Report of the departmental committee appointed to inquire into the operation of the law relating to inebriates : and to their detention in reformatories and retreats [the minutes of evidence, appendices, and indexes are published in a separate volume] / Departmental Committee on the Inebriates' Acts.

DEPARTMENTAL COMMITTEE ON THE INEBRIATES' ACTS.

REPORT

OF THE

DEPARTMENTAL COMMITTEE

APPOINTED TO INQUIRE INTO THE

OPERATION OF THE LAW RELATING TO INEBRIATES

AND TO THEIR

DETENTION IN REFORMATORIES AND RETREATS.

[*The Minutes of Evidence, Appendices, and Indexes are published in a Separate Volume.*]

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DEPARTMENTAL COMMITTEE ON THE INEBRIATES' ACTS.

WARRANTS OF APPOINTMENT.

I hereby appoint

Sir JOHN DICKSON-POYNDER, Bart., M.P.

W. RYLAND ADKINS, Esq., M.P.

T. A. BRAMSDON, Esq., M.P.

R. W. BRANTHWAITE, Esq., M.D., H.M. Inspector under the Inebriates Acts.

W. C. BRIDGEMAN, Esq., M.P.

H. E. BRUCE-PORTER, Esq., M.D.

H. B. DONKIN, Esq., M.D., F.R.C.P., One of H.M. Commissioners of Prisons.

C. A. MERCIER, Esq., M.D., F.R.C.P., F.R.C.S., Physician for Mental Diseases to Charing Cross Hospital; and

J. ROSE, Esq., Metropolitan Police Magistrate,

to be a Committee

To inquire into the operation of the Law relating to Inebriates and to their detention in Reformatories and Retreats, and to report what amendments in the law and its administration are desirable.

And I appoint

Sir JOHN DICKSON-POYNDER, Bart., M.P., to be Chairman, and

JOHN FREDERICK HENDERSON, Esq., of the Home Office, to be Secretary of the said Committee.

(Signed) H. J. GLADSTONE.

WHITEHALL,

24th April, 1908.

165,108/7. On the 4th of August, 1908, the Secretary of State appointed Hartley B. N. Mothersole, Esq., Barrister-at-Law, to be Secretary of the Committee in place of J. F. Henderson, Esq., resigned.

165108/9.

I hereby extend the reference to the Departmental Committee upon the operation of the law relating to Inebriates and to their detention in Reformatories and Retreats, and authorise the Committee to investigate the value of existing methods for the treatment of inebriety by the use of drugs.

(Signed) H. J. GLADSTONE.

WHITEHALL,

7th August, 1908.

M 2,500.—Wt. L. 710. 12/08. J. T. & S.

DEPARTMENTAL COMMITTEE ON THE OPERATION OF THE LAW RELATING TO INEBRIATES AND THEIR DETENTION IN REFORMATORIES AND RETREATS.

REPORT.

TO THE RIGHT HONOURABLE HERBERT JOHN GLADSTONE, M.P.,
His Majesty's Secretary of State for the Home Department.

We, the undersigned Members of a Departmental Committee, were appointed by you on April 24th, 1908,

"to enquire into the operation of the Law relating to inebriates, and to their "detention in Reformatories and Retreats, and to Report what amendments "in the law and its administration are desirable."

This original reference was, on August 7th, 1908, extended so as to authorise us

"to investigate the value of existing methods for the treatment of inebriety "by the use of drugs."

i. Concerning the matters included in our first reference, we have obtained information from many sources. Oral evidence has been given by Government officials, magistrates, local authorities, philanthropic bodies, medical practitioners, managers of retreats and reformatories, and other persons. Members of the Committee have visited representative institutions of each class now existing for the control of inebriates, have discussed administrative questions with managers and officers, and have interviewed many inmates under detention. Further, a set of questions bearing on the most important points was distributed to many persons who expressed their desire to give evidence, or who were known to have practical or scientific knowledge of the matter. These questions, with the replies, are among our minutes of evidence; and certain memoranda, supplied by persons conversant with special parts of the inquiry, have also been printed. We have considered the Report of the Royal Commission on the Care and Control of the Feeble Minded so far as it relates to our subject, and the reports of the Inspector under the Inebriates Acts. Lastly, the Committee has fully considered the evidence submitted to previous Committees on this subject, and the conclusions arrived at in their Reports.

ii. We have interpreted this reference as applying to the law and its administration in England and Wales only, *i.e.*, so far as it is within the jurisdiction of the Secretary of State. The Secretary for Scotland has appointed a Departmental Committee to enquire into the working of the Acts in Scotland. No suggestion having been made as to the appointment of any Committee of enquiry with respect to the administration of the Acts in Ireland, we heard the evidence of the Inspector under the Acts in that country. We have not made any specific recommendations as to Ireland, but probably our general recommendations will be considered by the Irish Office.

iii. Our enquiry into the working of the Inebriates Acts led us to the very definite opinion that further powers and facilities, for the detention of inebriates, are urgently needed; but, at this stage, we were confronted by the possibility that some method of treatment of inebriety by means of drugs might be alleged to be a practicable alternative to detention; and, as any recommendations that we might make, as to further powers and facilities for detention, would require the expenditure of public

money, we felt that such recommendations should not be made until the possibility of this alternative had been considered.

Therefore, although we were impressed with the inherent improbability that any treatment by drugs could be enforced by Act of Parliament, we requested that the second reference might be issued to us before the termination of our inquiry into the first.

iv. This we did in order that we might be able to express an opinion on the question how far any special system of treatment of inebriety by drugs might be applicable to such persons as come within the operation of the Inebriates Acts.

The reasons why it appeared to us inherently improbable that any treatment by drugs could be enforced by Act of Parliament, were as follows:—

(1). It would be impracticable to set forth in an Act of Parliament the various modifications of any specific treatment that must be required by the varying needs of individual cases.

(2) The fate of the Vaccination Acts makes it evident that no mode of medical treatment can be successfully enforced by Act of Parliament, and that any attempt to enforce it would produce more friction, discontent, and agitation than it was worth.

(3) It would not be justifiable to enforce, upon the voluntary inmates of Retreats, a specific mode of treatment to which they might object. It must always be remembered that no regulation prevents the medical officers of institutions for inebriates from adopting any mode of treatment they think appropriate. Indeed, one of the modes which has been submitted to us is actually in exclusive use in an officially licensed Retreat at the present time.

(4) If a mode of treatment by drugs could be prescribed by Act of Parliament for inebriate offenders, this treatment must, in our opinion, be carried out in one of two ways.

(*a*) The treatment might be administered while the inebriate was under detention. In this case, the authorities of Reformatories would be tied down to some specific treatment, instead of being free, as at present, to carry out any method that they think appropriate.

(*b*) If the inebriate were not detained, it would be necessary to take his recognizances to come up for treatment so many times a day for a specified period, or until the proper authority considered him cured. We think the administrative difficulties in the way of this procedure would be considerable, and its novelty might excite prejudice against it.

v. Improbable as it appeared that any mode of treatment by means of drugs would possess such features as would warrant its incorporation, if incorporation were possible, in a Statute, we thought it right to communicate with the advocates of the several drug-treatments, and ask them to send us a full statement of the evidence they desired to submit. Our request was generally complied with; and we have carefully considered the statements sent in answer to it.

All persons, on whom these drug-treatments have been tried, have voluntarily submitted themselves for treatment; and therefore, presumably, desired to be cured. These are, admittedly, the most favourable cases for treatment; and, concerning the residue of cases, in which the inebriate has no desire to abandon his habit, the reports sent to us do not afford any evidence. None of the methods finds every case that applies for treatment curable, and by no method can curable cases be distinguished from incurable before trial of the remedy. There is nothing in the information supplied to us which would justify us in modifying our opinion.

vi. We have not investigated the efficacy, or the comparative merits, of these modes of treatment, as curative of inebriety. Moreover, no conclusions arrived at by such an enquiry could, for the reasons stated in Paras. iv. and v., in any respect affect our recommendations as to the need for the continuance of the principle of detention under the Inebriates' Acts. To embark upon a full enquiry into the efficacy and comparative merits of treatments for inebriety, by the use of drugs of secret composition and obscure action, would involve a great expenditure of time and money. Such an expenditure could only be justified by a strong expression of public opinion as to the necessity of such an enquiry. A procedure of this kind, moreover, would doubtless induce other persons, who put forward kindred remedies for other maladies,

to quote it as a precedent for further expenditure of public time and money, in making investigations into the efficacy and comparative merits of their various methods of treatment. We are therefore of opinion that no good purpose could be served by making a further or more extended investigation into the value of existing methods for the treatment of inebriety by the use of drugs.

vii. We desire to call attention to the fact, that treatment by drugs cannot possibly supply the penal element which is present in all sentences of inebriates to Reformatories.

viii. The amendments which, on the facts placed before us, we recommend in the Inebriates' Acts, are of the utmost urgency; and we are unanimously of opinion that legislation embodying these amendments should be introduced at the earliest possible moment.

Arrangement of the Report.

ix. We propose to deal with the subject of our enquiry under the following heads :—

Introduction. General Observations on the Nature of Inebriety.

Chapter I. The History of Legislation concerning Inebriates.

Chapter II. The Habitual Drunkards Act, 1879; its defects and proposed amendments.

Chapter III. The Inebriates' Act, 1898; its defects and proposed amendments.

Chapter IV. State Inebriate Reformatories.

Chapter V. The State and Local Authorities in relation to Finance.

Recommendations.

INTRODUCTION.

GENERAL OBSERVATIONS ON THE NATURE OF INEBRIETY.

[N.B.—The Committee are indebted to their medical members for these general observations, which are derived from their scientific knowledge and experience of the subject.]

The nature of inebriety

There is no general consensus on the nature of inebriety. Some regard it as an exaggeration of ordinary self-indulgent drunkenness, and, therefore, a vice, which should be dealt with by punishment alone. Others consider it a disease allied to insanity, to be treated by medical measures, and not by punishment. The two views are irreconcilable, and it is manifest that, before any mode of dealing with inebriates is determined upon, it is desirable to ascertain whether either of these views is correct; and to approach this problem through the avenue of propositions that are universally, or at least generally, accepted; such as the following :—

A capacity for being pleasurably affected by the consumption of alcohol, or some other intoxicant—opium, betel, kava, coca, kola, haschish, &c.—is a fundamental fact in human nature. It is common to nearly all human beings who have tried the effect of such drugs, and even to some of the lower animals.

Dr. A. Shadwell, in his book on *Drink, Temperance, and Legislation*, says :—"The "fundamental fact at the bottom of the drink question is the physiological effect of "alcoholic liquor on the animal organism. People like it, and drink it to please "themselves. Man's liking for alcoholic liquor rests on a physiological basis which "can no more be argued away than the physiological difference between the sexes."

The late Sir George Balfour, M.D., in his article on "Drunkenness" in the *Encyclopædia Britannica*, says :—"However degrading and demoralising the vice of "drunkenness may be, it is important to remember, in all our thoughts concerning "it, that it is the outcome of a craving innate in human nature, whether civilised or "savage."

Dr. Archdall Reid, in his books on *The Principles of Heredity*, and on *Alcoholism*,

argues at length that the fundamental cause of inebriety, underlying all other secondary causes, is an excessive susceptibility to the attraction of the intoxicating agent used.

Mankind in general seems to possess, in varying degree, this capacity for deriving enjoyment from the consumption of intoxicants.

No desire for the consumption of alcohol exists antecedent to actual trial of its use. Savage races, and civilised persons, who have never taken alcohol, have no desire for it whatever, however insatiate their craving for it may become when once they have indulged in it.

Most persons now in civilised countries take some intoxicant, and most of them remain sober without effort. Some, however, get drunk from time to time. A smaller number are habitual drunkards.

In every person a certain quantity of alcohol will produce the familiar effects of intoxication. This quantity varies with the person and with the rapidity with which the alcohol is taken. The symptoms, also, vary with the person intoxicated, with the amount and kind of alcoholic liquor taken, and with the length of time over which its use is spread.

In most people, the use of alcohol gives rise at length to satiety, and to temporary distaste for further indulgence. The quantity needed to produce this effect varies much in different persons. The important difference is that, in some persons, satiety is produced before intoxication, and in others, intoxication is produced before satiety. Every person can be intoxicated, provided sufficient alcohol is taken; but there are many in whom satiety seems never to be reached.

If these propositions, on which it is unlikely that there will be any material difference of opinion, be granted, they lead to the following conclusions:—

(1) That, when satiety is produced before intoxication, the person so affected is in no danger of becoming intoxicated. He is never tempted to get drunk. Before the stage of intoxication is reached, he has already acquired a temporary distaste for alcohol, which is his sufficient safeguard.

(2) Persons in whom the point of intoxication is reached before satiation occurs, will, unless other influences intervene, go on drinking until they become intoxicated.

(3) But many persons, who are liable to become intoxicated before satiation occurs, stop drinking before they become drunk. They are not actuated solely by desire for drink. They foresee and recognise the danger of becoming drunk; and, before the point of drunkenness is reached, refuse to indulge further the desire for drink. They exercise their will, under the influence of a number of desires conflicting with that for drink, such as self-respect, and desire to retain the respect of others—exercises of volition which, under such circumstances, we call "self-control." Whether persons, in whom the satiation point lies beyond the limit of sobriety, will become drunk or no, depends primarily upon the relative strength of desire for drink and of such self-control. If desire for drink is the stronger, they will become drunk; if self-control is the stronger they will remain sober.

Seeing that the great majority of persons who take alcohol are not drunkards, it follows that, in them, either the satiation point is usually reached before intoxication occurs, or the desire for drink is overmastered by that voluntary reinforcement of other desires which we call self-control.

(4) There is, however, a large number of persons who occupy an intermediate position between the habitually sober and the habitually drunken. These are persons in whom intoxication occurs before satiation is reached, and in whom self-control, if it is exercised, is capable of overcoming the desire for drink, but who yet allow themselves to become drunk, because they do not choose to exercise this self-control. They do not reinforce by voluntary exertion the influence of the desires antagonistic to the desire for drink. They possess sufficient strength of will, if they choose to exert it, to cease drinking before the intoxication stage is reached; but they do not, or they do not always, exert this volition. Either they are not sufficiently alive to the disadvantages of drunkenness; or, realising them, deliberately decide that such disadvantages are more than counterbalanced by the enjoyment of drunkenness; or they are reluctant to run counter to the practice of their companions; or they feel themselves bound by fashion to continue the practice of treating and being treated; or, for some other reason, they deliberately refrain from exercising the self-control which they possess. These persons form the class of occasional drunkards, week-end drunkards, bank-holiday drunkards, convivial drunkards, &c.

(5) Lastly, there are those in whom the satiation point is either postponed until after intoxication is reached, or is altogether absent, and in whom the desire for drink overmasters all other conflicting desires, even when these are reinforced by the

utmost exertion of will. Such persons constitute the class of inebriates, who fall naturally into the following classes:—

A. Persons who are born with an excessive degree of the common capacity for deriving pleasure from the use of alcohol, but are not endowed with a corresponding exaggeration of that combination of faculties that we call self-control. Deriving more pleasure than others from the use of alcohol, they desire it more strongly. Desiring it more strongly, they need a corresponding increase of self-control to enable them to abstain from its excessive use. Such persons are not necessarily deficient in intelligence, strength of will, or desire to keep sober. They may be superior to the average in some or all of these qualities; but desire for drink is in them so greatly intensified, that a capacity for self-control, even if beyond the average, is insufficient to keep them from excess. Such persons are often of great capability and intelligence, and frequently are members of families in which other examples of this form of inebriety occur. The desire for drink, which may be very great, is often intermittent or paroxysmal in occurrence; and the amount of alcohol taken is often enormous.

B. Persons who, with or without an excessive degree of the common capacity for deriving pleasure from the use of alcohol, are deficient in self-control. They lack either the intelligence to appreciate the ill effects of drunkenness, or the self-respect and other desires antagonistic to drunkenness, or the force of character and strength of will necessary to withstand the appeal of a desire for immediate indulgence at whatever cost of future detriment. The lack of self-control shows itself not only in inability to withstand the allurements of alcohol, but also in outbreaks of temper, of violence, of restlessness, or of destructiveness, upon slight provocation. Many such persons are deficient in intelligence; they come of families in which there are other instances of mental disorder; and, in them, a small amount of alcohol is usually sufficient to produce intoxication.

C. Besides the congenital peculiarities above mentioned, there is no reason to doubt that continued self-indulgence by the "occasional" drunkard may cause the subordination of self-control to the desire for drink. By continual indulgence, the desire for liquor is increased. This is especially the case when alcohol has been originally taken for some special effect. It may be that its stimulant effect enables the drinker to accomplish tasks impossible without its aid; or it may be (and this is most frequent in women) that it was originally taken in illness, or for the relief of pain or discomfort. Whatever the reason that led to the habit, it is found that, the longer the habit is continued, the greater becomes the desire for the drug, and also that an increasing quantity is needed to produce the effect for which it was originally taken.

By continual yielding to desire, and continual failure to exert self-control, not only is desire strengthened, but self-control is weakened, until it is reduced permanently below the point necessary to overcome the desire; and thus inebriety is established.

Inebriates of this class are miscellaneous in character. Sometimes they approach to Class A or Class B in family history and mental qualities, but often have little apparent affinity to either. They are inebriates by artificial culture rather than by nature; and, when they are mentally defective or disordered, the defect or disorder is often the consequence, rather than the cause, of the drinking habit.

This view of inebriety, which regards it as an alteration of the ratio of self-control to desire for drink, throws light upon the question whether or not it should be regarded as a disease. It is undoubtedly a constitutional peculiarity; and depends, in many cases, upon qualities with which a person is born, in many is acquired by vicious indulgence. Whether the possession of such a constitutional peculiarity, when inborn, should or should not be considered, from the scientific point of view, a disease, is, perhaps, a question of nomenclature. If such native constitutional peculiarities as the possession of a sixth finger, and the absence of a taste for music, are rightly considered diseases, then the native constitutional peculiarity which underlies many cases of inebriety may be so considered. But there are cogent reasons why the term disease should not be used to characterise the inebriate habit. By disease is popularly understood a state of things for which the diseased person is not responsible, which he cannot alter except by the use of remedies from without, whose action is obscure, and cannot be influenced by exertions of his own. But if, as is unquestionably true, inebriety can be induced by cultivation; if the desire for drink can be increased by indulgence, and self-control diminished by lack of exercise; it is manifest that the reverse effects can be produced by voluntary effort; and that desire for drink may

be diminished by abstinence, and self-control, like any other faculty, can be strengthened by exercise. It is erroneous and disastrous to inculcate the doctrine that inebriety, once established, is to be accepted with fatalistic resignation, and that the inebriate is not to be encouraged to make any effort to mend his ways. It is the more so, since inebriety is undoubtedly in many cases recovered from, in many diminished, and since the cases which recover or amend are those in which the inebriate himself desires and strives for recovery.

The effect, that has been alleged, of the habit of self-indulgence upon the desire for alcohol, does not rest merely upon speculation. The desire for alcohol is not felt until its pleasurable effects have been experienced. Antecedent to this experience there is no desire. Moreover, it appears from the evidence of those who have had charge of inebriates, as well as from the statements to them of inebriates themselves, that, with prolonged abstinence, the desire diminishes, and in many cases falls altogether into abeyance, until it is revived by a new experience of alcohol and its pleasurable effect. The habit of inebriety shares with other habits the character that, when once established, it is very easy to re-establish after it has been overcome. The constitutional peculiarity remains; and few inebriates, if any, are able to taste alcohol, even after prolonged abstinence, without reverting sooner or later into the habit of inebriety.

It is quite true that there are inebriates who are congenitally weak-minded—weak in intellect and weak in will—and who are inebriates mainly on account of their mental incapacity. They neither realise the mischief of getting drunk, nor have they the strength of character to struggle against their desire; but, although such persons may, in a certain sense of the word, be regarded as diseased, the disease, if it exists, lies in their mental incapacity, which allows of their becoming inebriates, and not in the habit of inebriety. Such persons often have other bad habits, the consequence of their mental condition; but these habits are not separate diseases, but different results of their natural defect. They are wanting in responsibility, not because their inebriety is a disease which attacks and overmasters them as influenza might, but because their inebriety rests upon a basis of mental defect.

From what has been said, it is evident that, if we could produce satiety before the intoxication point is reached, we could cure inebriety and all forms of drunkenness in the most scientific and effectual manner. Short of this mode, the only method that remains is to alter the ratio between self-control and desire, and restore it to the normal, either by diminishing desire, or by increasing self-control, or both.

As has already been stated, desire may be diminished by prolonged abstinence; but, it is evident, from the nature of inebriety as hereinbefore explained, that voluntary abstinence on the part of an inebriate cannot often be expected.

It is as important to increase self-control as to diminish desire. Although there are some inebriates, belonging to Class A, in whom self-control is at least up to the average, there is no doubt that in a large number it is deficient, and is exhibited in varied phases of conduct. Many inebriates exhibit lack of self-control, not only in indulgence in drink, but also in the abhorrence of steady employment, in excessive sexual indulgence, in violence of temper, and in other ways. The instilment and cultivation of self-control is necessarily an affair of time. It can only be effected by the imposition of steady work, and by a system of rewards and punishments punctually bestowed.

In this Introduction the term inebriate has been used in the sense defined in the body of the Report. See para 60

CHAPTER I.

THE HISTORY OF LEGISLATION CONCERNING INEBRIATES.

Report of Select Committee on Habitual Drunkards, 1872 (H. of C. 242.)

1. During the years 1865 to 1870, public opinion became impressed by the need for special legislation for the proper control and treatment of inebriates, on the grounds that such persons contributed to crime and lunacy, and caused nuisance, scandal, and annoyance to the public.

At that time there was no process whereby an inebriate, who became a public offender, could be dealt with, except by short sentences of imprisonment; and no means whatever by which a private inebriate could be dealt with, however much he constituted himself a cause of nuisance or distress to his family. The futility of short sentences of imprisonment, for the reform of the inebriate offender, was fully recognised by prison authorities; by those who took an active interest in prison recidivists; and by magistrates, before whom the same drunkards repeatedly came, in no way improved by the only methods then applicable; and was accentuated by certain notorious cases of persons who served, without improvement, hundreds of short sentences. This widespread feeling of discontent with existing conditions culminated in 1872 in the appointment of a Select Committee, under the Chairmanship of Donald Dalrymple, Esq., M.P., which reported in the same year. This Committee agreed that it had been shown, by the evidence taken, that "drunkenness is the prolific parent of crime, disease, and poverty," that "self-control is suspended or annihilated, and moral obligations are disregarded; the decencies of private and the duties of public life are alike set at naught; and individuals obey only an overwhelming craving for stimulant to which everything is sacrificed." The Committee also stated that "small fines and short imprisonment are proved to be useless," and "that the absence of all power to check the downward course of the drunkard, and the urgent necessity of providing it, have been dwelt upon by nearly every witness."

The Committee recommended:—

(1) The provision of two classes of special institutions for inebriates: (*a*) for persons who could pay the whole cost of their maintenance, and (*b*) for persons unable, or only partially able, to contribute towards their own support.

(2) That institutions under the Class (*a*) should be provided by private or philanthropic enterprise, and those under Class (*b*) by State or Local Authorities.

(3) That Class (*a*) institutions should be reserved for ordinary inebriates admitted voluntarily—on their own request—or committed thereto by a Court of enquiry on the application of friends, relatives, a local authority, or other authorised persons.

(4) That Class (*b*) should be reserved for the reception of persons convicted as habitual drunkards, and committed by the magistrates.

No action was taken upon this Report until 1878, when a Bill was presented to Parliament, embodying the proposals of the Committee so far as the establishment of institutions under Class (*a*) were concerned. No attempt was made to deal with Class (*b*). The Bill, when presented to Parliament, contained clauses authorising the establishment of Retreats, and provisions enabling inebriates to apply voluntarily for admission thereto. It also provided for the compulsory committal to those institutions, on the petition of friends, of inebriates who failed to realise their unfortunate condition, and refused to take advantage of the powers of voluntary application.

The Habitual Drunkards Act 1879.

2. At that time, however, opinion in the country was not ripe for even so moderate a measure as this, and the Habitual Drunkards Act of 1879 eventually entered the Statute Book shorn of all compulsory features, and became an Act merely permitting the establishment of Retreats, into which inebriates could not be admitted except when they themselves desired control.

3. After the Act of 1879 had been in force for some years, public attention was again drawn to the problem of the inebriate, and especially to the fact that the Act of 1879, by limiting all action to voluntary submission for treatment, touched the fringe only of the question. Especially was this evident in regard to inebriates who frequented Police Courts for offences caused or contributed to by drink, and who could not be dealt with except by the methods already condemned—small fines and short terms of imprisonment.

Report of Departmental Committee on Treatment of Inebriates 1893. [C. 7008.]

4. Further agitation resulted in the appointment of a Departmental Committee in 1892 under the Chairmanship of J. Lloyd Wharton, Esq., M.P., an experienced Chairman of Quarter Sessions. After taking a mass of evidence, this second Committee reported "that the repeated infliction of short sentences for ordinary drunkenness has been universally condemned, as being unsuitable as a means of reform, cure, or deterrence," and gave statistics of a most instructive character to support their contention.

This Committee strongly recommended, amongst other things:—

(1) Sundry improvements in the Act of 1879, with a view of affording greater facilities for the establishment of Retreats, and for the admission thereto of persons inclined to consent to detention.

(2) That power should be given for the compulsory committal of inebriates to Retreats, on the application of relatives, friends, or other persons interested in their welfare. Such application to be made to any Judge of the High Court, County Court Judge, Stipendiary Magistrate or Justices sitting in Quarter or Petty Sessions.

(3) That the property of the person so committed should be liable for his maintenance, and that the order for committal should provide, when necessary, for the appointment of a Trustee of the patient's estate during the period of committal, with power to apply the same towards the support of his wife or family.

(4) Power to enable the committal to suitable reformatory institutions (with or without previous prison punishment) of habitual drunkards: (*a*) who come within the action of the criminal law; (*b*) who fail to find required sureties and recognisances; (*c*) who have been brought up for breach of such recognisances; (*d*) who are proved guilty of ill-treatment or neglect of their wives and families; (*e*) who have been convicted of drunkenness three or more times within the previous twelve months.

