 of the Poor Removal Act, 1846 [by which as amended by the Poor Removal Act, 1861, and the Union Chargeability Act, 1865, a status of irremovability is acquired by one year's residence in a parish, but it is provided that period of detention in a prison is not to count towards making up the year], is to apply to a person detained in or absent under licence from either a State Inebriate Reformatory or a Certified Inebriate Reformatory as if he were in prison [section 22]).

In addition to the provisions examined above, the Inebriates Act, 1898, creates fresh judicial powers for the treatment of criminal inebriates. The substance of the provisions is as follows:

(1) Any habitual drunkard admitted by himself to be such or found by the jury so to be, may, if he be convicted on indictment of an offence and the Court is satisfied that the offence was committed under the influence of drink or that drunkenness was a contributing cause of the offence, be ordered by the Court, in addition to or substitution for any other sentence, to be detained for a maximum period of three years in any State or Certified Inebriate Reformatory, the managers of which are willing to receive him (section 1). Any habitual drunkard who is found drunk in any public place or who commits an offence against the Licensing and similar Acts (the Scots Departmental Committee, to whose valuable report reference is made below, point out [p. viii E.] that the list does not include the very common offence of breach of the peace committed while in a state of intoxication), after having within twelve months been convicted at least three times of a similar offence "shall be liable upon conviction on indictment, or, if he consents to be dealt with summarily, on summary conviction to be similarly detained in any Certified Inebriate Reformatory" (section 2). As the Act of 1898 does not define "habitual drunkard," we are thrown back on the familiar definition in section 3 of the Act of 1879.

"A person who not being amenable to any jurisdiction in lunacy, is, notwithstanding, by reason of habitual intemperate drinking of intoxicating liquor, at times dangerous to himself or herself or incapable of managing himself or herself, and his or her affairs." The following brief extracts from the Home

Secretary's recent (see *Law Journal*, February 4th, 1899) circular letter to Judges, Chairmen of Quarter Sessions, and Recorders, shows the official view of the object and working of these important sections.

I may, perhaps, without impropriety, call to your mind that the system of reformatory treatment instituted by the new Act is designed by Parliament to replace the system of fines or short sentences of imprisonment which has hitherto been the only means possessed by Courts of Summary Jurisdiction for dealing with the offences of drunkenness set out in the first schedule of the Act, and which has been found so ineffectual in the case of confirmed drunkards. You will observe that under the Act you have power to order an inebriate qualified thereunder to be detained for as long a period as three years. There would appear to be a consensus of opinion among medical men and others experienced in the treatment of inebriates that in order to give a chance of effective operation to even the best designed method of reformatory treatment a considerable period of detention, amounting in most cases to at least a year, is essential. It is found that detention for short periods, such as three, six, or nine months, almost invariably proves ineffectual in securing the desired reformation.

It is accordingly anticipated that, save in very exceptional cases, it will not be deemed expedient to commit inebriates to reformatories for such short periods. You will observe that the regulations, which will be carried out under close Government inspection, provide that detention in those institutions shall not be of a punitive but entirely of a reformatory character, and that a system of licensing or probationary discharge will be brought into operation as early in each case as the circumstances will allow.

Accordingly, in view of the absence of all harshness, from the discipline to be maintained, there would seem to be no objection to committals, in appropriate cases, for the full period allowed by the Act. I am advised that the reformatory treatment to be carried on in the institution, followed, as it must be, by a term of probationary freedom under licence, cannot be successfully carried through under eighteen months to two years, even in favourable cases.

The other class of offenders who come within the reformatory provisions of the Act are persons convicted on indictment of an offence punishable with penal servitude or imprisonment, when the Court is satisfied that the offence was committed under the influence of drink or that drunkenness was a contributing cause of the offence, and when the jury finds that the offender is an habitual drunkard.

Such persons may be sent, for a term not exceeding three years, either to one of the certified rerfomatories already described, or to a State reformatory; and the committal to a reformatory may be either in addition to or in substitution for any other sentence.

In conclusion we must notice the adaptations of the Act of 1898 to Scotland and Ireland.

Scotland.—The provisions as to the committal of inebriates are adjusted to Scottish criminal procedure by sections 23 and 24. The Secretary for Scotland takes the place of the Secretary of State (section 25 [*a*]). The person vested with the title to any available poorhouse, may with the consent of the Scottish Secretary give the use of it for the purposes of an Inebriate Reformatory (*ibid.* [*b*]). For Prisons Acts, 1863—98, read Prisons (Scotland) Act, 1877 (*ibid.* [*c*]). For references to a borough and the borough council shall be substituted reference to a burgh and the town council thereof, "burgh" shall include

police burgh, and "town council" shall include burgh commissioners, and "town clerk" shall include clerk of the burgh commissioners (*ibid.* [*d*]). For the purpose of raising money by rate or loan in order to defray expenditure under this Act, county councils and town councils shall have the same powers as if a certified inebriate reformatory were a certified reformatory within the meaning of the Reformatory Schools Act, 1866 (*ibid.* [*e*]). The reference to the Poor Removal Act, 1846, shall not apply, but in any computation of time for the purpose of ascertaining the settlement of any pauper, the time during which he has been detained in an inebriate reformatory shall be reckoned as time spent by him as a prisoner (*ibid.* [*f*]). References to a county court judge mean to the sheriff, those to the coroner shall be construed as references to the procurator fiscal; and references to the *London Gazette* shall be construed as references to the *Edinburgh Gazette* (*ibid.* [*g*]).

The English Reports and Regulations should also be compared with the extremely valuable Report of the Departmental Committee appointed by the Secretary for Scotland to consider the Act from the Scottish point of view. The Committee consisted of Lord Overtoun, Mr. W. C. Dunbar, Lieutenant-Colonel McHardy, Mr. Dove Wilson, and Miss Flora Stevenson, and Dr. Clouston. In the main, the recommendations and draft rules are similar to, though much fuller than, those of recent English committees. The introductory report is a contribution of permanent value to the medico-legal literature of inebriety.

Ireland.—For Summary Jurisdiction Act, 1879, read Criminal Justice Act, 1855 (section 26 [*a*]). The establishment of State Inebriate Reformatories rests with the Lord Lieutenant, with the approval of the Treasury, and through the agency of the Prisons Board (*ibid.* [*b*]). Read for the Prisons Acts, 1865—98, the Prisons (Ireland) Acts, 1826—84 (*ibid.* [*d*]); for a borough—county borough, and for county council—council of a county borough (*ibid.* [*e*]); as to borrowing powers see *ibid.* (*f*); for *London Gazette*, *Dublin Gazette* (*ibid.* [*h*]). The Poor Removal Act, 1846, does not apply (*ibid.* [*i*]). Ireland was excluded from Sir Matthew White Ridley's Bill as printed on April 21st, 1898 (see Bill 187, clause 26).