The Inebriates Act, 1898.

5. The report of this Committee led to the passing of the Act of 1898, simplifying to some extent the methods by which consenting inebriates could enter Retreats, and making provision for the detention in Reformatories of the worst class of inebriates—those who committed crime, as the result of their habit, or who were frequently charged in police courts for drunken and disorderly conduct.

So far as their recommendations for the compulsory detention of non-criminal inebriates were concerned, public opinion did not then favour any material advance. At any rate no notice was taken of them, and no legislation was attempted.

6. The Act of 1879 has now been in force for close upon thirty years, and the Act of 1898 for nearly ten years. We now propose to deal with these Acts separately, indicating the defects which have been disclosed by our enquiry, and the amendments necessary to make each effective.

CHAPTER II.

THE HABITUAL DRUNKARDS ACT, 1879: ITS DEFECTS AND PROPOSED AMENDMENTS.

7. The Habitual Drunkards Act, 1879, was originally passed as a temporary measure, but was subsequently made permanent by the short amending Act of 1888. The Act of 1879 legalises the establishment of Retreats—institutions designed for the reception of inebriates who recognise their own helpless state, and voluntarily consent to detention for care and treatment. It also prescribes the conditions under which these institutions can be licensed, and regulates to a large extent their subsequent management. It ensures that all inebriates who enter Retreats under this Act shall do so of their own free will; but, when any person has been duly admitted in proper form, it gives power to the managers of the institution to detain him until the expiration of the period for which he signed. With this exception, the Act is permissive throughout; it places no obligation upon any person, or body of persons, to establish Retreats; and no legal pressure can be brought to bear upon any inebriate to enter such an institution when established.

Use made of the Act.

8. During the period over which the Act has been in existence, thirty-two Retreats have been established under its provisions. Some of these have remained licensed throughout the entire period, whilst others, which have been established from

time to time, have been closed. Approximately, twenty institutions have been reported annually as being in regular work, and, during the last ten years, an average yearly number of about five hundred persons have submitted to treatment therein, the number having increased from 31 in 1880 to 595 in 1907. Altogether, more than eight thousand persons have entered Retreats between 1879 and the present time.

Report of Inspector under Inebriates Acts [Cd. 4342].

Provision of Retreats under the Act.

9. All Retreats under this Act have been provided by philanthropic bodies, religious societies, temperance associations, or private individuals. No Retreats have been established by Local Authorities out of public funds, and in only one instance has any contribution been made by any such authority towards the expense of a Retreat. The one instance referred to is a contribution of £100, made by the Worcester County Council towards Corngreaves Hall Retreat, an institution established and maintained by the Church of England Temperance Society.

Variety of Retreats.

10. Some Retreats are established for the reception of wealthy patients, being conducted on luxurious lines; whilst others are intended for the reception of persons who are less able to pay high fees. For persons who can pay as much as three guineas a week, there is ample accommodation; for those who cannot afford this sum, space is strictly limited; for those who are destitute, there is practically no provision.

Class of persons admitted.

11. The class of persons admitted to Retreats has been, and is, an extremely varied one, both in social position and capability for reform. The same statement applies to Retreats as will be found later to apply to reformatories, namely, that patients are apparently admitted too late, after years of drunkenness have rendered many of them practically irreformable. This mainly results from the difficulty experienced, in inducing an inebriate to submit to detention, until ill-health or financial ruin places him in the hands of his relatives or friends. Although the Act is ostensibly a voluntary one, the evidence of all the managers of Retreats points to the certainty that exceedingly few persons submit to detention of their own free will, the majority being forced to do so by domestic pressure which, it seems, is not usually applied with success, until inebriety is so confirmed as to reduce the hope of permanent reformation.

Byrne, 4. Somerset, 1128, 1226. Hogg, 1269, 1305. Riley, p. 110. Evidence Vol. pp. 96–97, 175, 178–182, 193.

Results of detention in Retreats.

12. Although evidence has been supplied to us from many sources that, even under these adverse circumstances, something like a third of all persons who have submitted to detention have been transformed into useful citizens; and that a greater number than this have been materially improved; yet, in view of the great difficulty of obtaining proof of reformation, these statements must be received with caution.

Evidence Vol. pp. 108–109. Bennett, 591. Somerset, 1273.

Influences detracting from value of Act.

13. So far as the Act generally is concerned, we find that two main influences have detracted from its value—the absence of accommodation for poor inebriates, and the difficulty experienced in obtaining the consent of inebriates to submit to detention and treatment in earlier and more hopeful stages.

Evidence Vol. pp. 86–88. Bate, 784. Bennett, 601. Branthwaite, 200 (p. 19). Byrne, 13. Hogg, 1269. Porter, 916.

14. With regard to the first of these difficulties, we consider that the State itself, or in combination with Local Authorities, should provide accommodation for non-criminal inebriates who are destitute, or who can only contribute a small weekly sum towards their own support. During every year, hundreds of persons signify their willingness to submit to treatment, but are unable to procure it, owing to the impossibility of finding money to pay, wholly or partly, for their own maintenance. The advantages, to the State and the community, resulting from the existence of facilities for enabling the early treatment of such cases are manifest. Such treatment would prevent many inebriates from becoming criminals, lunatics, or paupers, and consequently permanent charges upon public funds. The provision of accommodation for this class would not necessarily involve any increased charge upon the public, nor even the provision of new buildings. There are many philanthropic and religious societies in existence, who would either extend their present Retreats, or provide new ones, if some financial aid towards maintenance were forthcoming. Without such aid, the present unsatisfactory conditions must continue.

Recommendation XXVII., Bennett, 604. Evidence Vol. pp. 86–88. Barrsdaile, p. 185. Inebriates Reformation Association, p. 193.

15. With regard to the second difficulty indicated in para. 13, we propose to consider at some length the extension of powers which we consider necessary to

render the Act effective in this particular. Before dealing with this subject, however, we propose to refer to certain defects in the Act of 1879 which have proved obstructive to those who have worked under its provisions.

The title of the Act.

16. First as to the title of the Act. Some witnesses have drawn attention to the possibility of the words "habitual drunkard" being considered opprobrious. This, it is alleged, deters persons from availing themselves of the provisions of the Act. It has therefore been suggested, that in all future legislation the word "inebriate" should be substituted, and the former term eliminated.

We do not consider this objection of great importance, seeing that common use and association will probably, in time, render the word "inebriate" similarly opprobrious; but nevertheless, we agree to the desirability of the suggested replacement, not so much for the reason stated as for the one which follows.

Branthwaite, 125, 200 (3). Women's Total Abstinence Union, Evidence Vol. p. 90. Gamble, Evidence Vol. p. 137. Society for Study of Inebriety, Evidence Vol. p. 204.

Extension of the Act to drug habits.

17. We have been satisfied by evidence that an appreciable number of persons become helpless and degraded by the excessive use of narcotic or stimulant drugs or preparations, other than alcohol.

Although violence, crimes of passion, and offences generally, are less common amongst drug takers than amongst alcoholic inebriates, those persons frequently bring disgrace upon their families, and reduce to poverty all who are dependent upon them for support. They also become the subjects of ill-health, or mental and moral deterioration, which not infrequently results in suicide. As the law now stands, there is no power to deal with such persons, either for their own good, or for that of the community. We are of opinion that any future Act applicable to drunkards should apply to drug takers also. No man or woman who eats drugs in solid form (*e.g.* opium, tabloids, lozenges, etc.), inhales them, or injects them under the skin, and does not drink them, can reasonably be called a "drunkard." For this reason we think the word "inebriate" should be adopted in any future Act, so that it may include those addicted to drugs as well as drunkards.

Branthwaite, 125, 200 (2 & 3). Ford Anderson, 627. Evidence Vol. pp. 88-91, 136-138, 186, 204.

Recommendation II.

The licensing of Retreats.

18. Section 5 of the Habitual Drunkards Act 1879 authorises Justices assembled in Special, General, or Quarter Sessions, to grant licenses to Retreats. This provision was subsequently amended by the Act of 1898, which (by Section 13) transferred the power of granting licenses into the hands of County and Borough Councils. These bodies have, therefore, been the licensing authority since 1898. For many reasons, this arrangement has not proved satisfactory; a system of dual control exists, leading to constant difficulty, and to an unworkable division of responsibility. County and Borough Councils are permitted to license any institutions they think fit; but whether they are suitable or unsuitable, the Secretary of State is responsible for the supervision of their management (Sections 13 and 15).

There is, in consequence, a great lack of uniformity, and the duties of inspection are rendered exceedingly difficult. As a general rule, the business of licensing Retreats is placed in the hands of the General Purposes Committee of the Council interested. This Committee is formed of persons who are constantly changing, and who can scarcely be expected to become familiar with the points of importance which should govern the grant or refusal of a license. No Committee burdened with important municipal business can be expected to master such details, or give a really considered opinion thereon. Moreover, many Councils meet only quarterly, and are not therefore available at all times to deal with emergencies.

We are of opinion that no licensing arrangements will be satisfactory until the grant of license to conduct a Retreat, and the supervision of its subsequent management, are both in the same hands—a permanent body able to act on emergency. The power to license, and the other powers now exercised with respect to Retreats by local authorities, should be in the hands of the Secretary of State. It is, however, desirable that all Retreats, licensed under this Act, should be subject to further inspection by persons appointed by Quarter Sessions, who should report to the Secretary of State.

Branthwaite, Evidence Vol. p. 17. Somerset, 1082. Evidence Vol. pp. 91-92, 194.

Recommendation III.

19. There is no provision in the Act compelling a Retreat to take out a license. If any person likes to make an application for a license, the licensing authority may grant such license; but if the license is refused, the person may carry on the business of a Retreat notwithstanding. The effect of this is that many institutions carrying on the work of Retreats are unlicensed, and are consequently not subject to any inspection or supervision. The result is, therefore, that those Retreats which are most defective escape inspection.

The unlicensed homes for inebriates in England, so far as we can judge, at least equal in number, if they do not exceed, the licensed. Many of these unlicensed homes are well conducted; others do not bear a good character. For the most part they are proprietary, and often managed by persons whose care for the welfare of their cases is not always their principal object; the houses in some cases are insanitary, insufficiently protected by means of escape in case of fire, overcrowded, situated in unsuitable neighbourhoods, and without proper facilities for exercise and employment of inmates. We are of opinion that it should not be lawful for any person for payment to board and lodge in an unlicensed house more than one inebriate at the same time.

Branthwaite, 146, 200, 182(a). Evidence Vol. pp. 93–94, 191, 204. Recommendation IV.

Stamp duty on licenses.

20. As it stands at present, the Act of 1879 requires every license, granted to a Retreat, to bear a stamp, equivalent to ten shillings per head for each patient for whom the Retreat is licensed, with a minimum fee of five pounds.

This stamp duty must be paid on every renewal of the license. The existence of this tax acts as a deterrent to licensing, and is without material benefit to the State, the revenue derived from it being trivial. By consent of the Treasury, the Commissioners of Inland Revenue may now stamp, free of cost, licenses for Retreats which are conducted by philanthropic bodies, and not for the profit of the managers. We recommend the abolition of the tax.

Branthwaite, 164 200, (17). Evidence Vol. pp. 91, 100, 204 Recommendation V.

Grants of licenses to licensees of houses for reception of lunatics.

21. Section 7 of the Act of 1879 prohibits the granting of a license, to receive inebriates, to persons who are already licensed to keep a house for the reception of lunatics. We have taken evidence on this point. Some witnesses contend that inebriates should continue to be treated separately from insane persons; whilst others have pointed out that many inebriates are little short of insane, and would perhaps benefit by being under the supervision of persons expert in the treatment of insanity. The Committee are divided in their opinion on the matter, and make no recommendation.

Evidence Vol. pp. 94–96.

"Leave of absence" under Section 19.

22. By Section 19, leave of absence from Retreats cannot be granted except for reasons of health. Circumstances, such as business necessities, financial difficulty, or domestic trouble, often demand a patient's presence elsewhere. Further, for whatever period a patient may sign under the Act, a stated number of months can be only an arbitrary conjecture as to the length of time necessary for reformation. A patient may be considered fit for liberty, or for modified liberty, before the expiration of the period for which he signed. Leave of absence should, we think, be available for this purpose. We recommend that the words "for the benefit of his health" be deleted from the section, and be replaced by others, which would enable the licensee to grant leave for any reason he may consider satisfactory.

Branthwaite, 161, 200 (8 & 10). Evidence Vol. p. 102, p. 205. Recommendation VI.

Retaking of inmates of Retreats.

23. The procedure for retaking an inmate who has escaped from a Retreat, is dilatory, cumbrous, and often ineffectual. The Act of 1879 contains no provision for the apprehension and return to the Retreat of a person, who refuses to be restrained from drinking intoxicating liquors when on leave of absence. We recommend that power be given to the licensee of a Retreat, or any person authorised in writing by him, to retake any inmate who has escaped therefrom, or who, during leave of absence, takes or uses any intoxicants. Notification of every escape, and the circumstances of recapture, should be given by the licensee to the Secretary of State, and either to one of the persons signing the Statutory Declaration, or to the person who made the last payment on behalf of the inmate.

Evidence Vol., p. 87, p. 103, p. 205. Hogg, 1320. Recommendation VII.

Transfer from one Retreat to another.

24. Considerable difficulty in the management of Retreats arises from the absence of power to move, from one institution to another, persons who are dissatisfied, or constitute themselves a disturbing element. We think that the Secretary of State should be empowered to transfer inebriates, for these or other sufficient reasons, from one Retreat to another; provided that the consent, to such transfer, of the inebriate and of the person who made the last payment on his behalf, have been previously obtained.

Recommendation VIII.

Discharge from Retreats.

25. It has been shown to us that great inconvenience has occurred, owing to orders for the discharge of inebriates from Retreats being made before the expiration of the period for which they signed, without the knowledge of persons interested. We are of opinion that no such order should be made unless 14 days' previous notice of the hearing of the application has been given to the licensee of the Retreat, and either

Evidence Vol. p. 101, pp. 204-5.

to a person who signed the statutory declaration or to the person who made the last payment on account of the inmate; such persons to have a right to attend the hearing and tender evidence. Recommendation IX.

Extension of voluntary principle.

26. We think the voluntary principle embodied in the Act is valuable and capable of further extension, and we suggest the following applications of it:—

(1) That inebriates should be allowed to enter into a statutory obligation to abstain from intoxicants; and

(2) That it should be possible for an inebriate to make a voluntary application for the appointment of a guardian.

Obligation to abstain.

27. We propose that the obligation should consist of a formal undertaking on the part of the inebriate to abstain from intoxicants for a specified period not less than one year. The obligation should be entered into before a Justice of the Peace. It should contain a warning that breach thereof would constitute a ground of application for the compulsory measures hereafter suggested (see Para. 36). The form of obligation should be set forth in the Act, and should include a certificate, to be signed by the Justice of the Peace, to the effect that he has explained to the applicant the nature of the document, and the consequences of any breach of the obligation contained therein. These consequences should be clearly shown on the form of obligation. Hogg, 1304. Recommendation X.

Voluntary guardianship.

28. We are convinced that many inebriates, who are deterred by the comparative severity of the conditions required by the present Act, would be prepared to take the far less serious step of submitting themselves to the control of some selected friend. Such a course would involve a minimum of restraint, and might altogether obviate the necessity for detention in an institution. Somerset, 1224.

29. We would, therefore, suggest that provision should be made to enable an inebriate, desiring such an appointment, to make application to a Justice of the Peace for the formal appointment of some person, named by the inebriate, to act as his guardian. The Justice of the Peace should satisfy himself (*a*) that the applicant is an inebriate; (*b*) that he understands the nature and effect of his application; and (*c*) that the person named as guardian is willing to act in that capacity. Being satisfied on these points, the Justice of the Peace should be empowered to appoint the guardian as desired. The term of such guardianship should be for any period named by the applicant not exceeding one year. Recommendation XI.

The guardian so appointed should have power:—

(1) To prescribe for the inebriate a place of residence, either in the house of the inebriate or in that of the guardian. Recommendation XII.

(2) To deprive the inebriate of intoxicants, and prevent him from obtaining them.

(3) To require the inebriate to submit to the control of nurses or attendants, in so far as the guardian may consider necessary.

(4) To warn sellers of drink and drugs, and other persons, against supplying the inebriate: supply after warning to be an offence under the Act.

If, in the opinion of the guardian, the above-named powers prove insufficient to enable him to exercise a proper control over the inebriate, this should form a ground for an application for compulsory measures to be applied.

The two Justices who were empowered by the Act of 1879 to attest the signature of an applicant for admission to a Retreat were by the Act of 1898 reduced to one. No complaint has been made of any ill consequence of this reduction, and we are therefore fortified in recommending that a single Justice should attest all applications for voluntary control. The more serious power of compulsory control should not be exercised except by a Judicial Authority as defined in paragraph 37 below.

30. The Habitual Drunkards Act, 1879, at present provides for the detention of those inebriates only who choose to surrender their liberty of their own free will. Even extended, as suggested by us, it would still be restricted to those who consent to take advantage of its provisions. The Inebriates Act, 1898, hereafter considered, deals only with criminal inebriates and their detention in reformatories.

Inebriates outside the scope of the existing Acts.

31. There is, however, a class of inebriates who are numerous, whose inebriety is the cause of great distress, misery, poverty, and degradation, to themselves and their families, and who are excluded from the operation of both these Acts. Any person who drinks to excess, without committing a public offence or crime, can continue his Ford Anderson, 612 Bates, 709. Pooler, 917. Hogg, 1305. 1355.

drunken habits indefinitely, notwithstanding that he may produce, over many years, untold misery to his family and ultimate expense to the community. Such persons often, at length, commit offences, and then may be dealt with under the Act of 1898; but, in very many cases, they pursue their disastrous habit until they die of disease engendered by it. There is no reason to doubt that, if there existed means by which they could be placed compulsorily under control at an early period in their career, a large proportion of them could be restored to decency and usefulness, and an incalculable amount of misery and poverty could be prevented. At present, the only possibility of control for such a person is the somewhat remote chance that he may be persuaded or coerced into making a "voluntary" application for admission into a Retreat.

Evidence Vol. pp. 178–182.

32. The existence of this class of drunkards, and the necessity of legislation for them, have been fully recognised by preceding Committees.

The Committee of 1872 reported "That it is in evidence that there is a very "large amount of drunkenness among all classes and both sexes, which never becomes "public, or is dealt with by the authorities, but which is probably even a more fertile "source of misery, poverty and degradation than that which comes before the police "courts. For this no legal remedy exists, and without further legislation it must go on "unchecked. Legislation in such cases was strongly advocated by all the witnesses "before the Committee." Again, "That the absence of all power to check the down-"ward course of a drunkard, and the urgent necessity of providing it, has been dwelt "on by nearly every witness, and the legal control of a habitual inebriate, either in a "reformatory or a private dwelling, is recommended in the belief that many cases "of death resulting from intoxication, including suicides and homicides, may be thus "prevented."

Report Select Committee on Habitual Drunkards, 1872 (H. of C. 242, pp. iii. & iv.).

33. The Committee of 1893 reports, "We may say further that, though the House "of Commons in the Acts of 1879 and 1888 did not adopt the more stringent views "of the Committee of 1872 as to the compulsory commitment to retreats of inebriates, "these views are confirmed in a remarkable degree by the evidence of witnesses "examined by us, including medical men of eminence, police magistrates, and persons "having experience in the management of inebriates' retreats, or having devoted special "attention to the subject"; and, further, "we find that the present number of retreats "and their inmates is extremely small when compared with the number of those who "might with advantage be placed under restraint."

Report Departmental Committee on Treatment of Inebriates, 1893 [C. 7008], p. 5.

34. The evidence we have taken has confirmed in every respect the views of previous Committees, as to the number of inebriates in this class, as to the distress they produce, and as to the urgent need of legislation to deal with them.

We fully appreciate that the application of compulsory powers to persons who have committed no public offence is a strong step to take. But we are convinced that great and widespread distress is caused by such persons, and that power to deal with them compulsorily is urgently needed. We have failed to find satisfactory reasons against the constitution of such powers. It must be remembered that very few inebriates take advantage of the existing "voluntary" powers, except under moral pressure, which virtually amounts to compulsion; and that the alternative to interfering with the liberty of the inebriate, is permitting the inebriate to interferewith the liberty of other people.

Evidence Vol. pp. 178–182, 184–186, 189, 192, 193, 199, 205. Anderson, 630, 641, 666, 675–686.

35. Although we have no means of ascertaining why all such provisions were omitted from the existing Acts, we assume that the reasons probably were—

(1) That public opinion was not deemed ripe for such enactments, and,

(2) That the compulsory provisions were not sufficiently definite to ensure proper protection against possible abuse.

We have taken both these objections into consideration, and with regard to the first, the course of recent legislation shows that the legislature does not now hesitate to enforce restrictions on the liberty of persons whose unchecked vagaries are clearly contrary to the public weal.

With regard to the second objection, it is to be remembered that the same dread of abuse was felt with respect to the detention of lunatics, a dread that experience has shown to be without foundation.

We find that previous Committees recommended merely that the process should be "under proper safeguards," but that the nature of the safeguards was not sufficiently indicated. This defect we have done our best to repair. Throughout the recommendations that we have made for dealing with both the inebriate offender and the "private"

inebriate, we have adhered to the principle of a graduated mode of procedure, beginning with measures of the mildest character, and not increasing their stringency until these milder measures are found to be ineffectual. Moreover, we have combined with the recommendation of compulsory powers, a further recommendation to extend the principle of voluntary submission far beyond its present limits, and to give the inebriate, in every case, the option of voluntary submission before the application of compulsion.

Compulsary procedure suggested for dealing with cases where voluntary provisions fail.

36. It is to be hoped that the extension of provisions for voluntary submission will result in a number of inebriates availing themselves of these provisions; but it is certain that a considerable proportion will still have to be dealt with compulsorily, if they are to be dealt with at all It is therefore proposed that—

(1) Power be given to a relative, friend, or guardian voluntarily appointed, to petition a Judicial Authority for a compulsory order of guardianship, or for committal to a Retreat. Recommendation XIII.

(2) When such a petition is presented, it should be accompanied by a medical certificate, unless the inebriate has refused to submit himself to medical examination; and by a statutory declaration signed by the petitioner and at least one other person, to the effect that the alleged inebriate is a person to whom the Act applies.

(3) On receipt of the petition, and the documents aforesaid, the Judicial Authority should visit the alleged inebriate or summon him to appear before him to show cause why he should not be subjected to guardianship or committed to a Retreat. These proceedings should be conducted, if desired by the alleged inebriate, in private, both the parties being entitled to be represented by solicitors or counsel.

(4) Having satisfied himself that the alleged inebriate is an inebriate within the meaning of the Act, the Judicial Authority should point out to him the advantages of the voluntary provisions already suggested. If the inebriate is unwilling to take advantage of these provisions, or if he has previously taken advantage of them, but has failed to observe the conditions thereof, it should be enacted that the Judicial Authority may make an order for either compulsory guardianship or committal to a Retreat.

(5) When the Judicial Authority has satisfied himself that the case is one in which a compulsory order should be made, he should exercise his discretion as to the nature of that order. Guardianship is a less severe measure than detention, and should always be resorted to when practicable, and likely to meet the needs of the case.

(6) If the Judicial Authority is not satisfied, he should adjourn the consideration of the petition, or dismiss the petition. If he is of opinion that the petition is frivolous and vexatious, and ought not to have been presented, he should be empowered to order the petitioner to pay the costs of the proceedings.

Judicial authority defined.

37. We recommend that the words "Judicial Authority" shall mean and include a Judge of the High Court of Justice, County Court Judge, Recorder, Stipendiary Magistrate, any two Justices, or any Justice of the Peace specially appointed by Quarter Sessions. Recommendation XV.

Powers of compulsory Guardians.

38. An order of guardianship should specify, as guardian of the inebriate, some person or persons willing to act in that capacity. The order should be made for any term not exceeding one year.

The guardian should have power—

(*a*) To prescribe for the inebriate a place of residence, either in the house of the inebriate or in that of the guardian, or in that of a licensee under the Act, but in no other place. Recommendation XIV.

(*b*) To place the inebriate in the care of a custodian, being a licensee under the Act.

(*c*) To deprive the inebriate of intoxicants, and prevent him from obtaining them.

(*d*) To prevent the inebriate from leaving the prescribed residence unattended by a responsible person.

(*e*) To require the inebriate to submit to the attendance of such nurses or attendants as the guardian may think necessary.

(*f*) To warn sellers of drink and drugs and other persons against supplying the inebriate: supply after warning to be an offence under the Act.

(*g*) To delegate any of the powers (*c*) to (*f*) to the custodian.

It should be the duty of the guardian to provide for the inebriate such medical attendance as may be necessary.

The guardian, or custodian, should have power to release the inebriate on parole, with or without conditions, and to relax the powers (*d*) and (*e*) at discretion.

Recovery after escape from care of Guardian.

39. We recommend that power be given to the guardian, or any person authorised in writing by him, to retake an inebriate under guardianship, in the event of his escaping from the charge of the person in whose care he has been placed. Recommendation XVI.

Order of detention in a Retreat.

40. An order of detention in a Retreat should mean an order for the conveyance of the inebriate to, and his reception and detention in, a Retreat licensed under the Inebriates' Acts, the managers of which are willing to receive him. Such an order should be made for any period not exceeding one year, and should have the same effect as if the inebriate had been admitted to a Retreat on his own application. Recommendation XVII.

Payment of maintenance, &c.

41. When making an order of guardianship, or an order for compulsory detention in a Retreat, the judicial authority should also be empowered to require the inebriate to pay, out of his estate, the expenses of guardianship, or of maintenance in a Retreat, to such an extent as the judicial authority shall consider reasonable and proper. Or he should satisfy himself that these expenses will be met in some other way. Recommendation XVIII.

CHAPTER III.

THE INEBRIATES' ACT 1898: ITS DEFECTS AND PROPOSED AMENDMENTS.

Drunkenness and crime.

42. Both occasional drunkards, and inebriates, are prone to commit offences. The former frequently commit, when drunk, offences that they would not commit when sober; and the latter, when drunk, or when suffering from the consequences of their inebriate habit, commit offences which they would not commit under other circumstances.

43. Since the drunkenness of the occasional drunkard is produced by his own voluntary act, it would seem just that he should be held responsible for his drunken condition and for all its consequences, including the resulting offences. That this is the view usually taken, is shown by the familiar maxim that "Drunkenness is no excuse for Crime." In actual practice, however, drunkenness is often regarded as a mitigation of those crimes in which intent is an essential factor, since a man may be proved to have been so drunk as to have been incapable of forming an intention. There does not seem to be any sufficient reason for interfering with this practice.

44. But the inebriate stands on a different footing. His drunkenness, and the condition of mind consequent on oft-repeated drunkenness, cannot be considered to nearly the same extent the result of his own voluntary action. In his case, the desire for drink is so overmastering, self-control is so inadequate, and in many cases the ill effects of drink are so imperfectly appreciated, that it cannot be proper to hold the inebriate offender fully responsible. This is especially so when the inebriate is mentally defective. An appreciable number of inebriates now dealt with under the Inebriates' Act, 1898, are mentally defective. We are wholly in accord with the recommendation of the Royal Commission on the Care and Control of the Feeble-minded that these persons should be dealt with as mental defectives rather than as inebriates. Report of the Royal Commission on the Care and Control of the Feeble-minded. [1908 Cd. 4202.]

45. Although, however, the inebriate is less responsible than the sober person or the occasional drunkard, by which we mean that it would be improper to punish him with the same severity that would be right for a sober person or an occasional drunkard guilty of the same offence, yet it is right that the community should safeguard itself from his depredations. His mitigated responsibility is recognised by sending him to the milder discipline of a reformatory instead of to the severer discipline of prison. The right of the community to safeguard itself justifies his detention in a reformatory, as long as that habit remains which renders him injurious to the community. On these principles the Inebriates Act, 1898, is founded.

Intention of the Act of 1898.

46. The intention of the Act is not explicitly stated, but presumably it is (1) To protect the community against inebriate offenders; (2) to provide facilities for their reformation. The implication, from the terms of the Act, is that both these objects are

better attained by relatively prolonged detention than by repeated committal to prison, which has been proved useless by long experience. We thoroughly agree to this.

Use made of Act of 1898.

47. During the nine years that this Act has been in force, fewer than 3,000 persons have been committed to reformatories under its provisions:—about 400 from Sessions and Assizes, and 2,600 by Magistrates.

Judges, in their charges to Grand Juries, have repeatedly referred to the large proportion of indictable offences committed during drunkenness; and the large proportion of convictions in Courts of summary jurisdiction, for offences committed during drunkenness, is a matter of notoriety. Making every allowance for the fact that, in many cases in which drunkenness is associated with crime or disorderly behaviour, the drunkenness is occasional rather than habitual, there still remains a very large residue of crimes committed, in consequence of inebriety, by inebriates. Cases of this kind are regularly dealt with by Courts under the ordinary law, without much regard at the trial to the inebriety of the offender.

Restricted application of the Act.

48. It is, therefore, clear that there has been a decided failure to apply the Act as widely as was intended by the legislature. We have investigated the reasons of this failure, and find them to be due to difficulties connected with the administration of Sections 1 and 2 of the Act, and to the fact that no obligation is laid upon any authority or person to provide accommodation for committed inebriates, or to maintain them during sentence.

Evidence Vol pp. 139–141, 146–148, 162 163.

Section 1 of the Act of 1898.

49. The first Section of the Act provides as follows:—

"(1) Where a person is convicted on indictment of an offence punishable with imprisonment or penal servitude, if the court is satisfied from the evidence that the offence was committed under the influence of drink or that drunkenness was a contributing cause of the offence, and the offender admits that he is or is found by the jury to be a habitual drunkard, the court may, in addition to or in substitution for any other sentence, order that he be detained for a term not exceeding three years in any State inebriate reformatory or in any certified inebriate reformatory the managers of which are willing to receive him.

"(2) In any indictment under this section it shall be sufficient, after charging the offence, to state that the offender is a habitual drunkard. In the proceedings on the indictment the offender shall, in the first instance, be arraigned on so much only of the indictment as charges the said offence, and, if on arraignment he pleads guilty or is found guilty by the jury, the jury shall, unless the offender admits that he is a habitual drunkard, be charged to enquire whether he is a habitual drunkard, and in that case it shall not be necessary to swear the jury again.

"Provided that, unless evidence that the offender is a habitual drunkard has been given before he is committed for trial, not less than seven days' notice shall be given to the proper officer of the Court by which the offender is to be tried, and to the offender that it is intended to charge habitual drunkenness in the indictment."

Reasons for limited application of Section 1 of the Act of 1898.

50. Under this Section only 400 cases have been dealt with in nine years.

The two main reasons for this limited application are:—

(1) In order to be dealt with under this Section, the offender must go to Assizes or Quarter Sessions; he cannot be dealt with summarily. Committal to Assizes or Sessions involves delay, inconvenience, and expense, and the tendency of the day is more and more to deal with offenders summarily.

(2) When an inebriate offender is committed to Assizes or Sessions for trial, it is nobody's business to see that inebriety is included in the indictment. The result is that, on arrival at the higher court, many such persons are dealt with as ordinary criminals, and not as inebriates.

Baggallay, 321, 335, 336 Branthwaite, 180, 201, 202 Bennett, 576 Evidence Vol pp. 135, 139–146, 149, 182 192, 193, 203 Evidence Vol p. 139.

Suggested amendment of Section 1 of the Act of 1898.

51. It is desirable, in our opinion, that Magistrates should have discretionary power to send to reformatories, in addition to or in substitution for imprisonment, all persons who are adjudged to be inebriates, and who commit offences which may now be dealt with summarily by committal to prison. Those inebriate offenders only should be sent to Assizes or Quarter Sessions with whom Magistrates cannot now deal as sober offenders.

Recommendation XX.

Further extension of powers.

52. Further, we think that the powers of Magistrates might with advantage be extended, so as to enable them to deal, under the Inebriates' Acts, with four other offences very frequently committed by inebriates—neglect of or cruelty to children, attempted suicide, wounding not amounting to felony, and wilful damage.

Many cases of neglect of or cruelty to children are due to parental, and especially to maternal, inebriety. Women charged with this offence are usually, except for their inebriate habits, decent married women, not members of the criminal class. As the law now stands, they cannot be dealt with as inebriates unless previously committed to

Recommendation XX. Baggallay, 335. Sullivan, 811 Evidence Vol pp. 141, 145–146.

Assizes or Sessions, with the necessary delay, inconvenience and expense. We think magistrates should be able to commit such parents to reformatories instead of to prison.

Attempts at suicide are frequently made by inebriates. The present procedure with regard to this offence is admitted to be unsatisfactory, and magistrates, in the interests of justice, habitually disregard the strict letter of the law. In dealing with attempts at suicide, magistrates must either commit the offender for trial, or discharge him. The former course is rarely adopted, and if the latter course is taken, the attempt is, in many cases, repeated. It seems very desirable to entrust the magistrates with the power to commit the offender, when an inebriate, to a reformatory.

A large number of cases of wounding not amounting to felony are committed by inebriates in drunken brawls. As a rule, these are little more serious than assaults, to which the charge is often reduced to enable them to be dealt with summarily. It is, in our opinion, desirable to give magistrates power to commit such an offender to a reformatory. Baggallay, 403. Evidence Vol. p. 145.

Wilful damage is an offence commonly committed by inebriates in outbreaks of drunken violence. Evidence of premeditation is usually absent, and such damage can scarcely, therefore, be considered wilful. The offence is comparatively trivial, and might well be left to the discretion of magistrates.

53. When an inebriate is committed for trial, the proper officer should be instructed to include inebriety in the indictment, so that the matter may be brought to the attention of the superior court. Recommendation XXI.

Section 2 of the Act of 1898.

54. The second section of the Inebriates' Act, 1898, runs as follows:—

> "(1) Any person who commits any of the offences mentioned in the First Schedule to this Act, and who within the twelve months preceding the date of the commission of the offence has been convicted summarily at least three times of any offences so mentioned, and who is a habitual drunkard, shall be liable upon conviction on indictment, or if he consents to be dealt with summarily on summary conviction, to be detained for a term not exceeding three years in any certified inebriate reformatory the managers of which are willing to receive him.
>
> (2) The Summary Jurisdiction Act, 1879, shall apply to proceedings under this section as if the offence charged were specified in the second column of the First Schedule to the said Act."

Restricted use of the section.

55. During the nine years over which the Act has been in force, fewer than 2,600 persons have been committed to detention in reformatories under the provisions of this section. During the same period 1,751,830 persons were convicted and sentenced in courts of summary jurisdiction for drunken behaviour. Bearing in mind the repeated statements of magistrates, prison officials, and others, regarding the habitually drunken character of a large percentage of these offenders, the number actually dealt with as inebriates is exceedingly small. It amounts to 1 case in 674, or less than 1·5 per 1,000.

Reasons for restricted use.

56. We find that the main causes why the number committed under this section is so small are as follows:—

(1) By some magistrates the existence of the Act is overlooked; others are unwilling to put it in force. Evidence Vol. p. 203.

(2) Inability of magistrates to interpret the definition of "habitual drunkard" so as to bring certain inebriate offenders within the powers of the section. Evidence Vol. pp. 136–138.

(3) The necessity for proving three previous convictions.

(4) The necessity for obtaining the consent of the inebriate to be dealt with summarily. Evidence Vol. pp. 146–151. Evidence Vol. pp. 146–149.

(5) The lack of accommodation in reformatories, and the power of their managers, for this and other reasons, to refuse to receive inebriates committed from the Courts. Evidence Vol. pp. 139–141, 162.

(6) The three years' sentence.

Inaction of the magistrates re the Act of 1898.

57. The first cause of the limited application of Section 2 is that some magistrates overlook the existence of the Act.

Others are unwilling, for one of the following reasons, to put it in force.

(*a*) Some magistrates frankly disbelieve in the success of detention in a reformatory as a remedial measure, and do not recognise the desirability of detaining inebriates in reformatories for any other reason.

(*b*) The procedure for sending a prisoner to gaol is simple and rapid. That necessary for sending him to a reformatory is relatively cumbrous and dilatory.

(*c*) An offender dealt with under the ordinary law goes to prison, and so becomes

a charge upon the State alone. If sent to a reformatory as an inebriate, he becomes, in part, a charge upon the locality. Local magistrates are unwilling to add to local burdens. Clare, 1614.

58. On these reasons we make the following comments:—

The attention of magistrates should be again invited to the Act by circular from the Secretary of State.

(*a*) If the value of detention in reformatories were measured solely by the success hitherto achieved in reforming those who have been committed, doubt of the efficacy of such detention would not be unreasonable; but it is to be remembered, first, that owing to defects in the Act, and in the mode of its administration, none but the worst cases have hitherto been treated in reformatories; and, second, that the reform of the inebriate is not the sole aim of detention.

The inebriate is a noxious element in the community: noxious to others and noxious to himself. He is prone to commit crime and cause disorder; to have a bad influence on others, leading to a spread of the evil; to bring himself and those dependent upon him to be a burden on the rates; to cause distress and misery in those connected with him; to neglect his children or treat them cruelly; and, as is alleged by some, to produce offspring burdened with congenital consequences of his inebriety. For these reasons we consider it just and right that he should be detained, not merely for his reformation, but to protect the community against his ill-doing. We are unanimously of opinion that the detention of the confirmed inebriate is justifiable, and necessary, apart from all question of reformation. Clare, 1616. Evidence Vol. pp. 111–115, 189.

(*b*) The difficulties now experienced in the committal of inmates to reformatories ought to be reduced to a minimum; it should be made as easy for a magistrate to commit to a reformatory as to a prison. The necessity for the examination of police records to find previous convictions, the delay required to obtain the consent of managers of reformatories to receive the inebriate, and the filling up of complicated forms, are some of the deterrent influences now existing. We hope that the first two of these will be rendered unnecessary by our subsequent recommendations, and that the third will be dispensed with.

(*c*) The burden of inebriates on local authorities will be again referred to when we come to consider questions relating to the establishment and maintenance of reformatories.

Definition of "Habitual Drunkard."

59. The second reason why so few inebriates are committed under Section 2 is in the terms of the definition of habitual drunkard. There is no definition in any Act of Parliament of an "inebriate." The word is used as if it were synonymous with "habitual drunkard," but it is nowhere explicitly stated to be so. An opportunity is therefore afforded to define strictly the meaning of inebriate, and to substitute a new definition for that now in use. Branthwaite, 125, 200. Baggallay, 313, 321, 331 Curtis-Bennett, 491, 525. Evidence Vol. pp. 88–90, 136–138, 204.

"Habitual drunkard" is defined in the Habitual Drunkards Act, 1879, as follows:—

> "Habitual drunkard" means 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 to others, or incapable of managing himself or herself and his or her affairs."

This definition has been so construed by different authorities as to exclude from the operation of the Act a large proportion of the persons whom it was intended by its framers to include, and whom the authorities in question desire to include, and think ought to be included.

The parts of the definition to which exception has been taken, as limiting the operation of the Act, are the following:—

(1) "*Not being amenable to any jurisdiction in lunacy.*"—The insertion of these words has been held by Mr. E. Tindall Atkinson, K.C., Recorder of Leeds, to imply and necessitate that an habitual drunkard, in order to come within the definition, must exhibit, when sober, some weakness of mind—that he must not be a lunatic, but that he must be an incipient lunatic, or a person on the verge of lunacy, or showing some approach to lunacy; that, in the words of Mr. Cluer, a Metropolitan magistrate, he must be "first cousin to a lunatic," and that the words of the definition prevent a person being dealt with, as an habitual drunkard, who is completely sane when sober. Stone's Manual (1905), p. 250.

(2) "*By reason of habitual intemperate drinking of intoxicating liquor.*"—These words have given rise to various difficulties.

(*a*) *By reason of*, &c. It has been held that even if a person habitually drinks intemperately of intoxicating liquor, and is at times dangerous, &c., or

incapable, &c., yet he is not an habitual drunkard within the meaning of the Act, unless the magistrate can decide that the conduct of the drunkard, on the particular occasion in question, was due to the habit of drinking, and could not have been occasioned by a single bout of drunkenness indulged in at the time.

(*b*) By reason of the *habitual*, &c. Magistrates have had difficulty in determining what frequency or continuance of drunkenness amounts to a habit, and may be called habitual.

(*c*) By reason of . . . *drinking of intoxicating liquor.* These words have been held to exclude the use of intoxicants by other methods than drinking, as, for instance, by eating or smoking opium, by injecting drugs under the skin, by inhaling ether, and so forth.

(3) "*At times.*" Much controversy has taken place as to whether these words apply to the immediately following words, "dangerous to himself or herself" only, or whether they apply also to the additional phrase, "incapable of managing himself or herself and his or her affairs."

(4) "*Incapable of managing himself or herself and his or her affairs,*" has been held to imply:—

(*a*) That proof must be given of the double incapacity: first, he must be incapable of managing himself, and in addition he must be incapable of managing his affairs. Capacity to manage either, even if coupled with incapacity to manage the other, has been held to exclude the drunkard from the definition.

(*b*) It has been said that many drunkards have no "affairs" to manage, and for this reason cannot be brought within the definition. Evidence Vol. p. 136.

(*c*) It has been said of prostitutes, that habitual intemperate drinking rather assists than interferes with the management of their affairs. Holmes, 1511

Definition of "Inebriate"

60. For all these reasons the definition has been found very defective in operation, and in order that it should include all whom it ought properly to include, it is necessary that it should be remodelled.

Taking into consideration the necessity of including in the definition persons addicted to drugs other than alcohol, and having regard to the other defects disclosed by experience in the existing definition, the following alternative has been framed, the term inebriate being substituted for that of habitual drunkard:— Evidence Vol. pp. 90–91, 186, 192, 193, 264.

"An inebriate is a person who habitually takes or uses any intoxicating thing "or things, and while under the influence of such thing or things, or in consequence of "the effects thereof is See paras. 16, 17, 59, and Recommendation II.

"(*a*) Dangerous to himself or others, or

"(*b*) A cause of harm or serious annoyance to his family or others, or

"(*c*) Incapable of managing himself or his affairs, or of ordinary proper conduct."

NOTES.—(1) The term "habitually" is retained. Its meaning is not precise, and does not need to be precise. Everybody knows approximately what meaning should be attached to it.

(2) "Takes or uses any intoxicating thing or things." This term includes alcohol in every form as well as drugs, solid, liquid, and gaseous, and "takes or uses" covers the ingestion by eating, by hypodermic injection, by suppository, and by inhalation, as well as by drinking.

(3) "Thing or things," to cover the alternate use of different things, as alcohol and morphia, or morphia and cocaine.

(4) The remaining words of the first sentence are to remedy the fault (2) (*a*) in the existing definition.

(5) (*a*) is adopted from the existing definition without alteration.

(*b*) is a new clause which appears much needed, to include the persons who are not, but ought to be, brought under the existing definition.

(*c*) is probably not needed if (*b*) be retained. It is, however, added to provide for cases which critical subtlety may exclude from (*a*) and (*b*).

The necessity of proving three previous convictions.

61. The third reason for the limited application of the Inebriates' Act, 1898, is the necessity for proving "three previous convictions within the preceding 12 "months." This condition is a serious stumbling-block, and the evidence against its expediency is very strong. It has been shown to us that:— Baggallay, 314, 435. Branthwaite, 186, 209. Mulvany, 1396.

(*a*) Three previous convictions in one year are no proof of habitual

drunkenness. A person convicted on four Bank-holidays in one year, and otherwise sober, would qualify in this respect. Sullivan, p. 50. Bennett, 480, 500.

(*b*) An inebriate may have been convicted three or more times, and yet the magistrate before whom he appears may not have these convictions brought to his knowledge. The inebriate may have been convicted under an alias, or in another jurisdiction. Somerset, 1140, 1242. Clare, 1598, 1614.

(*c*) Many inebriates, both reformable and confirmed, are able to escape the necessary number of convictions in one year. Evidence Vol. pp. 132–135, 146–151, 191, 193, 205, 206.

(*d*) Irreformable inebriates of the worst kind, discharged from inebriate reformatories, and fit for immediate recommittal, must nevertheless go through the routine and be convicted four times in one year before they can be sent back to a reformatory.

(*e*) The provision misleads magistrates into taking the three previous convictions for the only test of habitual drunkenness.

We are of opinion that the necessity for proving three previous convictions, before an inebriate can be sent to a reformatory, should be abolished. Recommendation XXII.

The consent of the inebriate to be dealt with summarily.

62. The fourth reason for the limited application of the Inebriates' Act, 1898, is the necessity of obtaining the consent of the inebriate to be dealt with summarily. We are of opinion that it is inexpedient to give the inebriate, in all cases, the option of being sent to a higher Court. The refusal of the inebriate to be dealt with summarily necessitates all the trouble of indictment to Assizes or Sessions, delay, with consequent remand in custody, and great additional expense. We are of opinion that consent of the inebriate should no longer be necessary to enable the magistrate to deal with him, either when the offence is included in Schedule 1 of the Inebriates' Act, 1898, or when it is one of the minor indictable offences already specified. Provided, that any person adjudged to be an inebriate and sentenced to a reformatory, should have the right of appeal to Quarter Sessions. Evidence Vol. pp. 146–151, 207. Mulvany, 1390. Recommendation XXIII.

Insufficient certified reformatory accommodation.

63. The fifth reason, and one of the most potent, for the limited application of the Inebriates' Act, 1898, is the lack of sufficient accommodation. In hundreds of cases magistrates have been willing and anxious to send inebriates to reformatories, but have been unable to do so because no reformatory could, or would, receive the inebriate when committed. The accommodation in existing reformatories is utterly insufficient to provide for the number of inebriates who are fit to be committed, and as long as this lack of accommodation exists, the Act must be to a great extent inoperative. Byrne, 46, 74. Evidence Vol pp. 87, 139, 194, 198. Baggallay, 329. Mulvany, 1366, 1372.

The necessity for compulsory provision of accommodation.

64. We are of opinion that reformatory accommodation should be available for all cases the Courts desire to commit. Magistrates should no longer be placed in the undignified position of having to beg for room, with the possibility of being refused. The vital question is by whom accommodation should be provided. This question is discussed at length in Chapter V. below. Byrne, 46. Branthwaite, 212, 235, 247, 270. Baggallay, 373, 439. Clare, 1637. Evidence Vol. pp. 162–165, 193, 205.

The three years' sentence.

65. The sixth reason for the limited application of the Inebriates' Act, 1898, is the three years' sentence. Although the Inebriates' Act, 1898, gives to Courts the power of committing an inebriate offender to a reformatory for any period not exceeding three years, the practice has grown up of inflicting the maximum sentence in nearly every case. The intention of the Act was that this severe sentence should be mitigated by release on probation under the care of a responsible guardian; but this mitigation by release on licence has largely fallen into disuse. Efforts were made, during the first few years the Act was in force, to release inmates on licence at the earliest opportunity. In some cases, in which licence might have been granted, it has been impossible to find a trustworthy person willing to act as guardian. Owing to reasons already explained, the large majority of persons hitherto committed have had a long career of drunkenness, have been many times in prison, and are practically irreformable. Evidence Vol. pp. 115–119, 135, 151–154, 167–173, 184, 187–188, 191, 203, 205, 208.

The failure of early licensing.

66. The consequence has been that nearly all persons so released immediately relapsed, and magistrates have complained that persons whom they had sentenced to long terms of detention had been prematurely released. It became the practice, therefore, to extend the period of detention considerably before granting a licence, and to refuse a licence altogether to persons who did not show sufficient evidence of improvement to warrant release. Thus it has happened that the majority of inebriates committed to reformatories have served the whole of their sentence under detention, and the "three years" has come to be looked upon as irreducible. Evidence Vol. p. 187.

The three years' sentence is inappropriate.

67. For reformable cases three years is too long; it leads to discontent, despair, and turbulence. Inmates look upon their detention as purely penal, and contrast their treatment with that of prisoners convicted of crime, who are, the inebriates complain, treated with far more consideration, and are able to earn, by good conduct, a sensible remission of their sentences. When the time comes for his discharge, the inebriate is exasperated by a sense of injustice, and often makes a defiant resolution to return to drunkenness. The discharge at the end of three years is complete. It is safeguarded by no probation. However unfit the inebriate may be for discharge, he cannot be detained longer; and the result of the whole system is, that few cases are placed under control in a reformable stage; those who are reformable are liable to be kept too long; those who are irreformable are discharged without reason and without safeguard, often come into the hands of the police very speedily, and then cannot be recommitted until, by four more convictions, they have shown conclusively their return to confirmed inebriety.

O'Farrell, 871. Evidence Vol. p. 191.

Branthwaite, Evidence Vol. p. 22. Baggallay, 368.

68. For some cases, any definite period will prove too long, for others too short. There should be more elasticity, so that control may be better regulated according to requirement; but we have no objection to the order of the Court specifying the maximum period of detention, so that it would run, in specific cases, for "a period not exceeding six months," "a period not exceeding one year," or "a period not exceeding three years." Moreover, we are satisfied that lengthened periods of detention should not be inflicted unless obviously indicated by the bad conduct of the inebriate himself, after every opportunity has been afforded him to show whether or not he is reformed. Magistrates cannot possibly tell how long it will take to reform any person; nor, we maintain, can the managers of a reformatory tell, by merely observing the conduct of a case under detention. We think that every inebriate should be considered *primâ facie* reformable, and receive at first a comparatively short sentence. Any further detention should entirely depend upon the inebriate's behaviour on return to liberty.

Clare, 1617.

If magistrates understand that a three years' sentence means three years' detention in the majority of cases, they will naturally hesitate before they use the Act for less confirmed, and probably reformable, cases. They will, as they have done hitherto, sentence the worst cases only.

69. We regard the state of things we have described as profoundly unsatisfactory, and for it we would substitute a discontinuance of sentences for a fixed period, save as regards the maximum period given under each sentence. We recommend hereinafter a scheme founded on the principle, already laid down, of proceeding by graduated measures, from the mildest that is likely to be successful, to more and more severe, as the milder fail of success.

The committal of inebriates to reformatories and their release on probation.

70. When a person is charged before a Court of summary jurisdiction with an offence of which drunkenness is an ingredient, or with one of the minor indictable offences already referred to, into which drunkenness appears to the court to enter as a contributing cause, the court should consider whether the offender comes within the definition of an inebriate, and, if the offender is adjudged to have committed the offence with which he is charged, and to be an inebriate, the court should have power:—

Recommendation XXX.

1. To deal with the offender under the Probation of Offenders Act by discharge on recognizances to come up for sentence if called upon. The conditions of probation should be as follows:—In addition to, or in substitution for, such conditions mentioned in section 2 (2) of the Probation of Offenders Act, 1907, as are applicable to an inebriate, the Probation Order should contain the following conditions, viz., the inebriate shall not—

(*a*) Be intoxicated.

(*b*) Take or use, or obtain or possess for his own use any intoxicating thing or things.

(*c*) Change his abode without previously giving his new postal address to the probation officer.

(*d*) Fail to report in person or by letter in his own handwriting on his health and occupation to the probation officer periodically as the court may direct.

The offender would then be subject for a specified time, which should not be less

than six months, nor more than one year, to the supervision of a probation officer. We are strongly of opinion that this officer should not be a member of the police force.

Should the inebriate, after discharge on probation, fulfil the conditions of the probation for the full period, he should stand completely discharged; but should he commit any breach of the conditions of his probation, he should be brought before a court of summary jurisdiction, which should have power, on proof of such breach, either to renew the probation with a caution or surety, or to commit the offender to a reformatory.

2. Should the court consider release on probation to be undesirable, the court should have power—

(*a*) To commit the offender, whether he consents to be dealt with summarily or not, and with or without a preliminary penal sentence, to a reformatory for inebriates, or

(*b*) To commit the offender for trial as an inebriate offender, care being taken to include inebriety in the indictment.

3. Courts of Assize and of Quarter Sessions should have power to sentence a prisoner to a reformatory, with or without a preliminary penal sentence; and, in the latter case, to suspend the operation of the order for committal to a reformatory, pending the result of a trial on probation under a probation officer. Should the prisoner fulfil the conditions of his probation for the full period thereof, he should stand completely discharged; but should he commit any breach of these conditions, he should be brought before a court of summary jurisdiction, which should have power, on proof of such breach, to order the suspended sentence pronounced by the Court of Assize or Quarter Sessions to come into force.*

Form of sentence.

71. When a person is committed to a reformatory for inebriates for the first time, the sentence should be that he should be detained therein for "a period not exceeding six months," and be subjected on his release to a period of probation, not exceeding one year, under the charge of a probation officer. Provided always, that power should be given to the authorities of reformatories to release inebriates for short periods on parole, as a preliminary to discharge. Recommendation XXXI.

Discharges from reformatories on probation and re-committals.

72. Should the inebriate after discharge on probation from a reformatory fulfil the conditions of his probation for the full period, he should stand completely discharged. But, should an inebriate, released on probation from a reformatory for the first time, forfeit such probation for breach of the conditions thereof, he should be brought before a court of summary jurisdiction; which should, on proof of such breach, either renew the probation with a caution or surety, or sentence the offender to a reformatory for "a period not exceeding one year," and to be subjected, on his release, to a period of probation not exceeding one year under the charge of a probation officer. Recommendation XXXII.

73. Should the inebriate again forfeit such probation for breach of the conditions thereof, he should be brought before a court of summary jurisdiction; which, on proof as before, should sentence him to detention in a reformatory for "a period not exceeding two years," and to be subjected on his release to a period of probation not exceeding one year. Any subsequent breach of the conditions of probation to be followed by a similar sentence for "a period not exceeding three years," followed by release on probation. We also recommend that no person sentenced for "a period not exceeding three years" to a reformatory shall be released therefrom at any period less than the maximum period of the sentence imposed by the court, unless the Secretary of State is satisfied that the inebriate will not be likely to relapse into drunkenness. Recommendations XXXIII-XXXVI.

74. We are of opinion that such a scheme as this, while affording adequate safeguards against the detention of inebriates for unnecessarily long periods, would lead to the abolition of repeated prison sentences; would enable inebriates to be treated in their early and reformable stage; would lead to the reformation of many who now become hopelessly irreformable; would adapt the severity of the measures employed to the needs of the case; and would provide, in the interests of the community, for the prolonged detention of those who have, after ample opportunity for reform, shown themselves incapable of becoming decent and law-abiding members of the community.

* We recognise that such a practice as is here recommended is a novelty in legal procedure, but, as it does not contravene any principle of law, we see no objection to it on that account.

Provisions as to inebriates convicted under the Inebriates' Act, 1898.

75. To provide for cases of confirmed inebriates who are or have been in detention under the existing Act (Inebriates' Act, 1898), and would have qualified for prolonged detention under the measures that we propose, had these measures been included in that Act, we recommend as follows:—

Any inebriate who has been sentenced to a reformatory under the Inebriates' Act, 1898, for a period of two years or more, and who, within 12 months of the expiration of his sentence is again convicted of an offence against the amending Act, should be liable on conviction to be sentenced to a reformatory for "a period not exceeding three years," to be followed by a period of probation, as if he had been convicted for the fourth time under the system we propose. Recommendation XXXVII.

The Secretary of State should have power to order the release on probation of any inebriate under detention at the time of passing the amending Act, and, when released, the inebriate should, on breach of the conditions of probation, be liable to be dealt with as if he had been convicted for the second time under the scheme now recommended. Recommendation XXXVIII.

Cases of *delirium tremens*.

76. We think that any person who, by *delirium tremens*, has made himself a charge upon the rates, should *primâ facie* be deemed an inebriate, and liable to be proceeded against as such at the instance of the Guardians to whom he has made himself chargeable. Recommendation XXXIX.

Protection to persons acting in pursuance of the suggested Amending Act as to inebriates.

77. We consider that protection should be afforded to persons acting in pursuance of the suggested Amending Act, so that such persons shall not be liable to any civil or criminal proceedings, whether on the ground of want of jurisdiction or on any other ground, if such persons have acted in good faith and with reasonable care. Evidence V p. 187. Recommendation XIX.

It should be enacted that if any proceedings are taken against any person for acting in pursuance of the said suggested Act, such proceedings may, upon summary application to the High Court, or a Judge thereof, be stayed upon such terms as to costs and otherwise as the Court or Judge may think fit, if the Court or Judge is satisfied that there is no reasonable ground for alleging want of good faith or reasonable care.

Any action brought by any person who has been detained as an inebriate against any person for anything done under the said suggested Act shall be commenced within six months, or by special leave of the Court within 12 months next after the release of the party bringing the action.

After-care of inebriates.

78. The relapse of inebriates on discharge from reformatories has been attributed to want of subsequent supervision and help, and inebriates have complained to us of the need of a helping hand on their release. We think the State, following the precedent with regard to discharged prisoners, should subscribe to any After-Care Associations approved by the Secretary of State, in order to induce them to render assistance to inebriates on their release from reformatories. Recommendation XXIV.

CHAPTER IV.

STATE INEBRIATE REFORMATORIES.

The history of State inebriate reformatories.

79. When the Inebriates' Act, 1898, first came into active operation, considerable doubt existed as to what position, in the general scheme for inebriate treatment, should be occupied by the State inebriate reformatory.

It will be remembered that the first and second sections of the Act provide power to commit two classes of inebriates to detention:—

(1) Persons convicted of offences caused or contributed to by drink—offences which would otherwise be punishable by imprisonment or penal servitude (Section 1); and

(2) Habitual inebriates who have been convicted four times in one year of drunkenness, or of certain other specified offences of which drunkenness is a part (Section 2).

Under the provisions of the Act, cases under Section 1—criminal inebriates—may be sentenced to detention in a State reformatory, or in any certified reformatory the managers of which are willing to receive them. Section 2 cases—police court

recidivists—can be sent direct from courts to certified reformatories only, the Secretary of State having power subsequently to transfer such persons from a certified to a State reformatory, when such a course appears to him to be desirable.

80. By thus prescribing the State reformatory as the most suitable institution for the reception of cases under Section 1, it may be assumed that criminal inebriates were expected to prove more difficult to control, and generally speaking, less amenable to discipline, than the ordinary police court inebriate. On the other hand, persons of the latter class were sent to certified reformatories because such establishments were expected to prove sufficiently strong, and more suitable, for all offenders of that class.

81. But, during the first two years of the working of the Act, no State reformatory was in existence; consequently, all persons committed under both sections had to be received into certified reformatories. Some discontent was evinced at the absence of a State institution during that period; but this absence during the early days of the work was not without advantage. The delay gave time to gain experience, and enabled a decision to be arrived at as to the exact position the State reformatory could occupy to the best advantage.

82. Experience of the first 100 persons sentenced under both sections showed:—
(1) That, contrary to expectation, criminal inebriates under Section 1 proved, as a rule, of a better class than were the offenders sent from police courts under Section 2; more amenable to discipline, and presenting better prospect of reformation.
(2) That an appreciable number of police court offenders were violent and unmanageable persons, who, for effective discipline, required stronger measures than it was desirable to enforce in certified reformatories.

83. The Departmental Committee of 1898, appointed to draw up a code of Regulations for Reformatories, after a careful consideration of all evidence put before them, came to the conclusion that it was essential for certified reformatories to be as free from restriction and as little prison-like as possible, compatibly with safe custody. The experience, however, gained from the first 100 persons committed proved, beyond doubt, that from 10 to 15 per cent. of them were too unmanageable to retain in certified reformatories under circumstances so little restrictive.

84. As a matter of fact, during the first 21 months of the Act's practical existence, 11 inmates proved themselves too uncontrollable to be dealt with in certified reformatories; and, failing the existence of any stronger institution, had to be discharged from restraint by order of the Secretary of State. It soon became manifest that any attempt to deal with tractable cases only, discharging from under the Act all inmates who proved refractory, would place a premium upon bad conduct, make it evident that an inmate only needed to make himself sufficiently obnoxious, to regain his freedom, and render the whole Act futile. The final establishment of State Reformatories to control the refractory section only of inmates was, in fact, mainly due to the rapid spread of this impression amongst persons already committed.

85. For these reasons it was ultimately decided that, whilst certified reformatories might well be trusted to control tractable cases sent under either Section, any person who proved refractory should be transferred to the charge of a State Reformatory, which should be equipped with means sufficiently strong to effect his proper control. This conclusion governed all subsequent action with regard to the establishment of State Reformatories, and it was agreed, subject to the dictates of future experience, to confine the chief use of such institutions to the reception and treatment of persons who have proved uncontrollable in certified reformatories.

86. In this way State Reformatories became institutions for the reception of the worst characters committed to detention under the Act of 1898, and practically ceased to be reformatories in the strict sense of the word. In fact, they merely became places designed to receive unruly persons who would otherwise interfere with the even conduct of certified reformatories, or who would be a danger to the community if at large.

87. Having regard to all the circumstances above described, we are unable to see what alternative course could have been taken, and we are satisfied that those State Reformatories which have been established to fulfil these functions have been necessary for the work as conducted under existing law.

Existing State reformatories.

88. At the time of our enquiry we found two State Inebriate Reformatories in existence, one at Aylesbury for the reception of women, and one at Warwick for men. Aylesbury State Reformatory for female inebriates was originally started by utilising a wing of Aylesbury Convict Prison, after suitable reconstruction and adaptation. The accommodation thus provided soon became insufficient, and, to remedy matters, a new building was specially erected and carefully adapted to the requirements of its work. The same course was adopted for the provision of accommodation for males. A wing of Warwick Prison was taken over for the purpose of a State Reformatory for this sex, after some necessary alterations had been made. This soon proved inadequate, and further encroachment upon the prison became necessary, bringing the history of accommodation for male inebriates up to the point at which, in the case of females, new and specially erected buildings were provided.

Aylesbury State reformatory.

89. As the result of a visit to Aylesbury we satisfied ourselves that the buildings are admirable, arrangements for the maintenance of discipline good, and the general conduct of the institution all that could be desired. It appeared, however, to us, that for the proper conduct of this, and other similar institutions, more land should be provided, in order to furnish more varied opportunities for occupation and recreation.

Warwick State reformatory.

90. Our visit to Warwick did not result in such satisfactory conclusions. The separate building within the prison enclosure, which was originally adapted for the purposes of a reformatory, was full, and at least half of the number of inebriates under detention were lodged in a wing of the prison itself. Although every reasonable effort is made to keep the two classes separate, some admixture of inebriates and prisoners cannot be avoided, a condition we consider unsatisfactory. Notwithstanding the fact that all inmates who have been transferred to Warwick have been in prison many times, their allocation to quarters not distinctly separate from those used by prisoners, gives rise to discontent and disturbance. For cases such as are now detained at Warwick, prison accommodation may not perhaps be altogether unsuitable; but the facilities for employment are totally inadequate. It appeared, further, that in some cases the families of the men had suffered from the deprivation of the wages earned by the bread-winner while free. Several male inmates were such as become drunk more or less deliberately at times, and in the intervals earn good wages. Moreover, refractory conduct in the reformatory has no direct relation to irreformability in the matter of drink. With respect, therefore, to such male inebriates as find their way to the State reformatory, the practical abandonment of licensing renders the sentence mainly a punishment for past drunkenness. Good conduct meets but rarely with the only valuable reward—remission; while bad conduct meets with punishment. These men are at present more hopeless and dissatisfied than convicts with similar sentences. The need, therefore, for the main changes in the law which we have recommended is especially emphasized in the case of male inebriates. If Warwick is to continue as a State Inebriate Reformatory at all, it is evident that the number of inmates detained therein should not exceed the number that can be provided for in the special building originally set apart for the purpose. But, as the number of male inmates at present exceeds the number who could be so accommodated, and as this number in the future is likely to be increased, we are of opinion that a better course would be the establishment of a distinct and separate institution, provided with adequate facilities for employment, and supplied with sufficient land for steady outdoor occupation.

Evidence Vol. Appendix Donkin, pp. 187–189.

The future of State reformatories.

91. The future of State Reformatories must largely depend upon the course that is adopted by Parliament for the provision of accommodation for all inebriates committed to detention. Should our strong recommendation that all reformatories be taken over by the State, be adopted, the two now in question would fall into place as part of the general scheme. But in any case the continued existence of reformatories provided, maintained, and managed by the State, is essential for the detention of troublesome or undesirable inmates apart from others. The advantages to classification, which result from the removal of such inmates from the general mass, are too obvious to need further comment.

Recommendation XXIX.

CHAPTER V.

THE STATE AND LOCAL AUTHORITIES IN RELATION TO FINANCE.

Number of certified inebriate reformatories.

92. During the nine years over which the Inebriates' Act 1898 has been in force, thirteen certified inebriate reformatories have been established. Of these, three have been established by Local Authorities (London, Lancashire, and Yorkshire); one (Brentry) by a Board formed by representatives of twenty-four County and Borough Councils; five (Lewes, East Harling, Ackworth, Chesterfield, and Horfield) by the National Institutions for Inebriates; and four (Ashford, Newdigate, Duxhurst, and Abbotswood) by philanthropic and religious bodies. Of the last-named, Ashford and Newdigate abandoned the work after a short experience, and the remaining two restrict their admissions to offenders carefully selected for their reformable character.

At the time of our enquiry, therefore, we found eleven of these institutions in regular work; some of them small. The total accommodation for inmates only amounted to 165 beds for males, and 1,021 for females.

The absence of any obligation to establish reformatories.

93. The Inebriates' Act 1898 places no obligation upon any authority, or person, to establish inebriate reformatories. Section 5 of that Act merely enables County or Borough Councils, or any person, to do so if they desire, provided their suggestions for establishment are on certain prescribed lines. In the absence of any obligation to provide reformatories, it is not surprising that accommodation is deficient, especially as Local Authorities, philanthropic bodies, and private persons contend, as it seems to us with reason, that it is not their business to undertake the care of criminals, who should properly be a charge upon the State.

94. It is manifestly impracticable to compel either religious or philanthropic bodies, or private persons, to provide such institutions, and it is clear from experience of the Act of 1898 that Local Authorities will not, unless they are compelled by law, provide sufficient reformatory accommodation.

It is clearly necessary to place upon some authority a statutory obligation to provide reformatory accommodation, and the question we had to examine was whether this duty should be cast upon the State or upon Local Authorities.

Provision to be made by the State.

95. We have examined this question with great care, from every aspect that appeared to us material, and we have arrived at the conclusion that there can be no satisfactory or permanent settlement of it except on the basis of provision by the State. Recommendation XXV and XXVI.

We have arrived at this conclusion on the following grounds, viz.:—

(1) Inebriate offenders are either included in, or on the borders of, the criminal class; and criminals are maintained by the State. When not in detention in reformatories, inebriates pass much of their time in prison at the charge of the State. If, under the amended Act which we recommend, the number of inebriates in reformatories is increased, this increase will be to a large extent a transfer of prison population to reformatories, and, if reformatories are provided and supported by Local Authorities, it will be a transfer of the inebriates from being a charge upon the State alone to being a charge mainly on Local Authorities.

(2) The detention of inebriate offenders in reformatories is in part only for their reformation. In part it is a penal measure, and it seems to us improper that punishment should be administered by Local Authorities. This principle was abandoned once and for all when local prisons were transferred to the State.

(3) We regard a proper classification of inebriates in reformatories as a matter of the greatest importance. Some attempt has been made in this direction, but the provision for classification is most inadequate. In some places, at any rate during the greater part of the day, the refractory are mingled with the tractable, the reformable with the irreformable, the moral with the immoral, the educated with the uneducated, the industrious with the idle, the feeble-minded with the capable, in a manner which presents great obstacles to efficient treatment. Some classification can be enforced, no doubt, within a single institution, if that institution is large enough; but it is manifest that such means of classification are incomparably less than would be afforded by separate institutions, each devoted to a single class; and it is manifest that the

provision for a sufficient number of institutions for complete classification is beyond the capacity of any Local Authority, even the largest. It is clear that in very few cases would the number of inebriates of one class, drawn from the area of a single Local Authority, be sufficient to fill the institution. The Local Authority would consequently be aggrieved at having to provide for the inebriates of other localities; and, although this burden would be set off by the transfer of inebriates of other classes to other localities, there would be no possibility of adjusting the matter equitably, and much discontent would follow.

(4) One of the reasons already given, for the limited application of the existing Acts, is that local magistrates are unwilling to add to local burdens. Magistrates, as a rule, are keenly interested in local problems, are very frequently members of the local authority, and know well the burden of local rates. It is not to be expected that, in deciding whether to send an offender to a prison or a reformatory, magistrates will be wholly uninfluenced by the knowledge that, in adopting the latter course, they will be adding to local burdens, while in adopting the former they will not. Moreover, inebriates move from town to town, and especially from country to town. If charges for detention are made local, a conviction for drunkenness within the area of a special authority is apt to result in an unfair burden on the locality in which conviction occurs. Clare, 1614.

(5) Local Authorities are evidently very unwilling to take upon them this duty, and if they were compelled to take it upon them, it would be unpopular, and would not be efficiently performed. They have had nine years in which to make provision if they felt inclined to do so, and the provision is still utterly inadequate. Where provision has been made, it has been the source of a prolonged and somewhat heated conflict between the Local Authorities and the State. It is most desirable that such conflicts should be prevented in future.

(6) Even if Local Authorities were willing to undertake the duty, they are not the best bodies to be entrusted with it. The constant changes in personnel render the steady pursuit of a definite policy improbable, and experience shows that the cost both of establishment and maintenance is much greater, under Local Authorities, than in the hands of the State, or of charitable bodies, or private persons.

(7) Experience of the analogous transfer of criminals and criminal lunatics from the Local Authority to the State shows a contrast between the two administrations most favourable to the State. The State is able to administer the prison service far more efficiently and economically than was done by Local Authorities, and no voice has ever been raised in favour of a reversion to the old system. We are satisfied that a much more effective control than exists at present would be exercised over initial expenditure and maintenance of reformatories in future; and we are of opinion that, in the great majority of instances, inebriates ought to be well housed at an amount not exceeding £150 per bed. An important advantage, of placing all reformatories under a single control, is that the several staffs of all the institutions would be members of a single service, giving the opportunity to the State of a large choice when occasions for promotion occur, and to the members of the staff opportunities of promotion which are the best means of securing efficient officers.

(8) The whole question of the relation of Imperial and Local charges is, we understand, about to be reviewed by Parliament, and these institutions furnish a remarkable instance of what may be considered an Imperial obligation as distinguished from a Local obligation.

Maintenance of inebriates.

96. The maintenance of inebriates, after accommodation has been found for them, is a matter which requires separate consideration. At present, whether reformatories are provided by Local Authorities, religious or philanthropic bodies, or private persons, the inmates are maintained, in part by the Local Authority, and in part by the State. This arrangement has not worked satisfactorily or harmoniously. On the one hand, Local Authorities have expressed great dissatisfaction at what they consider the insufficiency of the State contribution; on the other, the Treasury and Home Office have regarded the demands of the Local Authorities as exorbitant. So great has been the friction thus arising, that in June, 1907, the London County Council resolved to discontinue its contract with "The National Institutions," whose five reformatories were receiving cases from the London district. The effect of this resolution was to render the Act of 1898 practically inoperative so far as London is concerned, and to refill the prisons with inebriates who ought to have been in reformatories. Since that date at least nine other less important authorities have followed suit. See Evidence Vol. pp. 209–216. Appendix.

Having regard to this regrettable controversy, and to the fact, of which our investigations have satisfied us, that the administration of institutions by the State is more economical than that by Local Authorities, we have no hesitation in recommending that the entire maintenance of inebriates in reformatories, should be taken over by the State. Recommendations XXV and XXVI.

State provision is the only satisfactory permanent solution of the problem, but if this solution must be unavoidably postponed in view of the pending re-adjustment of the Imperial and local burdens, or for any other reason, the only possible temporary alternative is for the State and Local Authorities to undertake the joint financial responsibility on the lines laid down in the Report of the Royal Commission on the Care and Control of the Feeble-Minded. [Cd. 4202; 1908.]

97. We now have to consider one of the most important matters connected with our enquiry, viz., the cost involved in carrying out our proposals.

Provision for poor or destitute cases in Retreats.

98. So far as work under the Habitual Drunkards Act, 1879, is concerned, it seems necessary to draw attention to the difficulty which has hitherto been experienced in providing accommodation for poor or destitute inebriates. Up to the present time all Retreats have been established by voluntary effort, either as philanthropic enterprises or proprietary ventures, but none of them have been adapted to the reception of persons who cannot contribute a reasonable sum towards their own maintenance.

99. If our suggestions for the amendment and extension of the Act of 1879 are approved and acted upon, a great increase in the demand for accommodation will undoubtedly follow. We think that, for the benefit of persons who are able to support themselves, accommodation will eventually be provided to meet the demand; and that, so far as this class is concerned, no difficulty will arise. The reverse, however, obtains in regard to the moderately poor or the destitute, who can only contribute a small sum or nothing at all towards their maintenance. There is no reason to anticipate that any Local Authority, philanthropic body, or private person, will be willing in future to undertake the sole burden of these persons, any more than they have been in the past. And yet accommodation for such cases must be provided, otherwise the powers we have suggested, to enable the application of control over inebriate persons before they become criminal, and when they are more reformable, will be entirely nullified.

100. Under Section 14 of the Inebriates' Act, 1898, Councils of Counties and Boroughs are, at present, empowered to contribute towards the establishment and maintenance of Retreats. It is doubtful whether, under this Section, a Council could itself establish a Retreat, and it has been suggested in evidence given before us on behalf of the London County Council, that the law should be so amended as to remove that doubt. Gomme, Evidence V p. 191.

We are of opinion that provision should be made, for the accommodation and maintenance in Retreats of persons who cannot be provided for at their own cost, or at that of their relatives or friends. We accordingly recommend that the State itself, or in combination with the Local Authorities, should provide for such cases, power being given to recover from the inebriate himself or from those legally liable for his maintenance, contributions towards the costs incurred. Recommendations XXVII–XXVIII.

We may mention that in two instances, viz., at Duxhurst and Brentry, it has been found practicable to carry on within one curtilage, and under one management, both a Retreat and a reformatory.

Provision for Inebriates sentenced in Courts of Law.

101. Before entering upon any consideration of financial matters relating to the detention of persons who are sentenced by Courts of Law, it seems necessary to emphasize the fact that the expenditure of money upon such persons is not by any means a new, or avoidable, charge upon the public funds.

Criminal Inebriates already a financial burden.

102. When allowed the comparative freedom which enables them to commit repeated offences, inebriates of this class are already a serious financial burden upon the community, to an extent which is perhaps not fully realised. Amongst other items of expenditure there is the provision of more prison accommodation than would be necessary if recidivist drunkards were more or less continuously removed from the population; maintenance in prison during many periods of detention every year; maintenance in police cells after arrest and during remand when awaiting trial; the

police surgeon's fee for examination after arrest in drunken or comatose condition; carriage backwards and forwards from court to prison, and fare home after termination of sentence, when the prison is not situated in the town to which the inebriate belongs. Added to these expenses, there are such charges as are associated with the cost of every hearing; charges for entering recognizances, returning convictions, witnesses' fees, cost of summonses, and the preparation of warrants of committal to prison. In the event of committal for trial, there are the expenses of indictment, maintenance in prison on remand, and the subsequent expense of trial at Assizes or Sessions. These are some of the regular and definite causes of expenditure; but there are others which cannot be ignored. Inebriates of this class often become insane and need detention in asylums; or they become diseased, decrepit, and prematurely aged, to fall a burden upon charity or the poor law.

Finally, there is the damage caused to person and property during drunken outbreaks, and occasional damage to the police leading to sickness, sometimes to retirement, and, now and then, to an award as compensation for permanent injury. Detention in reformatories uses public money, otherwise spent fruitlessly, in a manner more likely to result in protection to the community, and possible benefit to the inebriate. Spent in the way above described, it appears to us that the money benefits the community but little, and the inebriate not at all. These reasons satisfied us (1) that the expenditure of money upon inebriates cannot be avoided; and (2) that all such expenditure should be directed towards their reformation, or, failing reformation, towards their more continuous detention in the interests of public economy.

Number of Certified Inebriate Reformatories, and Cost of Establishment.

103. At the time of our enquiry, we found eleven certified reformatories in regular work, one of which consisted merely of a small certified portion of a larger institution. The remaining ten were specially established, at the following cost:—

Reformatory.	By whom established.	Approximate Cost of Establishment.	No. of Beds.	Approximate Cost per Bed.
		£		£
Langho	Lancs. County Council	110,349	185	596
Cattal	Yorks. County Council	43,403	80	542
Farmfield	London County Council	45,584	113	403
Brentry	Joint Board of 24 Local Authorities	48,102	240	200
Duxhurst	Lady Henry Somerset	6,000	32	187
Horfield	National Institutions for Inebriates	3,640	20	182
Chesterfield	" " "	7,862	57	138
Lewes	" " "	16,164	150	108
Ackworth	" " "	9,070	90	101
East Harling	" " "	29,980	300	100
		320,154	1,267	Average, 252

£252 per bed repayable in 30 years, with 3 per cent. interest, is equal to £12 17s. 2d. per annum, or about 4s. 11d. per bed per week.

Cost of maintenance of Inebriates.

104. The figures relating to the maintenance cost of inmates of reformatories during 1907, recently published, show amounts varying from about 11s. 4d. to about £1 4s. 5d. per inmate, per week, exclusive of any deduction for inmates' labour. The average cost of maintenance throughout reformatories during that year being 13s. 10d. per inmate per week. Report of Inspector under the Inebriates Acts 1907. (Cd. 4342.)

105. It is, therefore, clear that the average cost of inmates during 1907 amounted to 4s. 11d. per head on account of capital charges for buildings (see para. 103), and 13s. 10d. for maintenance; a total of 18s. 9d. per week.

There is no evidence to show that, during any previous year, the cost of the detention of inebriates throughout England and Wales has been less than this amount. It is true that, taken separately, the cost of detention was less than the above-mentioned amount in some reformatories; but, on the other hand, in others it was much greater.

Present excessive cost of buildings and maintenance.

106. We are not prepared to justify the erection of reformatories at anything approaching the amount per bed expended by the Lancashire, Yorkshire, and London County Councils, even though subsequent additions, put up at much less cost, may reduce the amount per bed considerably below that now stated. We consider

the expenditure by those bodies upon new buildings is unjustifiable and a waste of public money. Nor are we prepared to agree that 15s. 11d. per week by Duxhurst, 16s. 10d. by Farmfield, and £1 4s. 5d. by Cattal, spent on maintenance alone, is reasonable, in view of the class of cases committed to those institutions. Magnificence of design, arched ceilings, oak-panelled board-rooms with expensive wood carvings, elaborately tiled passages, and stained glass windows, are not essentials. In making provision at the public expense, the normal requirements of the persons to be provided for should be the chief consideration: the mere fact that a person has become an inebriate should not, of itself, entitle him to be maintained under conditions altogether superior to those to which he has been accustomed. The conditions should be improved only to the extent which is essential for his proper treatment as an inebriate; and the fact that such conditions have been secured, to the satisfaction of H.M. Inspector, at so low a cost as £100 per bed, and at 11s. 4d. per week per inmate, for maintenance, makes it impossible to justify the far higher expenditure incurred by Local Authorities.

History of State contributions towards provision for inebriates.

107. We may here give a brief account of the State contributions which have been made, the recent reduction of which has given rise to the present unfortunate differences between the Home Office and the Treasury on the one hand, and Local Authorities on the other.

Departmental Committee 1898, on Regulations for Reformatories.

108. In October, 1898, a Departmental Committee was appointed, under the chairmanship of Mr. W. P. Byrne, C.B., to frame Regulations for Reformatories, and, incidentally, to advise the Secretary of State as to the amounts to be contributed by the Government towards the maintenance of inebriates committed to those institutions.

109. That Committee reported as follows:—

"We have considered various suggestions made with a view to encouraging local authorities "to bear their share in the necessary expenditure, and we strongly recommend that a circular "should be addressed to them calling their attention to the new powers conferred on them, and "inviting their co-operation. Although after full consideration we do not think it at present "practicable, there would be certain advantages in a system under which the amount of the "Government grant should be contingent on the amount of the local authorities' contribution, as, "for instance, if the Government undertook to contribute 2s. per head per week for each 1s. "provided locally, the maximum Government grant being fixed at 8s. If all local authorities at "once agreed to contribute at least 3s. or 4s., this would be a very good arrangement; the burden "of maintenance would be thrown in fairly equitable proportions on State funds, local funds, and "the funds to be created by labour of the inmates of the institutions.

"We have, however, to report that some apprehension is felt by managers of proposed "institutions that contributions from local funds may not be forthcoming, and we are satisfied that, "unless managers see a prospect of prompt public aid, both certain and substantial in amount, "there is a great danger of the Act failing to come into effect.

"We therefore recommend that the Treasury be asked to promise a grant of 10s. 6d. This "sum, we are satisfied, will secure the establishment of institutions under the Act, and we do not "think it will be more than sufficient to pay the proportion of the expenses of maintenance which "may fairly be claimed from the State, and in any case the managers of the institutions will have "to incur heavy initial expense in establishing them.

"We have no doubt but that the available income of different reformatories, derived from "subscriptions, local contributions, and labour, will bear very varying proportions to the numbers "to be maintained. But we are not at present prepared to recommend that the Treasury contribu- "tion should be reduced in the case of institutions which derive even a substantial maintenance "fund from charity.

"We think, however, that the rate contributed by the Treasury should be subject to revision "at the end of, say, three years, and with a view to this revision and to gain other important "objects, we strongly urge that the Certified Reformatory should be required to furnish to the "Home Office annually a full account of all receipts and payments."

State contributions towards cost of inmates of Reformatories.

110. In accordance with this recommendation, a circular was issued by the Home Office, which contained, amongst other things, a notification that the Treasury had consented to pay to the Managers of reformatories the sum of 16s. per week for every case committed to their care under Section 1 of the Act, and 10s. 6d. for every case committed under Section 2. These terms were to remain in force for three years, after which they would be subject to revision.

111. In making such terms, it seems evident that the State considered itself entirely responsible for the expenses of detention of Section 1 inebriates; at the same time estimating 16s. as the total justifiable cost. On the other hand, some responsibility for the cost of detention of Section 2 inebriates was placed upon local authorities.

112. At the end of three years after the issue of this first circular, the Government contribution was reconsidered; and, no evidence being forthcoming that any reduction was justifiable, the original terms were renewed for a further three years. After a second term of three years a further renewal for one year was decided upon.

113. In the meantime, an association known as the "National Institutions for Inebriates," had reconstructed and adapted some existing buildings at a comparatively cheap rate, and had shown that they could maintain the inebriates committed to their care at a less weekly cost than was found to be possible in reformatories conducted by Local Authorities. One reason, no doubt, why the cost of maintenance in reformatories under private management is lower than the cost of public management, is the fact that they are conducted and financed by an individual, or a committee, responsible for confining the expenditure within the limit of income; whilst the institutions of local authorities are managed and financed by committees which have no direct pecuniary responsibility. Public institutions have no definite limit of expenditure except an estimate for the year, which is not considered binding. The fact that maintenance has been provided to the satisfaction of H.M. Inspector at a lower rate, makes it clear that maintenance at the high rates incurred by Local Authorities could not possibly be justified.

114. A Treasury circular was accordingly issued, allowing the continuance of the original rates of Government contribution for the first six years of the existence of all reformatories then certified; but notifying the reduction of the grant, after such period had elapsed, to 14s. per week for Section 1 cases, and to 7s. per week for cases committed under Section 2. Evidence Vol. p. 11.

As Brentry and Farmfield had both been in existence for six years, or nearly six years, the reduction of the grant came into force almost as soon as this circular was issued. Protests were sent to the Secretary of State from the managers of both these institutions, and, not receiving any reply satisfactory to them, the London County Council terminated their boarding-out contracts; which applied to four-fifths of all the inebriates for whose detention they were responsible. The Clerk to the Lancashire Inebriates' Acts Board, who gave evidence before us, also spoke in strong terms as to the inadequacy of the revised Government contribution. Evidence Vol. pp. 190, 209-216. Clare, 1578.

Economic advantages of State provision of accommodation and maintenance.

115. We are convinced that so long as the work of inebriate detention is in the hands of disconnected bodies, each administering comparatively small institutions, the cost must be greater than if the work is conducted in larger institutions under one central management. The economic advantages achieved when provision is made by a judicious combination of authorities, is shown at Brentry. Here a joint board of twenty-four Local Authorities has provided for inebriates at a cost of £200 per bed, and of 12s. 10d. per week per inmate for maintenance. These figures are considerably lower than those incurred by Local Authorities acting alone, viz.:—the Lancashire County Council, where the similar figures are £596 and 14s. per week, the Yorkshire County Council, £542 and 24s. 5d. per week, and the London County Council, £403 and 16s. 10d. per week. We are of opinion that still greater saving to the country would result, yet with no loss of efficiency, if the State undertook the entire provision of accommodation and maintenance. A valuable object lesson to this effect is afforded by the results of the acquisition of the prisons from the Local Authorities by the State.

116. We recommend that all existing institutions, so far as they are found suitable to the work, should be purchased by the State at a sum which, including all necessary extensions and alterations, should not exceed £150 per bed; and that, where any existing institution cannot be so adapted or purchased, and one is needed in the same vicinity, a new institution should be specially provided at not more than that cost. It might appear, at first sight, that by so limiting the cost, we were ruling out any possibility of the purchase, by the State, of buildings at present erected by Local Authorities; this, however, is not the case. It is alleged that a great part of the excessive cost per bed in institutions provided by Local Authorities is due to their having built administrative blocks, &c., which would suffice for a far larger number of inebriates than can at present be accommodated. If this allegation is true, the provision of additional accommodation, which would undoubtedly be required, would proportionately reduce the cost per bed; in some instances, indeed, to a surprising extent. In Recommendation XXVI.

one case we understand that, without any addition to administrative equipment, at least 300 beds could be added to the institution, at a cost of about £80 a bed.

It must be remembered, too, that some part of the original cost has already been repaid. In making the Treasury grant of 10s. 6d. per week, allowance was made for the heavy initial expenses incurred by Local Authorities and others in establishing institutions. There is, also, the important item of depreciation. The financial aspect and possibilities, in each particular case, must be determined by valuation in the first instance, and finally by resort to arbitration. If it is found impossible to purchase an existing reformatory on terms which would, with the additional accommodation, not exceed £150 per bed, there is little doubt that the Local Authority, with the varied demands now made upon it for institutional accommodation, would be able to adapt it to one or other of these purposes. See para. 1

117. A loan effected for the purchase, or provision, of reformatories at this rate, repayable in thirty years at 3 per cent. would mean a cost per bed during that period of a little over 3s. per week. Allowing for contingencies, such as the unlikely possibility of each bed being empty one-sixth of each year, the cost per inmate would not exceed 3s. 6d. per week.

118. After institutions have been provided, we see no reason why the maintenance cost of inmates should materially differ from the average Prison maintenance rate. This, according to the report of the Commissioners of Prisons for 1907-8, amounted to 11s. 4d. per head per week.

119. In view of the fact that all inebriates, detained in reformatories during 1907, cost the country, in taxes and rates, the sum of 18s. 9d. per head per week (See para 105), it is clear that such a scheme for State control as we have suggested would lead to a large saving. One thousand inebriates, detained under a continuance of the present system, means a charge of £48,883 per annum; whereas the same number controlled by the State, at a sinking fund charge of 3s. 6d. per head, and a maintenance rate of 11s. 4d., would mean a total expense of £38,672 only: a clear saving of £10,211 every year upon every thousand cases under detention.

Contribution towards cost of maintenance of inebriates.

120. In the event of any Authority (whether the State or the Local Authority) incurring any expense with regard to the maintenance of an inebriate, we recommend that such Authority should have power to enforce contributions, from the inebriate himself, or from those legally liable for his maintenance. Recommendation XXVIII.

121. We carefully noticed the nature and amount of work undertaken by the inmates of the various institutions we visited. We were not satisfied that in all instances as much work was being performed by the inmates as was desirable. Work is essential in the interest of the authorities, as tending to lessen the cost of maintenance; and in the interest of the inmates, as tending towards their reformation. Recommendation XL.

We are aware that there is a difficulty in disposing of articles made by inmates of public institutions. We think, however, no objection should be raised to the sale of such articles, if they are not sold below the current market rates, or exclusively in the locality.

Moreover, by a judicious co-operation between the various inebriate reformatories, outside sales might to some extent be avoided; it should be arranged, as far as possible, that articles required in institutions should be made in institutions, and distributed from one to another as needed. If this could be arranged, it would enable the managers of reformatories to grant remuneration on a higher scale than at present, and thus encourage industry on the part of the inebriate, enable him to transmit more money to his family, or to accumulate a larger sum in preparation for his discharge.

It may not always be practicable to employ inmates at the trade to which they have been apprenticed, though this is desirable wherever possible. We would suggest, however, that notice of the reception of any inmate who happened to be a skilled labourer, but for whose services the particular institution had no need, should be sent to other institutions with a view to his being transferred to another in which his services might be usefully employed.

RECOMMENDATIONS.

Having considered the evidence presented to us, we beg to recommend—

Recommendation I.

Consolidating and amending Act.

That the provisions of the Inebriates' Acts, 1879 to 1899, so far as may be necessary to carry out our Recommendations, be repealed; and that an Act be passed consolidating, amending, and extending the law relating to inebriates.

Recommendation II.

Definition of Inebriate

That in the suggested consolidating Act the term Inebriate be substituted for that of Habitual Drunkard, and be defined as follows:— See paras. 16, 17, 59, 60.

"An inebriate is a person who habitually takes or uses any intoxicating thing or things, and while under the influence of such thing or things, or in consequence of the effects thereof is—

"(*a*) Dangerous to himself or others; or

"(*b*) A cause of harm or serious annoyance to his family or others; or

"(*c*) Incapable of managing himself or his affairs, or of ordinary proper conduct."

Recommendation III.

Licensing of Retreats.

That the powers to license, and other powers now exercised with respect to Retreats by Local Authorities, should be in the hands of the Secretary of State. That all licensed Retreats should be subject to further inspection by persons, appointed by Quarter Sessions, who should report to the Secretary of State. See para. 18.

Recommendation IV.

That it should not be lawful for any person for payment to board and lodge in an unlicensed house more than one inebriate at the same time. See para. 19.

Recommendation V.

Abolition of Stamp Duty on Licenses.

That the stamp duty, imposed by the Habitual Drunkards Act of 1879, on licenses of Retreats be abolished. See para. 20.

Recommendation VI.

Leave of absence from Retreats.

That the licensee of a Retreat should have power to grant leave of absence to any patient therein for any reason the licensee may consider satisfactory. See para. 22.

Recommendation VII.

Retaking of inmates of Retreats.

That power be given to the licensee of a Retreat, or any person authorised in writing by him, to retake any inmate who has escaped therefrom, or who, during leave of absence, takes or uses any intoxicant. The escape and circumstances of recapture should be notified by the licensee to the Secretary of State, and either to one of the persons signing the statutory declaration made on admission, or to the person who made the last payment on behalf of the inmate. See para. 23.

Recommendation VIII.

Transfer of Inebriates.

That power be given to the Secretary of State to transfer any inebriate from one Retreat to another; provided that the consent, to such transfer, of the inebriate and of the person who made the last payment on his behalf, have been previously obtained. See para. 24.

Recommendation IX.

Discharge from Retreats.

That no order for the discharge of an inmate from a Retreat, before the expiration of the period for which he signed, should be made, unless 14 days' previous notice of the hearing of the application has been given to the licensee of the Retreat, and either to a person who signed the statutory declaration, or to the person who made the last payment on account of the inmate. Such persons to have a right to attend the hearing and tender evidence. See para. 2

Recommendation X.

Voluntary legal obligations.

That inebriates should be allowed to enter, before a Justice of the Peace, into a legal obligation to abstain from intoxicants for a specified period not less than one year. The form of application should be set forth in the suggested consolidating Act, and should include a certificate, to be signed by the Justice of the Peace, to the effect that he has explained to the applicant the nature of the document, and the consequences of any breach of the obligation contained therein. These consequences should be clearly shown on the form of the obligation. See paras. 26, 27.

Recommendation XI.

Voluntary guardianship.

That inebriates should be permitted to apply voluntarily to a Justice of the Peace for an order of guardianship. The Justice of the Peace should satisfy himself (*a*) that the applicant is an inebriate; (*b*) that he understands the nature and effect of his application; and (*c*) that the person named as guardian is willing to act in that capacity. Being satisfied on these points, the Justice of the Peace should be empowered to appoint forthwith the guardian as desired. The term of such guardianship should be for any period named by the applicant not exceeding one year. See paras. 28, 29.

Recommendation XII.

Powers of voluntary guardian.

The guardian so appointed should have power :—

(1) To prescribe for the inebriate a place of residence, either in the house of the inebriate or in that of the guardian. See para. 2

(2) To deprive the inebriate of intoxicants, and prevent him from obtaining them.

(3) To require the inebriate to submit to the control of nurses or attendants, in so far as the guardian may consider necessary.

(4) To warn sellers of drink and drugs, and other persons, against supplying the inebriate with the same; supply after warning to be an offence under the Act.

If, in the opinion of the guardian, the above-named powers prove insufficient to enable him to exercise a proper control over the inebriate, this should form a ground for an application for compulsory measures to be applied (see Recommendation XIII.).

Recommendation XIII.

Compulsory guardianship and committal to Retreats.

That—

(1) Power be given to a relative, friend, or guardian voluntarily appointed, to petition a Judicial Authority for a compulsory order of guardianship, or for committal to a Retreat. See paras. 31-36.

(2) When such a petition is presented, it should be accompanied by a medical certificate, unless the inebriate has refused to submit himself to medical examination, and by a statutory declaration signed by the petitioner and at least one other person, to the effect that the alleged inebriate is a person to whom the Act applies.

(3) On the receipt of the petition and the documents aforesaid, the Judicial Authority should visit the alleged inebriate, or summon him to appear before him to show cause why he should not be subjected to guardianship or committed to a Retreat. These proceedings should be conducted, if desired by the alleged inebriate, in private, both parties being entitled to be represented by solicitors or counsel.

(4) Having satisfied himself that the alleged inebriate is an inebriate within the meaning of the Act, the Judicial Authority should point out to him the advantages of the voluntary provisions already suggested. If the inebriate is unwilling to take advantage of these provisions, or if he has previously taken advantage of them, but has failed to observe the conditions thereof, the Judicial Authority should be empowered to make an order for either compulsory guardianship, or committal to a Retreat.

(5) When the Judicial Authority has satisfied himself that the case is one in which a compulsory order should be made, he should exercise his discretion as to the nature of that order. Guardianship is a less severe measure than detention, and should always be resorted to, when practicable and likely to meet the needs of the case.

(6) If the Judicial Authority is not satisfied, he should adjourn the consideration of the petition, or dismiss the petition. If he is of opinion that the petition is frivolous and vexatious, and ought not to have been presented, he should be empowered to order the petitioner to pay the costs of the proceedings.

Recommendation XIV.

Powers of compulsory guardian.

That a compulsory order of guardianship should specify as guardian of the inebriate some person or persons willing to act in that capacity. The order should be made for any term not exceeding one year. See para. 38.

The guardian should have power—

(*a*) To prescribe for the inebriate a place of residence, either in the house of the inebriate or in that of the guardian, or in that of a licensee under the Act, but in no other place.

(*b*) To place the inebriate in the care of a custodian, being a licensee under the Act.

(*c*) To deprive the inebriate of intoxicants, and prevent him from obtaining them.

(*d*) To prevent the inebriate from leaving the prescribed residence unattended by a responsible person.

(*e*) To require the inebriate to submit to the attendance of such nurses or attendants as the guardian may think necessary.

(*f*) To warn sellers of drink and drugs, and other persons, against supplying the inebriate: supply after warning to be an offence under the Act.

(*g*) To delegate any of the powers (*c*) to (*f*) to the custodian.

It should be the duty of the guardian to provide for the inebriate such medical attendance as may be necessary.

The guardian, or custodian, should have power to release the inebriate on parole, with or without conditions, and to relax the powers (*d*) and (*e*) at discretion.

Recommendation XV.

Definition of Judicial Authority.

That the words "Judicial Authority" should mean and include a Judge of the High Court of Justice, County Court Judge, Recorder, Stipendiary Magistrate, any two Justices, or any Justice of the Peace specially appointed by Quarter Sessions. See para. 37.

Recommendation XVI.

Retaking of inebriate escaping from custody of guardian.

That power be given to the guardian, or any person authorised in writing by him, to retake an inebriate under guardianship, in the event of his escaping from the charge of the person in whose care he has been placed. See para. 39.

Recommendation XVII.

Order of detention in a Retreat.

That an order of detention in a Retreat should mean an order for the conveyance of the inebriate to, and his reception and detention in, a Retreat licensed under the Inebriates' Acts, the managers of which are willing to receive him. Such an order should be made for any period not exceeding one year, and should have the same effect as if the inebriate had been admitted to a Retreat on his own application. See para. 40.

Recommendation XVIII.

Payment of expenses of guardianship and maintenance.

That, when making an order of guardianship, or an order for compulsory detention in a Retreat, the Judicial Authority should also be empowered to require the inebriate to pay, out of his estate, the expenses of guardianship, or of maintenance in a Retreat, to such an extent as the Judicial Authority shall consider reasonable and proper. Or he should satisfy himself that these expenses will be met in some other way. See para. 41.

Recommendation XIX.

Protection to persons acting in pursuance of suggested Consolidating Act.

That protection should be afforded to persons acting in pursuance of the suggested Consolidating Act, so that such persons shall not be liable to any civil or criminal proceedings, whether on the ground of want of jurisdiction or on any other ground, if such persons have acted in good faith and with reasonable care. See para. 77

It should be enacted that if any proceedings are taken against any person for acting in pursuance of the said suggested Act, such proceedings may, upon summary application to the High Court, or a Judge thereof, be stayed upon such terms as to costs and otherwise as the Court or Judge may think fit, if the Court or Judge is satisfied that there is no reasonable ground for alleging want of good faith or reasonable care.

Any action brought by any person who has been detained as an inebriate against any person for anything done under the said suggested Act should be commenced within 6 months, or by the special leave of the Court within 12 months, next after the release of the party bringing the action.

Recommendation XX.

Powers of magistrates to deal summarily with inebriate offenders.

That Magistrates should have discretionary power to send to Reformatories, in addition to or in substitution for imprisonment, all persons who are adjudged to be inebriates who commit offences which can now be dealt with summarily by committal to prison, and that they should likewise be empowered to deal in a similar manner with inebriates convicted before them of neglect of or cruelty to children, attempted suicide, wounding not amounting to felony, or wilful damage. See paras. 50-52.

Recommendation XXI.

Committal of inebriates for trial.

That, when an inebriate is committed for trial, the proper officer should be instructed to include inebriety in the indictment, so that the matter may be brought to the attention of the superior court. See paras. 5[illegible] and 53.

Recommendation XXII.

Necessity for three previous convictions abolished.

That the necessity for proving three previous convictions, before an inebriate can be sent to a Reformatory, should be abolished. See para. 61

Recommendation XXIII.

Consent of inebriate to being dealt with summarily no longer necessary.

That the consent of the inebriate to be dealt with summarily should no longer be necessary in order to enable the Magistrate to deal with him, either when the offence is included in Schedule I. of the Inebriates' Act, 1898, or is one of the offences referred to in Recommendation XX. See para. 62

Provided that any person adjudged to be an inebriate, and sentenced to a Reformatory, should have the right of appeal to Quarter Sessions.

Recommendation XXIV.

After-care of Inebriates.

That a Treasury grant should be made to any After-Care Associations approved by the Secretary of State to induce them to render assistance to inebriates on their release from Reformatories. See para 78.

Recommendation XXV.

State provision for inebriates committed by Courts.

That the State should, at its own cost, provide for the accommodation and maintenance of all inebriates who are committed by the Courts. See paras. 92-96, 115-119.

Recommendation XXVI.

State acquisition of existing reformatories.

That existing Reformatories, so far as they are found suitable and adaptable to a general scheme, should be taken over by the State at a total cost which, including all necessary extensions and alterations, should not exceed £150 per bed, and that the State should provide any further Reformatory accommodation which is found to be necessary, at a cost if possible not exceeding this amount. See paras. 92-96, 115-119.

State itself, or in combination with Local Authorities to provide for poor or destitute inebriates in Retreats.

RECOMMENDATION XXVII.

That the State itself, or in combination with County and Borough Councils, should provide for the accommodation and maintenance in Retreats of inebriates who cannot be suitably provided for, either at their own cost, or at that of their relatives or friends.

See paras. 14, 98-100.

Contributions towards cost of maintenance.

RECOMMENDATION XXVIII.

That, in the event of any Authority (whether the State or Local Authority) incurring any expense with regard to the maintenance of an inebriate, power be given to that Authority to enforce contributions from the inebriate himself or from those legally liable for his maintenance.

See paras. 100, 120.

State reformatories for troublesome cases.

RECOMMENDATION XXIX.

That the State should continue to provide, maintain and manage Reformatories for the detention of troublesome or undesirable inmates. That the accommodation provided at Aylesbury for female inmates should be maintained; but that the accommodation at Warwick for male inmates, being inadequate, should be supplemented, or replaced, by a new institution specially provided for the purpose.

See paras. 88-91.

Committal of inebriates to reformatories and their release on probation.

RECOMMENDATION XXX.

That, when a person is charged before a Court of summary jurisdiction with an offence of which drunkenness is an ingredient, or with one of the offences referred to in Recommendation XX., into which drunkenness appears to the Court to enter as a contributing cause, the Court should consider whether the offender comes within the definition of an inebriate, and if the offender is adjudged to have committed the offence with which he is charged, and to be an inebriate, the Court should have power :—

See para. 70.

(1) To deal with the offender under the Probation of Offenders Act by discharge on recognizances to come up for sentence if called upon. The conditions of probation should be as follows :—in addition to or in substitution for such conditions mentioned in Section 2 (2) of the Probation of Offenders Act, 1907, as are applicable to an inebriate, the Probation Order should contain the following conditions, viz., the inebriate shall not

(*a*) Be intoxicated.

(*b*) Take or use, or obtain or possess for his own use any intoxicating thing or things.

(*c*) Change his abode without previously giving his new postal address to the probation officer.

(*d*) Fail to report in person or by letter in his own handwriting on his health and occupation to the probation officer periodically as the Court may direct.

The offender should then be subject for a specified time, which should not be less than six months, nor more than one year, to the supervision of a probation officer. We are strongly of opinion that this officer should not be a member of the police force.

Should the inebriate, after discharge on probation, fulfil the conditions of the probation for the full period, he should stand completely discharged; but should he commit any breach of the conditions of his probation, he should be brought before a Court of summary jurisdiction, which should have power, on proof of such breach, either to renew the probation with a caution or surety, or to commit the offender to a reformatory.

(2) Should the Court consider release on probation to be undesirable, the Court should have power, under the ordinary law—

(*a*) To commit the offender, whether he consents to be dealt with summarily or not, and with or without a preliminary penal sentence, to a reformatory for inebriates, or

(*b*) To commit the offender for trial as an inebriate offender, care being taken to include inebriety in the indictment.

(3) Courts of Assize and of Quarter Sessions should have power to sentence a prisoner to a Reformatory, with or without a preliminary penal sentence, and in the latter case, to suspend the operation of the order for committal to a reformatory pending

the result of a trial on probation under a probation officer. Should the prisoner fulfil the conditions of his probation for the full period thereof, he should stand completely discharged; but should he commit any breach of these conditions, he should be brought before a Court of summary jurisdiction which should have power, on proof of such breach, to order the suspended sentence, pronounced by the Court of Assize or Quarter Sessions, to come into force.

Recommendation XXXI.

Form of sentence and conditions of probation.

That, when a person is committed to a Reformatory for inebriates for the first time, the sentence should be that he should be detained therein for "a period not exceeding six months," and be subjected on his release to a period of probation not exceeding one year under the charge of a probation officer. Provided always that power should be given to the authorities of Reformatories to release inebriates for short periods on parole, as a preliminary to discharge on probation. See para. 71

Recommendation XXXII.

That, when an inebriate who is released on probation for the first time from a Reformatory, forfeits such probation for breach of the conditions thereof, he should be brought before a Court of summary jurisdiction, which should, on proof of such breach, either renew the probation with a caution or surety, or sentence the offender to a Reformatory for "a period not exceeding one year," and to be subjected on his release to a period of probation not exceeding one year under the charge of a probation officer. See para. 72

Recommendation XXXIII.

That, when an inebriate again forfeits such probation for breach of the conditions thereof, he should be brought before a Court of summary jurisdiction, which, on proof as before, should sentence him to detention in a Reformatory for "a period not exceeding two years," and to be subjected on his release to a period of probation as before. See para. 73

Recommendation XXXIV.

That, any subsequent breach of the conditions of probation should be followed by a similar sentence for "a period not exceeding three years," and to be subjected on his release to a period of probation as before. See para. 73

Recommendation XXXV.

Discharge on probation from reformatory.

That, when an inebriate, discharged on probation from a Reformatory, fulfils the conditions of the probation for the full period, he should stand completely discharged. See para. 7

Recommendation XXXVI.

That no person sentenced for "a period not exceeding three years" to a Reformatory should be released therefrom at any period less than the maximum period of the sentence imposed by the Court, unless the Secretary of State is satisfied that the inebriate will not be likely to relapse into drunkenness. See para. 7

Recommendation XXXVII.

Provisions as to inebriates convicted under the Inebriates' Act, 1898.

That any inebriate who has been sentenced to a Reformatory under the Inebriates' Act, 1898, for period of two years or more, and who, within twelve months of the expiration of his sentence is again convicted of an offence against the amending Act, should be liable, on conviction, to be sentenced to a Reformatory for "a period not exceeding three years," and to be subjected on his release to a period of probation not exceeding one year. See para. 7

Recommendation XXXVIII.

Provisions as to inebriates convicted under the Inebriates' Act, 1898—*cont.*

That the Secretary of State should have power to order the release on probation of any inebriate under detention at the time of the passing of the Amending Act: and that, when released, the inebriate should, on breach of the conditions of probation, be liable, on conviction, to be sentenced to a Reformatory for "a period not exceeding one year," and to be subjected on his release to a period of probation as before. See para. 75.

Recommendation XXXIX.

Persons who, through *delirium tremens*, are chargeable to rates to be deemed inebriates.

That any person who, by *delirium tremens*, has made himself a charge upon the rates, should *prima facie* be deemed an inebriate, and liable to be proceeded against as such at the instance of the Guardians to whom he has made himself chargeable. See para. 76.

Recommendation XL.

Facilities for remunerative work in Reformatories.

That greater facilities should be provided for the execution of remunerative work by inmates of Reformatories. See para. 121.

In conclusion, we desire to especially acknowledge the marked ability with which Mr. H. B. N. Mothersole, Barrister-at-law, has discharged the duties as Secretary to the Committee; the work in connection with the sittings and the drafting of the Report has been particularly onerous, and Mr. Mothersole has throughout rendered the most valuable service, and has been of the greatest possible assistance to us.

(Signed) JOHN DICKSON-POYNDER.
W. RYLAND D. ADKINS.*
T. A. BRAMSDON.
R. WELSH BRANTHWAITE.†
WILLIAM C. BRIDGEMAN.
H. E. BRUCE-PORTER.
H. B. DONKIN.
CHAS. A. MERCIER.
JOHN ROSE.

HARTLEY B. N. MOTHERSOLE,
Secretary,

December 18th, 1908.

* I sign the Report subject to the following modification of paragraph 62. I cannot agree to the last sentence but one in that paragraph, as it stands. In my opinion, no Judicial Authority should be empowered to order the detention of an inebriate, at any rate for more than six months, without that inebriate having the right to go before a jury, if he chooses, with the consequential rights under the Criminal Appeal Act, 1906. Right of appeal to Quarter Sessions means an appeal from some magistrates to others; it should be supplemented by a right to go before a jury under the above conditions, if the procedure is to be in full accord with the spirit of our criminal law in respect to the liberty of the subject.

(Signed) W. RYLAND D. ADKINS.

† In accordance with the request of the Secretary of State, I took no part in the enquiry concerning the second reference, nor in the preparation of any paragraphs in the report relating to it.

(Signed) R. WELSH BRANTHWAITE.

COMMITTEE ON THE INEBRIATES ACTS.

MINUTES OF EVIDENCE

TAKEN BEFORE THE

DEPARTMENTAL COMMITTEE

APPOINTED TO INQUIRE INTO THE

OPERATION OF THE LAW RELATING TO INEBRIATES

AND TO THEIR

DETENTION IN REFORMATORIES AND RETREATS,

WITH

Appendices and Indexes.

Presented to both Houses of Parliament by Command of His Majesty.

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DEPARTMENTAL COMMITTEE ON THE INEBRIATES ACTS.

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DEPARTMENTAL COMMITTEE ON THE INEBRIATES ACTS.

WARRANT OF APPOINTMENT.

I hereby appoint

Sir JOHN DICKSON-POYNDER, Bart., M.P.

W. RYLAND ADKINS, Esq., M.P.

T. A. BRAMSDON, Esq., M.P.

R. W. BRANTHWAITE, Esq., M.D., H.M. Inspector under the Inebriates Acts.

W. C. BRIDGEMAN, Esq., M.P.

H. E. BRUCE-PORTER, Esq., M.D.

H. B. DONKIN, Esq., M.D., One of H.M. Commissioners of Prisons.

C. A. MERCIER, Esq., M.D., Physician for Mental Diseases to Charing Cross Hospital; and

J. ROSE, Esq., Metropolitan Police Magistrate,

to be a Committee

To inquire into the operation of the Law relating to Inebriates and to their detention in Reformatories and Retreats, and to report what amendments in the law and its administration are desirable.

And I appoint

Sir JOHN DICKSON-POYNDER, Bart., M.P., to be Chairman, and

JOHN FREDERICK HENDERSON,* Esq., of the Home Office, to be Secretary of the said Committee.

(Signed) H. J. GLADSTONE.

WHITEHALL,

24th April, 1908.

[*165,108/7. On the 4th of August, 1908, the Secretary of State appointed Hartley B. N. Mothersole, Esq., Barrister-at-Law, to be Secretary of the Committee in place of J. F. Henderson, Esq., resigned.]

THE DEPARTMENTAL COMMITTEE APPOINTED TO INQUIRE INTO THE OPERATION OF THE LAW RELATING TO INEBRIATES.

LIST OF WITNESSES ARRANGED ALPHABETICALLY.

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Bate, G. P., J.P., M.D. - -	Medical Officer of Health for the Borough of Bethnal Green, Divisional Surgeon of Police	4th day—9th July -	706	45
Bennett, H. Curtis- - -	Metropolitan Police Magistrate - -	4th day—9th July -	467	36
Branthwaite, R. W., M.D. -	Inspector under the Inebriates Acts -	1st and 2nd days—12th and 14th May	121	12
Byrne, W. P., C.B. - - -	An Assistant Under Secretary of State for the Home Department	1st day—12th May -	1	1
Clare, Harcourt E. - -	Clerk of the Lancashire County Council, Clerk of the Lancashire Inebriates Acts Board	6th day—24th July -	1548	72
Hogg, F. S. D., L.R.C.P. (Lond.), M.R.C.S.	Resident Medical Superintendent of Dalrymple House, Rickmansworth	5th day—15th July -	1267	63
Holmes, T. - - - - -	Secretary of the Howard Association, formerly Police Court Missionary for 21 years	6th day—24th July -	1482	70
Levy, J. H. - - - - -	Honorary Secretary of the Personal Rights Association	7th day—23rd Oct. -	1709	80
Mulvany, J. - - - - -	Superintendent of the Metropolitan Police, Whitechapel Division	6th day—24th July -	1356	66
O'Farrell, Sir George P., M.D.	Inspector of Lunatic Asylums in Ireland, Inspector of Inebriate Retreats and Certified Inebriate Reformatories	5th day—15th July -	840	50
Pooler, H. W., M.B., M.R.C.S., L.R.C.P.	——	5th day—15th July -	908	53
Somerset, Lady Henry - -	Superintendent of Duxhurst Farm Colony, Retreat and Reformatory	5th day—15th July -	1065	57
Sullivan, W. C., M.D. - -	Medical Officer H.M. Prison, Holloway -	5th day—15th July -	789	48

THE DEPARTMENTAL COMMITTEE APPOINTED TO ENQUIRE INTO THE OPERATION OF THE LAW RELATING TO INEBRIATES.

LIST OF WITNESSES IN ORDER OF EXAMINATION.

Date.	Name.	Description.	Question.	Page.
1908.				
1st day—12th May	W. P. Byrne, C.B.	An Assistant Under-Secretary of State for the Home Department	1	1
„ „	R. W. Branthwaite, M.D.	Inspector under the Inebriates Acts	121	12
2nd day—14th May	„ „	„ „ „	201	20
3rd day—3rd July	E. Baggallay	Metropolitan Police Magistrate	298	29
4th day—9th July	H. Curtis Bennett	„ „	467	36
„ „	J. Ford Anderson	——	611	42
„ „	G. P. Bate, J.P., M.D.	Medical Officer of Health for the Borough of Bethnal Green, Divisional Surgeon of Police	706	45
5th day—15th July	W. C. Sullivan, M.D.	Medical Officer H.M. Prison, Holloway	789	48
„ „	Sir George P. O'Farrell	Inspector of Lunatic Asylums in Ireland, Inspector of Inebriates Retreats and Certified Inebriate Reformatories	840	50
„ „	H. W. Pooler, M.B., M.R.C.S., L.R.C.P.	——	908	53
„ „	Lady Henry Somerset	Superintendent of Duxhurst Farm Colony, Retreat, and Reformatory	1065	57
„ „	F. S. D. Hogg, L.R.C.P. (Lond.), M.R.C.S.	Resident Medical Superintendent of Dalrymple House, Rickmansworth	1267	63
6th day—24th July	J. Mulvany	Superintendent of the Metropolitan Police, Whitechapel Division	1356	66
„ „	T. Holmes	Secretary of the Howard Association formerly Police Court Missionary for 21 years	1482	70
„ „	Harcourt E. Clare	Clerk of the Lancashire County Council. Clerk of the Lancashire Inebriates' Acts Board	1548	72
7th day—23rd October	J. H. Levy	Honorary Secretary of the Personal Rights Association	1709	80

MINUTES OF EVIDENCE

TAKEN BEFORE THE

DEPARTMENTAL COMMITTEE

APPOINTED TO INQUIRE INTO THE

OPERATION OF THE LAW RELATING TO INEBRIATES AND TO THEIR DETENTION IN REFORMATORIES AND RETREATS;

AND TO REPORT WHAT AMENDMENTS IN THE LAW AND ITS ADMINISTRATION ARE DESIRABLE.

FIRST DAY,

Tuesday, 12th May, 1908.

At the Home Office.

PRESENT:

SIR JOHN DICKSON-POYNDER, BART., M.P. (*Chairman*).

T. A. BRAMSDON, Esq., M.P.
R. W. BRANTHWAITE, Esq., M.D.
W. C. BRIDGEMAN, Esq., M.P.
H. E. BRUCE PORTER, Esq., M.D.
H. B. DONKIN, Esq., M.D.
C. A. MERCIER, Esq., M.D.
J. ROSE, Esq.
J. F. HENDERSON, Esq., *Secretary*.

Mr. W. P. BYRNE, C.B., was called, and examined.

1. (*Chairman.*) You are an Under-Secretary of State at the Home Office?—Yes, I am one of the Assistant Under-Secretaries of State for the Home Department.

2. And you are, I understand, in a position to be able to tell us something of the history, origin and working of the Inebriates Acts?—Yes. I have for a considerable number of years been attached to the Department of the Home Office which deals with habitual drunkards and the administration of the Inebriates Acts.

3. Perhaps you would now be good enough to give us a brief sketch of legislation on this subject, and of the establishment of existing institutions?—The earlier part of legislation regarding inebriates was rather before my official life, but I am more or less aware as to what happened. During the years between 1865 and 1870 public opinion became impressed by the need of some means for the proper treatment and control of inebriates, the then existing method for dealing with them being simply the possibility of repeated short sentences of imprisonment. There was another method which was only occasionally used, namely, binding them over in sureties to be of good behaviour. There was, however, some doubt as to the legal applicability of the second method. Whether legal or not it was a method rarely employed. The futility of short sentences of imprisonment was widely recognised alike amongst prison authorities, visitors of prisons, and magistrates, who saw the same drunkards coming habitually before them in no way improved by the short prison sentences. That fact was impressed upon all classes who had anything to do with these people. The feeling culminated in the appointment of a Select Committee in 1872, and the subsequent presentation to Parliament of a Bill designed to meet obvious requirements. The report of that Select Committee was emphatic. Some of its suggestions have not yet been carried out, although their truth and efficacy has become more and more obvious. The Committee considered that it was shown by the evidence taken before them that many habitual drunkards passed into a morbid condition which rendered it impossible for them to abstain or drink moderately, and, owing to persistent drunkenness, that these persons caused domestic misery, poverty, and degradation, and were dangerous to the community. The Committee recommended the adoption of a system of sureties, and detention for considerable periods in reformatories and industrial reformatories for inebriates. The former were to be divided into two classes: (*a*) Private institutions for those who could pay; (*b*) State or local authority institutions for those unable to contribute. They contemplated that admission might be either by voluntary application or by commital. The industrial reformatories were to be attached to prisons or work-

houses and to receive committed cases only. The resulting Act of 1879, when first presented to Parliament, consisted of two parts:—

Part I.—"Voluntary"—containing provisions applicable to inebriates who realised their unfortunate condition and who were willing on their own initiative to take steps towards recovery, and

Part II.—"Compulsory"—containing provisions applicable under proper safeguards, to that larger class of drinkers who (whether appreciating their condition or not) refuse to be placed out of reach of liquor, and decline to take advantage of any means calculated to exercise restraint over their habits.

Unfortunately at that time, opinion in the country was not ripe for such a far-reaching measure, and, in consequence, the Habitual Drunkards Act of 1879 entered the Statute Book shorn entirely of Part II., its most important feature—the power to commit an inebriate to suitable care and control whether he will or not, when such action is proved to be necessary in the interests of patient, family, or community. The Act as it became law authorised the establishment of "Retreats," but made it essential that a person must voluntarily consent to enter such a retreat before he can legally be detained therein. To ensure fulfilment of this condition the Act required an intending patient to sign a "Request for Reception," which should be attested by two justices, who, on their part, were required to certify that the applicant at the time of signing such document appeared to understand fully the consequences of his action. Two persons (other than the inebriate) were also required to sign a "Statutory Declaration" to the effect that the person asking for admission to the "Retreat" is an inebriate within the meaning of the Act. Although some modifications have subsequently taken place in small details, the fundamental (voluntary) principle of the 1879 Act remains still the same.

4. The 1879 Act is purely voluntary?—Yes. There is no obligation upon any person or authority to establish a retreat and no legal pressure can be brought to bear upon any person to enter a retreat when it has been established. Any person desiring to enter a retreat must do so of his own free will and accord. Naturally the step is generally taken under strong parental or family coercion, such as the stoppage of money supplies or threats to apply for a judicial separation, or something of that sort. With regard to the type of patients dealt with under that Act, as well as the defects in the practical working of the Act, I understand these subjects will be dealt with in the form of evidence by Dr. Branthwaite, one of the members of the Committee, who will be able to tell you everything you desire on these subjects as he has had complete experience of the matter from the very beginning. After the Act of 1879 had been in force for some years, public attention was again drawn to the question, especially to the enormous number of habitual inebriates who were untouched by the Act of 1879, and to the members of that class who, in consequence of their habits, were constantly before magistrates, and as constantly sent to prison and released after serving a short sentence. This agitation resulted in the appointment of a Departmental Committee in 1892 by the then Home Secretary, Mr. Henry Matthews, now Lord Llandaff. It was under the chairmanship of J. Lloyd Wharton, Esq., an experienced chairman of Quarter Sessions. After taking evidence it reported strongly in favour of amended legislation in the following directions:—

1. Greater facility for entering retreats to be afforded to persons who were inclined to consent to detention.

2. Provisions to be added to enable the compulsory committal to retreats of inebriates who refused consent, under suitable safeguards against abuse, and

3. Power to enable the committal to suitable reformatory institutions of persons who by reason of drunkenness bring themselves within the criminal law, or who are repeatedly convicted of drunkenness by magistrates in Petty Sessional Courts.

The report of this Committee led to the passing of the Act of 1898, which included some simplifications of the methods by which consenting inebriates could enter retreats; but, as regards the remaining recommendations, public opinion did not favour legislation on broad lines, and no effort was made to include in that Act additional legislation for any but the worst classes—those who by repeated public exhibition of their condition required constant imprisonment and those whose condition resulted in crime. Compulsory committal to retreats did not become law.

5. That Act did not repeal any provisions of the previous Act, but merely extended its scope?—Yes, and introduced certain small administrative improvements. The important point was that it enabled compulsion to be applied to two classes, namely, habitual drunkards who had committed indictable offences to which drunkenness was a contributory cause, and those persons who, although they had perhaps never committed serious crime, were perpetually being fined or sent to short periods of imprisonment for comparatively trivial offences of drunkenness, &c., under the Intoxicating Liquors Act. The Inebriates Act of 1898 enables a Court under certain circumstances to commit an "habitual drunkard" for any period not exceeding three years to an inebriate reformatory for special treatment and control. The two classes who may be so dealt with are:—

1. Habitual drunkards who are convicted on indictment of offences punishable with imprisonment or penal servitude, provided that the Court "is satisfied from the evidence that the offence was committed under the influence of drink or that drunkenness was a contributing cause of the offence" (Section 1); and

2. Habitual drunkards who commit any of the offences mentioned in the first schedule of the Act (*e.g.*, drunk in a public place, drunk and disorderly, &c.) and who within the twelve months preceding the date of the commission of the offence have been convicted summarily at least three times of any of the offences so mentioned (Section 2).

6. What is the longest period for which such an inebriate can be committed?—The full period is three years.

7. (*Mr. Bramston.*) What was the extended power given under the Act of 1898?—It affected the period of detention and the regulations under which retreats could be managed; it also made certain detailed provisions as regards licensing and the mode in which licences should be applied for. They were, upon the whole, small administrative changes.

8. (*Chairman.*) What was the extension of the period of detention?—From one to two years. The period of three years applied to reformatories.

9. (*Dr. Mercier.*) Did not the Act also reduce the consent of two magistrates to the consent of one?—Yes, that was one of the facilities asked for and obtained, and now perhaps my next step should be to explain what inebriate reformatories are.

10. (*Chairman.*) Before passing from the other point perhaps it would be useful to the Committee if we could have upon paper a memorandum of what were the extensions of the law as regards retreats under the Act of 1898?—I can easily prepare and hand in a table showing that.* To provide for the reception of committed individuals the Act authorises the establishment of two distinct types of institution—the "State Inebriate Reformatory" and the "Certified Inebriate Reformatory." The establishment of the State Reformatory is vested in the Secretary of State out of money to be voted by Parliament. The Certified Reformatory may be established by county or borough councils singly or by joint action, by philanthropic bodies, or by private persons. Local authorities may not only establish their own reformatories, but may also contribute to the establishment and maintenance of a reformatory conducted by philanthropic bodies or private persons, and may borrow money generally for the purposes of the Act. Considering our present legislation as a whole (including as one the 1879 and 1898 Acts) it will be seen that an inebriate, by constant appearance at police courts or by criminal acts, brings himself within the reach of the law, and may

* Memorandum subsequently received from witness. See Appendix at p. 11.

be committed to a reformatory for special treatment. With regard to all inebriates who escape the clutches of the law, *i.e.*, persons who manage to drink to excess habitually without public offence, no power exists to interfere, unless the victim himself desires restraint. An inebriate who brought himself within reach of the Criminal Law might be committed to a reformatory, but with regard to others there was no power to interfere unless the victim of the habit himself desired restraint. It did not matter whether he brought poverty or destitution or misery upon his dependents, no one could interfere unless his habits went beyond mere inebriety and resulted in such mental degeneration as enabled him to be dealt with under the Lunacy Act. No matter how shocking or sad the case might be, he could not be dealt with compulsorily until he had fallen repeatedly into the hands of the police.

11. How many institutions exist under the Act of 1879?—The Act of 1879 has been in existence nearly 30 years, during which time 32 institutions have been established under its provisions. Some of these have remained licensed throughout the entire period, whilst others have appeared from time to time and subsequently disappeared. Roughly speaking, about 20 retreats have been reported annually as being in regular work, and an average yearly total of about 500 persons have submitted to treatment therein. Altogether, more than 7,500 inebriates have voluntarily entered retreats between 1879 and the present time. The Act of 1898 has been in force nearly ten years; 14 institutions have been established under its provisions, of which 12 now exist, and up to 31st December, 1907, a total of 2,770 persons had been sentenced to detention as "Criminal Inebriates" and "Police Court Recidivists." It is clear that in neither case do these figures represent anything approaching to what might be considered a full use of existing powers; still less do they represent the use which might and would be made of more complete legislation for inebriates on broader lines. We hear both officially, and I presume even in private life, of cases in which reformatory detention in a retreat, would be probably of great value, but the victim cannot be persuaded to submit himself to it, and there are no existing means of coercing him into doing so.

12. Are there any other Acts dealing with habitual drunkards other than the two you have already mentioned?—Yes. In addition to the Inebriates Acts there are two Statutes which confer, incidentally, powers affecting habitual drunkards. The Prevention of Cruelty to Children Act, 1904 (s. 11), provides that where the parent of a child is convicted of certain offences against the child and is an habitual drunkard, he may, with his own consent, and on provision being made for the cost of his maintenance, be removed to a retreat and detained there for 12 months in lieu of imprisonment. The other measure is the Licensing Act, 1902 (s. 5), which provides that a married woman may get a separation order from her husband if he is an habitual drunkard, and a married man from his wife if she is an habitual drunkard, provided that in the latter case the Court, instead of making the separation order, may send the wife, with her own consent, to a retreat. These permissive powers are little used.

13. Have there been many committals to a retreat in the case of parents under the Prevention of Cruelty to Children Act?—No, very few. The order to commit to a retreat can only be made when the parent gives his or her own consent, and on provision being made for the cost of his maintenance. It is consequently not applicable in every case. There are retreats in which persons of humble means, especially those willing to work, can be detained at a low cost; still, almost any cost that one could mention is too much to be provided by a poor family, where perhaps the only working member is the inebriate.

14. So that a drunken parent can only be put in one of these establishments with his own consent, and upon persuading some of his friends to provide the cost of keeping him there?—Yes.

15. The result is that there are few cases?—Very few indeed. The same criticism applies to a certain extent to the other provision I have quoted from the Licensing Act of 1902, section 5, which provides that a married woman may get a separation order from her husband if he is an habitual drunkard; but in the case of a married man making a similar application with regard to his drunken wife, it is provided as I have explained, that in the latter case, the Court, instead of making the separation order, may send the wife with her own consent to a retreat. That provision was inserted in Parliament to meet the objection that a power given to a married man to get a judicial separation from his drunken wife might be very harshly used, and might lead to her immediate further degradation. There was such a feeling in Parliament on the matter that the Secretary of State felt it desirable to concede the provision that I have referred to.

16. (*Mr. Rose.*) The woman could only be sent to a retreat with her own consent?—Yes.

17. (*Mr. Bramsdon.*) I gather that unless there is some form of compulsion, legal or moral, the Acts are practically a dead letter?—Yes. The general principle of optional provisions in the Acts has not realised the anticipation of those who introduced them.

18. (*Chairman.*) I suppose that the second clause as to a drunken wife was introduced more for the purpose of averting a separation order than of securing detention for drunkenness?—Yes. Many police court magistrates and missionaries made strong representations, which were echoed in Parliament, that cruelty might result without such a provision, in the case of weak and erring women whose husbands might be only too glad to encourage them in their drunken habits, with a view to getting rid of them.

19. And now I think you proposed to deal with the subject of inebriate reformatories?—Yes. On the passing of the Act of 1898 Sir M. W. Ridley (then Home Secretary) appointed a Departmental Committee to advise as to the steps to be taken to bring it into effective operation, and on the regulations under which the new institutions should be conducted. The report of this Committee was accompanied by a code of model regulations for reformatories; its suggestions were approved by the Secretary of State, and have practically guided the whole management of these institutions from their inception till now. That Committee consisted of Dr. Brayn, superintendent of the Criminal Lunatic Asylum at Broadmoor, and Dr. Donkin, and myself. The Committee will have an opportunity of seeing in print the model regulations we prepared, and if I may do so respectfully I should like to invite the Committee to glance through them in order that members may see the nature of the reformatory treatment which it was intended to apply. It was intended, whilst making full provision for restraint, and to prevent persons escaping, to provide at the same time reasonable freedom, include relaxation, amusements and other privileges to be earned by their good conduct and amenability to discipline in the retreat. It was hoped that as soon as their physical health was restored, their mental control and self-respect might increase, and that they might speedily become fit to be released, at first under supervision, under a probationary licence, and that subsequently they might be absolutely discharged. That was the whole scope of these regulations, they were not of a penal character.

20. You are speaking of the model regulations for certified reformatories?—Yes.

21. And these have been applied?—Yes. To all these institutions. The only departure of importance from them has been in the matter of the licensing of inmates; the hopes that were expressed by the Committee that release on probationary licence might take place in the bulk of cases after 12 or even 9 months' detention have not been realised. The number of reformable persons who have been committed to these retreats has been much less than was expected. You will have evidence laid before you showing to what extent the Act has in that matter disappointed the expectations of those who passed it. Speaking generally I may say now that the scum of the gutters and of the streets has been sent to these reformatories; in many instances with the excellent object of removing the scandal and danger and expense which their life

of freedom entailed, but, as events have proved, with very little hope of reformation. Consequently the original regulations have been departed from in one important respect, namely, that licences have now, in many cases, to be refused or postponed much longer than was contemplated.

22. Do any of the cases come by transference from the workhouse?—They are all persons committed from the magistrates' courts. A large number have been in workhouses, some have been in asylums, and nearly all have been imprisoned frequently. The bulk of them are the scum of the population, lacking self-respect or power of control, and they have been in and out of institutions all their lives.

23. (*Mr. Bramsdon.*) Do you include State reformatories in your remarks?—I am going to speak of them afterwards. I have been dealing with certified reformatories. As soon as our Committee reported, circulars were issued from the Home Office to judicial, police and other authorities, calling their attention to the provisions of the Act and to the system under which it would be administered. Passing now to the provision of accommodation for inebriates, it becomes necessary to consider the conditions which are prescribed in Sections 3 and 4 for the establishment of State inebriate reformatories. When the Inebriates Act of 1898 first came into active operation considerable doubt existed as to what position in the general scheme for inebriate treatment should be occupied by the State inebriate reformatory. It will be remembered that the first and second sections of the Act provide power to commit two classes of inebriates to detention:—

1. Persons convicted of offences caused or contributed to by drink—offences which would otherwise be punishable by imprisonment or penal servitude (Section 1); and

2. Habitual inebriates who have been convicted four times in one year of drunkenness, or of certain other specified offences of which drunkenness is a part (Section 2).

Under the provisions of the Act cases under Section 1—criminal inebriates—may be sentenced to detention in a State reformatory, or in any certified reformatory the managers of which are willing to receive them. Section 2 cases—police court recidivists—can only be sent direct from courts to certified reformatories, the Secretary of State having power subsequently to transfer such persons from a certified to a State reformatory when such a course appears to him to be desirable. By thus prescribing the State reformatory as the most suitable institution for the reception of cases under Section 1, it may be assumed that criminal inebriates were expected to prove more difficult to control, and, generally speaking, less amenable to discipline than the ordinary police court inebriate. Conversely the latter type of person was consigned to the care of a certified reformatory because such establishments were expected to prove sufficiently strong, and more suitable, for all committals of that class. But during the first two years of the working of the Act, no State reformatory was in existence; consequently, all cases committed under both sections had to be received into certified reformatories. Some discontent was evinced at the absence of a State institution during that period; but, as the sequel proved, this absence during the early days of the work was not without distinct advantage. The delay gave us time to gain experience, and enabled us to decide as to the exact position the State reformatory was required to occupy to the best advantage of all concerned. The first 100 mixed committals, *i.e.*, persons sentenced under both sections, gave the following result:—

1. That, contrary to expectation, criminal inebriates under Section 1 were, as a rule, of a better class than were the cases sent from police courts under Section 2, more amenable to discipline, and, on the whole, presenting better prospect of reformation. They included a considerable number of women convicted of neglecting their children. In many cases, although this neglect had led to serious results, it had arisen from drinking habits, and not from cruelty or innate viciousness. When the temptation of drink was removed many of these women recovered their self-control, and showed themselves more submissive to reformation than some other classes.

I shall now turn to the second and third points brought out, namely:—

2. That an appreciable number of police court cases were violent and unmanageable persons, who, for effective discipline, required stronger measures than it was desirable to enforce in certified reformatories.

3. That the percentage of violent persons amongst Section 2 cases greatly exceeded the percentage of violent persons amongst Section 1 cases.

The Departmental Committee of 1898, after a careful consideration of all evidence put before them, came to the conclusion that it was essential for certified reformatories to be as free from restrictions and as little prison-like as possible, compatible with safe custody. The experience, however, gained from the first 100 committals proved, beyond doubt, that from 10 to 15 per cent. were too unmanageable to retain in certified reformatories under surroundings so desirably light and unprison-like.

24. (*Mr. Bridgeman.*) What percentage did you say?—10 per cent. to 15 per cent. out of the first 100 cases. In considering the question of the establishment of a State reformatory, therefore, we had to face two alternatives: the establishment of an institution in accordance with the original scheme, namely, to provide for the reception of Section 1 cases only; or, the establishment of a reformatory which should be intended to take by transfer from certified reformatories any cases committed under either section, which proved too refractory for control in those institutions, after every reasonable effort at control had been tried and failed. Bearing in mind the recommendation of the Departmental Committee already referred to, and our experience that the large majority (especially of Section 1 cases) were amenable to discipline under light restrictions, it became evident that a State reformatory destined to provide for Section 1 cases, to be of proper value, must be established on line of light discipline, and of encouraging rather than coercive treatment; in other words, must practically be a certified reformatory under another name. This would doubtless have been ideal so far as the reformation of amenable inmates was concerned, but would have left us weak and without resource in dealing with the small refractory section. If managers of certified reformatories found themselves incapable of controlling the latter class, then the State would have been in no better position with an institution of the same character. As a matter of fact, during the first 21 months of the Act's practical existence, 11 inmates proved themselves too uncontrollable to be dealt with in certified reformatories, and failing the existence of any stronger institution had to be discharged from restraint by order of the Secretary of State. It soon became obvious that any attempt to deal only with amenable cases, discharging from under the Act all inmates who proved unsatisfactory, would place a premium upon bad conduct, make it evident that an inmate only needed to constitute himself sufficiently obnoxious to regain his freedom, and turn the whole Act into a futility. The final establishment of State reformatories to control only the refractory section of inmates was, in fact, mainly due to the rapid spread of this impression amongst persons already committed. In this way we were driven to the conclusion that, whilst certified reformatories might well be trusted to control amenable cases sent under either section, any person who proved refractory should be transferred to the charge of a State reformatory, which should be equipped and provided with means sufficiently strong to effect his proper control. This conclusion governed all subsequent action with regard to the establishment of State reformatories, and it was agreed, subject to the dictates of future experience, to confine the chief use of such institutions to the reception and treatment of persons who have proved uncontrollable in certified reformatories.

25. How many State reformatories are there?—Two State reformatories have been established on these lines—one at Aylesbury for women, and one at Warwick for men. The same procedure was adopted in both cases; the wing of a prison being first selected

and adapted to requirements. In regard to the reformatory for women, the wing of Aylesbury Prison soon became unsatisfactory on account of insufficiency in size, and general unsuitability for the work, and a special building was erected close to the prison which has proved all that could be desired. With regard to accommodation for men, a disused wing of Warwick Prison was similarly adapted for reformatory purposes. The Aylesbury history has repeated itself at Warwick, inasmuch as the wing in question has become too small, and urgent demand has necessitated the additional use of part of the prison proper. But the whole accommodation at Warwick is unsuitable. The question now arises as to what provision should be made to meet future requirements. The prospective appointment of this Committee has delayed any action by the State towards the provision of further accommodation for male cases. No further action is likely to be taken until your report is presented to the Secretary of State, who hopes to be advised by you as to what lines and in what directions extensions should be provided for the more violent and turbulent inebriates on the male side.

26. (*Chairman.*) You say that the whole accommodation at Warwick is unsuitable? Do you suggest that it is locally unsuitable, or because it is a prison? —It is unsuitable in its nature.

27. Would that be so in the case of any other prison? —To a large extent it would be so. Warwick is simply a prison. I think the part used was formerly a debtors' prison. It is a separate building. If this Committee is of opinion that dealing with the turbulent class of drunkard is a duty which will always be incumbent on the State, the Home Secretary would ask them to advise whether in their opinion Warwick Prison, which they will see, is a place that could reasonably continue to be used for such purposes, or whether a separate establishment should be provided, and whether it should be on similar lines or on entirely different lines?

28. Outside the ordinary prison system?—Yes.

29. (*Dr. Bruce Porter.*) Is Warwick unsuitable because it is too much of a prison?—Yes, chiefly because the building consists mostly of cells, and there is practically no land where the men can be made to go out and work. Work in the open air is particularly suitable for this class of people, not only because it tends to restore their physical condition and mental control, but also because it is healthy employment which tires them out, and sends them to bed sleepy, so lessening the likelihood of the savage outbursts that might otherwise occur. It is rather a drawback when men have to sit in their cells all day long; many of them cannot be allowed to work in association, and when they are alone they are apt to brood over their supposed grievances or to imagine other grievances and communicate them on the first opportunity to other men.

30. (*Mr. Bramsdon.*) What, in short, is the difference between a State reformatory and a certified reformatory? I gather that the former is more stringent?—The differences are practically set out in the regulations which you will see in print. There is need for the provision of greater means of coercion and of isolation in the State reformatories. Work in common is a marked feature in the daily life of the certified inebriate reformatories. Large numbers of women work together in the laundry or gardens, and men work together in the fields or in the workshops, and with comparatively little supervision, except just industrial instruction and such supervision as that involves. That is, however, impossible with many of the turbulent rascals in the State reformatories. If they work in co-operation they have to be supervised by almost as many warders and attendants as if they were convicts.

31. (*Mr. Bridgeman.*) Do your remarks apply to some of the women at Aylesbury?—Some of the women are, if possible, worse than the men as regards violence, danger, treachery, and rowdyness.

32. I thought you said there was not the same objection at Aylesbury?—I wanted to indicate that the building there has been erected for the purpose. It is prison-like in some respects, but it has land sufficient for a certain amount of work in the open air.

33. (*Chairman.*) Is it a detached building?—Yes. Detached and designed for the purposes of a State reformatory. It is outside the walls of the prison.

34. Is the building at Warwick within the confines of the prison?—Yes, and it has no land.

35. (*Mr. Bramsdon.*) The women are in a better environment than the men?—Yes.

36. And yet you say they are more troublesome?—They are at least as bad.

(*Dr. Donkin.*) I may interpose the remark that the building at Aylesbury is erected for the purpose and arranged to make classification possible, so that the more turbulent persons are separated from the others and do not necessarily even see them.

37. (*Chairman.*) Is the administrative staff the same for both the prison and the inebriate reformatory?—No. The connection is not quite so close as that. The governor of the prison is the governor also of the reformatory, but the staff is different. At Aylesbury especially the staff is largely different. The Home Secretary would be glad if this Committee could see these places for themselves. He desires this for two reasons: especially because he is anxious to have the advice of this Committee upon the propriety of the existing system of dealing with inebriates under detention, and the possibility of modifying it or replacing it by anything better, if any better system can be advised by the Committee; and also because he would like the Committee to see the class of person we get into these institutions. From the experience I have gained in reading the official papers and from conferences and conversations with Dr. Branthwaite, Dr Donkin, and other medical men, and with the superintendents of the reformatories, I have learned much as to the character of the inmates which I could not otherwise have believed, as to the degraded conditions in which men and women come and the impossibility apparently of raising the bulk of them out of that condition. I do not believe that any amount of description or of unpleasant stories which I might tell could give you anything like a true and full idea of the facts of the case such as you would get by seeing the people themselves, judging of their physical and mental condition and hearing how they behave.

38. (*Chairman.*) Would you say that if a similar system could be introduced for the men at Warwick as has been introduced for the women at Aylesbury, there would be an improvement?—We should have some hopes, but that is one of the points upon which the Home Secretary would like to be advised by this Committee. We consider that what is required is greater space to enable proper classes of work to be introduced and classification of individuals to be carried out, but, of course, the Secretary of State would be very glad if this Committee would consider in general the whole question of the prolonged detention of these people and its results. To some extent the principle of prolonged detention is on its trial. It is now ten years since the last Act was passed, and 30 years since the first Act was passed. The Secretary of State desires them to be examined and reported on by a Committee before whom the whole facts will be fully laid, and which does not consist either of agitators or officials concerned in the administration of the Acts, but of magistrates and Members of Parliament and representatives of the medical profession. That is the chief object underlying Mr. Gladstone's request that you should consider this matter. Up to the present time there has been no extra-official inquiry into the working of the Acts since they were brought into active operation, and your opinion is now asked as to whether the existing system which has developed as the result of experience is the best one that could be devised, or whether, especially as regards male refractory inmates, any better system can be devised. The regulations originally made for State inebriate reformatories have been modified in the direction of greater restriction and less privilege; and licensing from Warwick has been found to be impracticable. The present conditions of affairs as regards turbulent male inebriates is regarded with some anxiety by the Secretary of State. He is unwilling to embark on the expenditure necessary to start an entirely new institution, at least not until it becomes clear that this method of dealing with inebriates will have to go

on; but if that is so, and if your Committee recommend prolonged detention as the necessary factor in any hopeful method of treatment, the Secretary of State will have to consider under your advice what expenditure he must embark on with the consent of the Treasury to provide the appropriate accommodation.

39. (*Dr. Donkin.*) Is it not a fact that the Secretary of State has had many representations and petitions from the men at Warwick complaining that they are practically given what is equivalent to a term of penal servitude, equal in length and confinement, without any hope of remission?—That is so. A large number of the inebriates detained at Warwick have petitioned the Secretary of State in a way to which it is rather difficult to find an answer. They seem astonished at their own detention—perhaps after having been drunk a few times, of which they think nothing—and they say they are being treated like convicts with three years' penal servitude, that they are not allowed to work in the open air, and cannot even earn a remission of their sentence. Consequently they are dissatisfied, indeed, some become turbulent, and we are rather doubtful whether there is not a certain amount of truth in their complaints which we ought to try and meet. Perhaps I should explain why we cannot allow licences from Warwick. That is a place for persons transferred from the certified inebriate reformatories on account of their bad conduct. In these certified reformatories men who behave well get more privileges and also the chance of a probationary licence, whereas men who behave badly lose marks, and forfeit their gratuity. If such a man improves in conduct he has his privileges restored. It is a system of rewards and punishments, but when men show that they are so bad as to be unfit for that kind of treatment they are removed to Warwick. If we bring such inebriates before a country bench of magistrates and charge them with a breach of the regulations made by the Secretary of State, which is a criminal offence, we have found that such procedure can seldom be followed with much advantage. Local magistrates are apt to think that we should deal with the men ourselves, and they sometimes dismiss the offender with a warning or with some very slight punishment, which does not really act as a deterrent. The only deterrent is to remove such a man from comfortable surroundings and send him where the discipline is more severe. When he goes to Warwick he can get no remission of sentence, but if he behaves well, and continues to do so, he may be removed back to the certified reformatory with its possible licence and privileges. In the interests of discipline we must insist upon Warwick having some more unpleasant features than a certified reformatory, and as neither public opinion nor the desire of the Secretary of State would allow anything in the nature of privation or discipline worse than that of a convict prison, his only means of punishing such persons is by saying that they shall have no hope of a remission or of a licence whilst they are at Warwick.

40. (*Chairman.*) But a man may be returned from Warwick to a certified reformatory?—Yes, if he behaves well enough for a reasonable time.

41. (*Dr. Bruce Porter.*) If a man has not brain enough to be good and well behaved so as to secure the advantages of the system of rewards, would you not say then that such a man comes rather under the head of a lunatic than a mere inebriate?—Yes, but the Committee will be able to form their impressions upon such points when they visit the institution.

42. (*Dr. Mercier.*) Is it not a fact that some of the inebriates in certified reformatories have petitioned to be sent to Warwick?—Yes, at various times.

43. And women to Aylesbury?—I am not sure about that, but I am quite certain that men have petitioned to be sent to Warwick, although I do not think there is a general desire to be sent to Warwick; I hope much the reverse. There is in the certified reformatories a regular system of industry, and some men will do anything to escape the work, even if it is comparatively light and healthy work.

44. (*Chairman.*) Are there any instances of inmates of Warwick Reformatory being transferred to lunatic asylums?—Yes, I think there is no reformatory from which several inmates have not been sent to an asylum.

45. (*Mr. Bramsdon.*) How often is the conduct of the men reviewed at Warwick, with the object of restoring them to certified reformatories?—I should say that the whole system is one of daily and hourly review. It is a matter of earning marks for industry and good conduct. Every day, and indeed every hour of the day, the conduct of the men is under review. There is no system by which it is reported every month or every three months to the Secretary of State.

46. (*Chairman.*) I think you have now something to say to us about certified inebriate reformatories?—The next important point is the financial side of the matter. Sections 5 to 9 of the Act of 1898 deal with the establishment and management of certified inebriate reformatories. These sections give power to the Secretary of State to approve the establishment of these institutions by county or borough councils or by other persons, provided such bodies or persons are considered fit to maintain them. Power is also given to the Secretary of State to make regulations for the proper conduct of such institutions when certified, and to inspect and supervise them. The expense of establishment therefore falls upon county or borough councils, or on the persons mentioned in Section 5. For the purpose of establishment the local authorities indicated may borrow money. When a certified reformatory is established the manager may receive therein any case committed under Sections 1 or 2 of the Act, their consent to receive being previously obtained. Inmates committed to detention in reformatories are maintained therein partly by Treasury contribution (under Section 8) and partly by contribution from local authorities (under Section 9). Your attention is drawn to the voluntary principle throughout these sections; there is no obligation laid upon any persons to establish reformatories and no obligation upon State or local authorities to maintain inebriates when committed. The word "may" appears in every section. Parliament has provided this method of dealing with inebriates to displace the discredited method of short sentences of imprisonment; magistrates are becoming accustomed to the power thus given to them, and the time has perhaps come when payment from some source or sources should be guaranteed in regard to all cases where a judge or magistrate desires, in the exercise of his discretion, to commit an inebriate to reformatory care. The existing state of affairs is most unsatisfactory. Magistrates in many districts are willing to use the Act; but many local authorities having jurisdiction over the area in which their courts are situate decline to provide accommodation for, or contribute towards the maintenance of, committed inebriates. This difficulty more than any other has led to the restricted use of an Act which might otherwise be of universal value. If the work is to continue, and judges and magistrates are to have effective power to commit cases to reformatories, it should now be decided whether the State is to be solely or partly responsible for the provision of accommodation and maintenance of such cases. If local authorities are to be partly responsible, then the respective responsibility of State and local authority should be decided, and the contribution payable by each determined. It is the financial difficulty which has largely led to the restricted use of the Acts and has in certain districts of England practically stopped their operation. Of course, the question as to the compulsory provision of funds includes the further question as to from what quarter the funds are to come. Local authorities in some instances consider that the whole matter of dealing with inebriates is one for the State and that funds should be provided out of votes from Parliament, that even a substantial grant from the Government is not enough, that it is not a matter with which the local authority is directly concerned, that no perceptible relief to their own rates comes from the adoption of this method, that an obvious expense arises, and that it is a matter for the Government: others think that the Government should pay such a proportion of the amount as the local authorities are not willing to pay.

47. Can you put forward any reason on the part of the local authorities for saying that the State should

bear the whole of the burden?—The reasons alleged are two-fold: in the first instance they all say, and the Government have agreed, that in the case of those persons who are convicted under Section 1, persons who have committed indictable offences under the influence of drink, are practically criminals who might as well have been sent to prison as other convicted persons, in which case the Government would have had to pay for them, that the Government should pay entirely for them. That we have accepted. The Government does pay in those cases.

48. The State pays entirely for those persons who are sent to either Warwick or Aylesbury?—Yes, and also with regard to any inebriate who has committed an indictable offence under Section 1 the Government recognises that it is liable to pay for them wherever they are. The most numerous class comes from Petty Sessions.

49. (*Dr. Mercier.*) What is the point about them?—The argument is that while it may be true that some of these cases are reformable, and consequently that it would be expedient for the local authority in its own interest to provide for reformatory treatment being applied to them, the results show that such cases are very few in number, and that undeniably the bulk of cases consists practically of confirmed criminals of a special sort, who consequently should be dealt with entirely by the State.

50. They would probably get into the workhouse and be kept by the rates otherwise?—That is so, but I think as a matter of fact it could generally be proved that the second case is more frequently found in prison than in the workhouse.

51. They go backwards and forwards, I suppose?—Yes.

51A. (*Chairman.*) Can you give us a table showing the proportion of payment to existing reformatories between the local rates and the State?—Yes. You will have a print laid before you showing the Treasury contribution.*

52. The payments vary, do they not?—Yes. It is set out on this paper in the fewest possible words.

53. If we could have that paper circulated it would be useful?—You will have one of these.

54. (*Dr. Bruce Porter.*) If there were any extension of the principle of the Act to include people who were habitual drunkards but who had not been committed on any indictable offence, then it would be at all events reasonable for the local authority to contribute a proportion?—I think so. It seems to me there would be a strong argument in favour of it in that case.

55. There would be more argument for it in that case than as things exist now?—Yes. With regard to people who can be reformed that seems to me to be a local undertaking, to some extent at any rate, but with regard to the irreformable people, the people who are regarded as practically confirmed criminals, there is, at any rate, some weight in favour of the argument brought forward for the State to do it, at any rate, sufficient argument to make it desirable that it should be partially examined into and examined not only by officials. When an Act like this passes, much depends on the provision of funds. Our hands are tied. We have on the one hand the duty of carrying out the intention of Parliament, and on the other hand we have the difficulty of extracting money from the Treasury to enable us to do so. When this Act passed I spent some very laborious and combative weeks in extracting from Sir Michael Hicks-Beach, who was then Chancellor of the Exchequer, enough money to start putting the Act in operation, and even to provide a sum of money which local authorities now consider insufficient.

56. (*Chairman.*) I should think it would be better to have a localised balance-sheet showing the exact proportion that is paid on both sides?—Yes. The fullest possible statement of expenditure and receipts is submitted to the Home Office every year.†

57. Then we have got that?—Yes.

58. That will therefore guide us in any decision we have to give on this point?—Yes.

59. (*Dr. Bruce Porter.*) Are the homes for inebriates all full?—The accommodation for males is at present practically full. That is so, is it not, Dr. Branthwaite?

(*Dr. Branthwaite.*) Yes, there is no room at all.

60. (*Witness.*) I may say that the accommodation for females has within the last few weeks or months been very much affected by the decision of the London County Council to discontinue its contract as regards the London female inebriates, consequently I have no doubt some of the London institutions have been very much affected. Is not that so, Dr. Branthwaite?

(*Dr. Branthwaite.*) Yes.

(*Witness.*) Dr. Branthwaite could provide you with absolute information with regard to that. I should like to tell the Committee to what extent the Act has been put into operation.

(*Chairman.*) Yes.

61. (*Mr. Bridgeman.*) Have you passed from the contribution question?—No. I am prepared to answer any question with regard to that.

62. Supposing a person is committed to one of these reformatories and a contribution is made in the ordinary way, and that person after a time becomes absolutely insane and is sent to a lunatic asylum, what becomes of the contribution then?—We have been advised by the Law Officers that such a person is a criminal lunatic within the meaning of the Act.

63. Are they sent to Broadmoor?—No, they are nearly always sent to the County Asylum.

64. Is the same contribution continued by the State in that case?—No, the contribution becomes the heavier contribution that we pay for criminal lunatics.

65. Is anything contributed by the local authority in the case of a criminal lunatic?—No, but a person only remains a criminal lunatic during the currency of the sentence. When the period of detention has expired the person becomes an ordinary pauper lunatic, and his maintenance then falls on the locality aided by the State grant of 4s. a week.

66. (*Chairman.*) The State pays entirely for criminal lunatics?—Yes, wherever they are.

67. (*Mr. Bramsdon.*) If a person is sent to a criminal lunatic asylum for two years the State pays entirely for that person for that two years?—Yes.

68. At the expiration of the two years he becomes chargeable to the parish?—Yes.

69. (*Mr. Bridgeman.*) How does he cease to become a criminal lunatic?—If a man has been sentenced to two years' imprisonment as a criminal lunatic expiring on the 1st January next, and in the meanwhile has been sent to an asylum because he is mad, he undoubtedly ceases to be a criminal lunatic on the 1st January.

70. Why should he ever have been a criminal lunatic at all?—It is a statutory phrase: it comes in under the Act of 1884.

71. That does not seem very satisfactory?—No.

72. After he leaves the criminal lunatic asylum he comes on to a fund which is partly paid for by the State and largely paid for by the rates?—That is so. That is one of the arguments used, as Mr. Rose will know. I might have mentioned that. The local authorities say to the Government: "These people are all lunatics by your own reports, and if they remain criminal lunatics you would have to keep them in permanent seclusion and pay for them entirely."

(*Mr. Rose.*) That is a large assumption.

73. *Chairman.*) Will you now go on with your text?—Twelve certified inebriate reformatories have been established up to the present time, of which number two have resigned their certificates. Ten are now in

* See Appendix at end of witness's evidence.

† See Report of inspector under Inebriates Act, 1906. Cd. 3685.

working order. Three of this number have been established by local authorities for the sole use of their own districts: the three great local authorities of England: Farmfield by the London County Council, Langho by the Lancashire County Council and some of its boroughs, and Cattal by the Three Ridings of Yorkshire in conjunction with certain boroughs within its geographical boundaries. Brentry has been established by a combination of 24 local authorities, each having contributed to a sum sufficient to purchase an estate and erect therein the necessary buildings. Duxhurst has been established by Lady Henry Somerset on behalf of the Bristol Women's Temperance Society; and the Rev. H. N. Burden is responsible for East Harling, Lewes, Ackworth, Chesterfield, and Horfield. That is five separate institutions. Four institutions, therefore, have been established by public funds, one by funds contributed voluntarily by philanthropic collection, and five have been provided from the purse of a private individual. Magistrates acting in courts situate within the administrative areas of Lancashire, Yorkshire, London, and the contributing authorities of Brentry, have been able to commit their cases to either Langho, Farmfield, Cattal, or Brentry.

74. Is there any table showing the number of cases?—Yes, there is a table set out in every annual return showing the whole of the contributing authorities, the number of cases that come from them and incidentally showing those who do not contribute and in whose districts the law is a dead letter. Magistrates sitting in courts elsewhere have been unable to use the Act unless the local authority having jurisdiction over the area in which the court is situate had made an agreement with Mr. Burden for the admission of cases into one of his institutions. About 17 such authorities, including counties and boroughs, have entered into such agreements. When cases are admitted into one of the four county institutions a Treasury grant is payable towards maintenance and continues to be payable during the time such cases are detained. The balance of maintenance cost over and above the Treasury grant is paid by the local authority interested.

75. (*Mr. Bridgeman.*) Do they all appear in this return too?—Yes. Of course, the Treasury grant applies to every certified inebriates' reformatory, whether it is established by a county council or whether it is established by a private individual. If a man or a woman is convicted, say in Lancashire, and sent to the Lancashire Institution, we pay them so much a week, either 10s. 6d. or 7s. a week, and similarly if they are sent to one of Mr. Burden's institutions from a place which is under contract with him, we pay him the 10s. 6d. or the 7s. a week.

76. (*Chairman.*) As to the proportion of payment, can you say anything more with regard to Mr. Burden's reformatories?—Proportionate payment is one of our most serious difficulties now, and has given rise, as no doubt the Committee are all aware, to the matter which has been explained in Parliament and which is a very great block to the administration of the Act, namely, the sudden and unexpected refusal of the London County Council, which has contributed freely from the beginning of the Act, to continue its contributions as regards women. They run a small institution of their own for women, at Farmfield for 103 inmates. They select only those of good character and who give fair hopes of reformation. With regard to the other women who are not of that class, and who are of course much more numerous, they contracted with Mr. Burden to maintain them, and they paid him 1s. a day for them, 7s. a week, and the Government paid another 7s. Mr. Burden's institutions ran on satisfactorily at that rate of contribution. He was perfectly satisfied and the London magistrates were in a position whenever they had an appropriate case brought before them, of committing at once. Since the beginning of this year the London County Council have discontinued their contract, so that the only assistance that they now give with regard to inebriates is to continue their small institution at Farmfield which deals with about 100 people. Of course the number of women for whom accommodation is required in the County of London is enormously greater than that, and the provision made for them is ceasing to exist. I have no doubt that the County Council will give evidence before you as to their reasons for discontinuing this grant. We have found some difficulty in appreciating or even in understanding their reasons. It is true that they say they have been somewhat misled from the beginning as to the assistance which the State was going to give in the maintenance of inebriates, and they have also at any rate in part come to the conclusion that with regard to these irreformable persons, the duty of the State is greater than it is with regard to the others, and at any rate for the present they have discontinued their contracts, and the Act is practically not in operation in London. This is a very serious matter, because not only is it serious as regards the individuals, who for their own benefit and the benefit of the community might be sent to an institution if means existed, but it is a great set-back to the movement at large. The result will be that in view of the difficulties which have arisen, magistrates will be less willing to consider an order of reformatory detention as a proper and convenient and useful mode of dealing with an inebriate, and I have no doubt that even if the difficulty were settled that the use of the Act would be diminished for some years to come.

77. How long has this decision been put in practice by the London County Council?—Since the beginning of this year. I do not know whether the Committee would like to see the correspondence between the Secretary of State and the London County Council. It has been mostly published in the Parliamentary Reports. It is a matter of great importance, and I think if the Committee would like it, they should see the correspondence. It only consists of two or three rather long and argumentative letters between the Secretary of State and the London County Council, but those letters give the facts of the case, and the whole ground, and it would be better perhaps that the Committee should have that correspondence before them and see it for themselves than that I should explain it verbally. (*See Appendix, p. 209, below.*)

78. (*Dr. Mercier.*) Can a London magistrate now send any woman to Farmfield?—If a magistrate does get an isolated case of a woman of good character and obviously reformable, and if there happens to be a vacancy at Farmfield, then the magistrate can commit her there, but the great bulk of inebriate women who come before him cannot be dealt with at all.

79. (*Chairman.*) Except that those who reach a violent stage have to be sent to Warwick or Aylesbury?—Yes, there can be committals under Section 1 to Warwick and Aylesbury, and I presume those committals do take place.

80. But those are only in extreme cases?—Those are only extreme cases.

81. Shall we have the figures with regard to men and women inebriates for London?—Yes. Of course, the figures are largely conjecture, but you will have figures before you to show that the London female prisons are simply stocked with inebriates to whom the Act has never been applied, and that they are good subjects for its application.

82. (*Dr. Bruce Porter.*) Could we get, in addition, the figures showing the cost of them in prison as compared with the cost in an institution?—Yes, they are published every year, and your secretary can extract such figures for you.

83. I think it would be an advantage if we could have those figures with regard to the question of cost?—Yes.

84. (*Chairman.*) Owing to the decision of the County Council all cases of inebriates in London who have become what you may term a public nuisance find their way into the London prisons as ordinary offenders?—Yes.

85. Under what class do they come?—Drunks getting a fine or seven days. Holloway Prison is simply full of them. One of the prison officials has said that they are filling up just as if the Act had never been passed, extending the prison expenditure, and producing, everyone will admit, I think, no good whatever, because whatever doubt there may be as to the efficacy of drugs or other treatment, I do not

think anyone has ever suggested that repeated short sentences have reformed an inebriate ever since the world began. That, I think, is quite certain. When the Act was first produced it was the intention of the Government to provide such a sum of money as its contribution as would enable the Act to be put into effective operation at once, and with great difficulty, and after prolonged consideration, we came to the figure of 10s. 6d. a week for the certified cases. We thought that these persons should be detained in institutions at 16s. a week at the most; that considering what was required to put them to work and to keep them in safe detention, 16s. a week at the beginning was a generous allowance, and that out of that, in a really well-managed institution where the inmates were put to good industrial work, that there ought to be a substantial profit. The Government therefore agreed to pay 16s. a week for those for whom it was wholly responsible, namely, the criminals, and as regards the others, it took the attitude that it would pay 10s. 6d. a week towards them, something like two-thirds of the total cost. It was thought that was a fair provision, and that was done for some years, but it was not only understood, it was clearly expressed, that these figures, which were arrived at only by estimate, and without any previous actual experience, should be subject to revision, and it was stated on the printed form which was sent round to all local authorities, that they were only fixed for a short period. As the work was carried on it was found, as one would naturally expect, that the institutions run by local authorities cost very very much more than the institutions run by the energetic and philanthropic gentleman who has done the bulk of the work, Mr. Burden. He is an excellent manager, and has devoted his whole life, as well as funds, to the carrying out of this work, and he has from the very beginning appreciated how important it was, not only that it should be done fully, but that it should be done as economically as possible. This has always been pressed upon him by the Home Office and the Inspector, and he has made a very great success of it. His institutions have been carried on under conditions that entirely satisfy the Secretary of State, the food, the clothing, the dietary, the treatment, the amount of work, and the conditions under which the inmates live are all entirely satisfactory to the Secretary of State, and he has reduced the total cost in these institutions to 14s. a week. So that our anticipation that a business-like person could substantially reduce the cost below 16s. a week has been fulfilled. The local authorities have not succeeded in doing anything like that. In some instances their establishments are palatial in size and style, but in no instance, speaking generally, does their cost of maintenance come as low as Mr. Burden's.

86. (*Dr. Branthwaite.*) Except the institution of the Lancashire County Council?—Yes, with that exception. At that institution they have been most successful in carrying out a reduction of their expenses. To sum up, it became clear that 14s. a week was a normal and proper rate of expense for these institutions, and it was manifest to the Secretary of State that it was the duty of the Government to recognise that fact. So that when we applied to the Treasury for a renewal of the authority as usual, we had to lay the whole facts before them, that in the case of local authorities the institution's cost was so much, and that in the case of Mr. Burden's institutions the cost was so much, and we had to state conscientiously and candidly that we saw no reason why it should be more in the case of the local authorities than was found necessary in the case of Mr. Burden. The Treasury thereupon not unnaturally said, "We must reduce our contribution and in future we will give half of the total that we consider the necessary expenditure, namely 14s. a week, for our Section 1 cases, and 7s. a week, or one-half of 14s., for the Section 2 cases."

87. (*Dr. Mercier.*) It was always contemplated that the Treasury contributions would be one-half whatever the cost was?—At first we gave more because we felt that unless we gave more at the beginning the Act would remain a dead letter.

88. That is to say, you knowingly gave more than a half at first?—Yes, but with the intention of reducing it to a half as soon as the expense was ascertained. In order not to make the change come too suddenly the authority given by the Treasury, as you will see from the printed paper, contained certain provisions that for six years after the opening of an institution the grant should be so much, and so on. Perhaps I need not go through details of that, but those provisos were to prevent the change coming too suddenly.

89. (*Dr. Bruce Porter.*) There must have been some period between the lapse of the six years and the time when you began to tell them the Treasury would not pay so much, must there not?—Yes, there was a renewal of the original contribution at least once.

90. (*Dr. Branthwaite.*) Was it not the fact that the first Treasury contribution circular contained a distinct notice to the effect that those rates were subject to revision after three years?—Certainly.

91. Did we not then postpone the revision for another three years?—Yes.

92. At the end of that six years was the postponement not continued for a further year?—Yes.

93. Therefore, instead of three years the reformatories got the advantage of seven years at the original rates?—Yes.

94. Was it not the case that this reduction was contemplated from the very first?—From the beginning, certainly.

95. And that it has only continued at this higher rate for the advantage of the institutions?—Certainly.

96. (*Dr. Mercier.*) How does that contribution of one-half compare with similar contributions on behalf of other persons, lunatics, for example?—It is substantially greater than is given to any other class of persons, except, of course, prisoners who are now kept entirely by the State. The Government do not pay directly through the votes of any department to lunatics nowadays, but they hand over under the Local Government Act of 1888 a large sum arising from the taxes and local duties to be paid to local taxation account for the express purpose of meeting the expenses of lunatics, and in doing that they repeated that it was the intention that the 4s. a week which used to be the Government grant towards every pauper lunatic, should be continued out of that grant so that guardians responsible for the maintenance of a lunatic in an asylum receive 4s. a week towards that cost from the Exchequer Contribution Account.

97. I wanted to get out how the contribution to the inebriates compares with the contribution to the lunatics?—It is nearly double.

98. Not only in absolute amount, but in proportion to cost?—In absolute amount it is double, and in proportionate cost it is only a little less.

99. It is less?—It is less—7s. out of 14s. is one-half in the case of the inebriate, and in the case of the lunatic it is 4s. out of, say, an average of 11s.; that is much less than half.

100. (*Chairman.*) It is about a third?—Yes.

101. (*Dr. Mercier.*) Then to the inebriate the State contributes more?—Much more—generously.

102. Both more absolutely and more relatively?—Yes. I should mention that the 7s. contribution by the Government is not entirely acceptable to the other local authorities, but Mr. Burden, who one would think would complain most loudly if anyone did, because he bears the whole burden of it out of his own pocket, considers it quite enough.

103. (*Mr. Bramsdon.*) What circumstances arose to cause you to give less to Mr. Burden? I gather he accepted a lesser contribution than he could have got?—No, it was only in pursuance of the reconsideration of the matter which had to come on at some time or other. The precise figure which we eventually arrived at was in a large measure due to our examination of Mr. Burden's accounts.

104. You discovered from an examination of his accounts that it was not costing him as much as the

full contribution might have amounted to?—Certainly it was not. You will see from the correspondence with the London County Council that they suggested to us that they would continue their contracts with him if we would go on giving him 10s. 6d. a week.

105. It was not a question of his making a profit but he had to put less of his own money to it?—Yes. If we had gone on giving him 10s. 6d. a week it would have been making him a present of a considerable sum of money every year which he did not want, although no doubt like anyone else he would be glad to receive it.

106. I understand that we shall be going into this question more fully when we have the correspondence between the Secretary of State and the London County Council?—Yes.

107. (*Chairman.*) What proportion of payment was there?—You can have as full figures as you wish on that matter before you, but I may say now that the original Government contribution was sufficiently generous to enable a quite substantial repayment to be made to Mr. Burden for his capital outlay on his earlier established institutions. He not only ran them on lines that the Secretary of State thought quite sufficiently good, he clothed and fed and provided for the persons sufficiently well, but he was enabled out of the Government contributions to some extent to replace his capital.

108. (*Mr. Bramsdon.*) I was going to ask this question later on, but following up your answer, is the difference in cost on the part of local authorities as opposed to Mr. Burden in any way due to the palatial buildings which the local authorities have put up?—In any complete estimate one would naturally introduce the interest on sinking fund, but, speaking purely of the maintenance charge, the maintenance charge in a palatial building need not necessarily be more than in a humble one.

109. (*Mr. Bridgeman.*) Were there building grants given to any of them?—No.

110. (*Chairman.*) There were no building grants from the State?—No, no building grants from the State. For several years Mr. Burden received 10s. 6d. a week, but now he only gets 7s. That extra 3s. 6d. was not only sufficient to enable him to keep his people properly, but to save a little, so that by saving on the maintenance he was enabled to replace a small proportion of the capital which he had expended on it, and in the course of years I have no doubt he would have replaced the whole of his expenditure.

111. (*Chairman.*) In cases where the local authorities built these certified reformatories they paid for them themselves out of their own rates?—For the establishment of them entirely, and they get the same Government contribution as anyone else does.

112. How many local authorities are there that have contributed?—Only some 35 local authorities out of some 400 county and borough authorities in England and Wales have made arrangements for the receipt of inebriates into reformatories, and the remainder have refused, so that it is obvious that by so doing there is a substantial part of England in which the Act is practically a dead letter. I would like, in summing up, to urge upon the Committee the importance of, if it be possible, finding some means for allowing the Act to go on uninterrupted by friction between local authorities and the departments and magistrates and judges. It is an undignified, in fact, an intolerable position, in our view, for a judge or a magistrate to have provided for him by Parliament a means, which we think has to a large extent shown itself to be a useful means of dealing with inebriates, and when he is ready to adjudicate on the matter to find that he is prevented from doing so by some petty little dispute between the authorities as to who is to pay for it.

113. (*Mr. Bridgeman.*) Is it not possible to make arrangements for any individual case, I mean for any local authority to make an arrangement for an individual case, or is it necessary for them to have a permanent arrangement?—It is possible for them to arrange for individual cases, and such instances have occurred. But the Department would deprecate that. We would consider that that should not be regarded as a satisfactory provision, because the delay and the friction and the awkwardness of bargaining about an individual case is not, we think, a matter that magistrates and the police and the local authorities should be subjected to. We think that if the system is not satisfactory it should be practically dropped. But if it is carrying out a good work, and it has now been in force a good number of years, and ample means exist of estimating its value, if it is to be continued, we think it should be continued without any of these opportunities and causes of friction.

114. (*Chairman.*) That, I think, concludes the main evidence that you are prepared to give before us?—That is so.

115. (*Dr. Mercier.*) I would like to ask Mr. Byrne if I am correct in summarising the points on which the Home Office wants guidance. First with regard to Warwick Reformatory, whether it should be continued on its present lines or under different lines; secondly, what is the general result of prolonged detention of inebriates; and thirdly, the financial difficulty?—Yes.

(*Dr. Mercier.*) Is there any other specific point the Committee is requested to inquire into?

116. (*Dr. Branthwaite.*) Is it not the wish of the Home Office that the whole of the Acts should now be under revision with a view to amending small details as well?—Certainly. I took it that Dr. Mercier was simply summarising the main points with regard to inebriate reformatories of a certain class.

117. (*Dr. Mercier.*) Quite so. That does not imply that we are precluded from making other suggestions?—Most certainly not; in fact, the reference is drawn very widely, in order that the Committee may cover a very large field. Dr. Branthwaite will mention a few of the subjects to you that require consideration, and I have no doubt that some of the magistrates who appear before you will do the same.

118. (*Chairman.*) We are much obliged to you, Mr. Byrne, for the assistance you have given us?—I am glad to have been of any assistance to you, and I need not say that if there is any further information you require that the Department can furnish, it shall be supplied.

119. (*Chairman.*) Thank you. If there is anything else that we would like to question you upon we will ask you to come to us again?—Yes, or if you will instruct your Secretary to come to me on any point that you want further details upon I will see that all the information is provided for you.

120. We are much obliged to you, and we should be glad if you will kindly send us the tables that you mentioned in the course of your evidence?—I will do so.*

The witness withdrew.

(Adjourned for a short time.)

* *The witness subsequently sent in the following memorandum:—*

MEMORANDUM SHOWING AMENDMENTS OF HABITUAL DRUNKARDS ACT, 1879, EFFECTED BY THE INEBRIATES ACT, 1898.

i. By S. 13 the Local Authority under the Act became the County and Borough Councils instead of the County and Borough Justices.

ii. By S. 14 Local Authorities are empowered to contribute to the establishment or maintenance of Retreats.

iii. By S. 15 Retreats may be licensed for periods of two years instead of 13 months as formerly.

iv. By S. 16 a person may enter a Retreat voluntarily for two years instead of one year as formerly.

v. By S. 16 one justice is substituted for two justices as the attesting authority to the signature of an applicant for entry into a Retreat.

vi. By S. 17 it is enacted that where a person has once been in a Retreat, his detention may be extended or renewed without further proof of his being an habitual drunkard.

vii. By S. 18 (1) it is enacted that if a patient escapes, the time during which he is at large shall not be reckoned as part of his period of detention.

viii. By S. 18 (2) a warrant for the apprehension of an inebriate who has escaped from the care of the person to whom he was licensed, may be issued by any justice having jurisdiction in the place where that person resides.

ix. By S. 19 the requirements as to giving notice of the death of a patient in a Retreat are extended to inebriates at large under licence.

x. By S. 20 the Secretary of State is empowered to make regulations as to:—

(*a*) The procedure for admission and re-admission to, or extended detention in a Retreat.

(*b*) The curative treatment of inmates, including enforcement of work necessary for their health.

(*c*) The inspection of Retreats.

(*d*) Any other matter necessary or proper for carrying out the laws as to Retreats, including:

(*e*) The prescribing of forms.

APPENDIX (*referred to in Question* 51*a*).

TREASURY CONTRIBUTION.

Under the powers conferred on them by Sections 8 and 27 of the Inebriates Act, 1898, the Lords Commissioners of His Majesty's Treasury have, upon the recommendation of the Secretary of State, consented to contribute out of money provided by Parliament, the following "sums towards the expenses of the detention of persons in certified inebriate reformatories":—

(I.) Inmates under Detention.

(A.) In Reformatories opened not later than the 30th September, 1905.

(*i*) *Cases under Section* 1.

(*a*) *For the first six years after the opening of the Reformatory.*

A weekly grant of 16s. for each inmate committed under Section 1 of the Act during the period of his detention in the reformatory.

(*b*) *For the five years next following.*

A weekly grant of 14s. for each inmate committed under Section 1 of the Act during the period of his detention in the reformatory, with power to the Secretary of State to increase the grant to a sum not exceeding 16s. a week in cases in which the managers have, with his concurrence, incurred heavy expenditure for land and buildings.

(*ii*) *Cases under Section* 2.

(*a*) *For the first six years after the opening of the Reformatory.*

A weekly grant of 10s. 6d. for each inmate committed under Section 2 of the Act during the period of his detention in the reformatory, provided that in the case of reformatories other than those established by local authorities, a contribution of not less than 5s. 6d. a week is made by a local authority under Section 9 of the Act, in respect of each inmate.

(*b*) *For the five years next following.*

A weekly grant of 7s. for each inmate committed under Section 2 of the Act during the period of his detention in the reformatory, provided that in the case of reformatories other than those established by local authorities, a contribution of not less than 5s. 6d. a week is made by a local authority, under Section 9 of the Act, in respect of each inmate.

(B.) In Reformatories opened after the 30th September, 1905.

The rates and conditions stated in paragraphs (A.) (*i*) (*b*) and (A.) (*ii*) (*b*) above, the period of five years being reckoned from the date on which the reformatory was opened.

(II.) Inmates in Hospital.

When during the period of detention in a reformatory an inmate has to be removed to hospital, the Government contribution will be allowed at the usual rate, for a period not exceeding three months, on the production of vouchers showing that a weekly charge of equal or greater amount is made by the hospital.

(III.) Inmates on Licence.

(*i*) A weekly grant at the rate of not more than 6d. a day, at the discretion of the Secretary of State, in respect of each inmate while out on licence for a period not exceeding three months.

(*ii*) In quite exceptional cases specially recommended by the inspector, a small grant to deserving inmates on discharge on licence for such objects as buying tools, outfits for employment, &c.

(IV.) Removals.

The reasonable expenses of the removal of an inmate—

(*a*) from a certified inebriate reformatory to a State inebriate reformatory, by direction of the Secretary of State;

(*b*) from a certified inebriate reformatory to a lunatic asylum, or from a lunatic asylum to a certified inebriate reformatory, or from one lunatic asylum to another, in every case by direction of the Secretary of State; and

(*c*) from one certified reformatory to another, or to an auxiliary home, in exceptional cases in which the removal is made at the instance of the Secretary of State.

The foregoing scheme of contribution will come into force on the 1st April, 1906.

The weekly grants will be allowed subject to the terms of the certificate granted to each reformatory, and to the regulations made by the Secretary of State.

Whitehall,
12th February, 1906.

Dr. R. W. BRANTHWAITE (a Member of the Committee), called and examined.

121. (*Chairman.*) You have prepared a statement of evidence, which I understand you will furnish the Committee with?—Yes. One or two questions, however, have been asked this morning about two short Acts which require brief notice before passing to other matters; the Act of 1888 and the Act of 1899. The Act of 1888 merely amended the Act of 1879 in two particulars. The Act of 1879 was a temporary Act for 10 years. The Act of 1888 made the 1879 Act permanent. There were only two other sections of importance; one of them enabled the licensee of a retreat to appoint a deputy. The other settled the difficulty as to whether or not the Justice of the Peace, who attested the signature of an habitual drunkard, should be resident in the neighbourhood where the habitual drunkard lived. That was all the Act of 1888. The 1899 Act was shorter still. Some difficulty arose as to the payment of the expenses of a prosecution on indictment with regard to Section 1, cases of the 1898 Act, and the short Act of 1899 arranged for the payment of cases on indictment. That is really all that the Act of 1899 meant. Then there was a small Act of 1900 which applies only to Scotland, in some small details which I do not think need trouble us at all. Those three short Acts are all, with the exception of those that we have heard of this morning, that refer to habitual drunkards. I think we ought to be quite clear about the relative uses of the 1879 Act and the 1898 Act; I want to absolutely distinguish between the two, otherwise we shall have some confusion. The 1879 Act merely allows an inebriate to commit himself if he so desires, and it allows any person to open an institution for the reception of persons who desire to enter them; when we have said that we have summarised the Act of 1879.

122. Does that mean institutions which are only for inebriates—for all inebriate cases?—No, not for all inebriate cases.

123. Are these retreats confined to inebriate cases?—Yes, to voluntary cases.

124. I mean no other cases will be taken in those places?—No; they are retreats within the meaning of the Act for inebriates only.

125. (*Dr. Bruce Porter.*) Inebriates includes those who are addicted to drug-taking?—We shall come to that, and I think we had better not complicate it just now. I am going to run through these points in my evidence as they arise. There is a point here with regard to habitual drunkards, especially as regards good class cases. That word "drunkard" is somewhat opprobrious, and has to a certain extent prevented the Act being used. People do not mind being called inebriates, but they object to being called habitual drunkards. The Act of 1898 realised that, and is called the Inebriates Act; I strongly advise that any subsequent legislation should bear that word "inebriate," and not "habitual drunkard." There is another reason why this should be. We hope to include, or I hope you will recommend the inclusion of, drug habitués under the term "inebriate." It is obvious that a man who eats opium, or who injects morphia under his skin, or who inhales chloroform or ether, cannot be called a drunkard, in that he does not drink; the word "inebriate" might be made easily to include those forms of addiction. The Act of 1879 is headed: "An Act to facilitate the control and cure of habitual drunkards." In the Act of 1898 that word "control" was omitted. If this Committee considers that control is a necessity, even if reformation is unlikely, I think it should be more specifically stated in regard to work under what is now the Act of 1898. The first point arises in regard to Section 3 of the 1879 Act. In its definition (on page 2) of an habitual drunkard it says: "'Habitual drunkard' means 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 to others, or incapable of managing himself, or herself, or his or her affairs." Three points have arisen in respect to this definition, two of which affect the Act of 1879, and one of which affects the Act of 1898. There was no new definition of habitual drunkard put in the Act of 1898, and therefore this one applies to both Acts. The first difficulty is in connection with that word "drunkard" already referred to; the second also has been briefly referred to, that is, the absence of any reference to excessive indulgence in the use of drugs. The third point is rather a curious one, and a somewhat interesting one. When the 1879 Act was first under discussion some difficulty was experienced in the attempt to describe a person who should be detained in a class of institution which could not by any means be turned into an unlicensed lunatic asylum. Therefore the words, "not being amenable to any jurisdiction in lunacy," were included in this definition, so that any lunacy question should be out of it altogether. But when this definition became used for the Act of 1898 it was read in an entirely different way, and there are some magistrates now, of very good standing indeed who say they cannot commit an inebriate to a reformatory under this definition, unless (in addition to being an inebriate) he is a person who is more or less mentally defective. They say that the fact that the words "not being amenable to any jurisdiction in lunacy" are included means that although they are not lunatics they ought to be nearly lunatics. This accounts to a great extent for the large percentage of mentally defective persons who have been committed under the Inebriates Acts. Obviously that ought to be altered, because the Act was intended to deal with habitual drunkards, and not solely with mentally defective habitual drunkards. Of course we get the mentally defective and there are many reasons why they should be detained: but looking at it simply as a remedy for habitual drunkards I do not think it should also be necessarily a condition that they should be mentally defective. This point has been the subject of much official correspondence, and there are papers in the Home Office which I think should be placed before you, showing the necessity for some amendment of this definition. There is also a draughtsman's suggested amendment available for your consideration. It would only need trivial verbal amendment to remove all difficulty. This, however, will all come out very strongly in evidence from Yorkshire, where many of the magistrates have refused to use the Act because of that difficulty.

126. (*Dr. Donkin.*) I should like to ask Dr. Branthwaite whether in his experience he thinks that particular reading of the Act is common with magistrates other than the Yorkshire magistrates?—There are magistrates all over the country, here and there, who have taken that view, and one or two London magistrates are amongst them.

127. (*Mr. Rose.*) I should have thought myself it would be impossible to maintain?—I know, but it is so.

128. (*Dr. Donkin.*) It is very important if it is so?—It has been an influence which has very largely prevented committals.

129. Yes, and we have also remarked during the course of the last few years what a very large proportion of mentally defective people have been committed by the courts?—Yes.

130. (*Chairman.*) Is there no appeal to the High Court about it?—No; I have tried to get cases stated, but no one has seemed to care to do it. I have stated the matter fully in my written statement which will be at your disposal. It was Mr. Tindal Atkinson, the Recorder of Leeds, who first pointed out the difficulty, and a great many followed. With regard also to this definition it seems to me desirable that it should be still further extended to include persons who are neither dangerous nor incapable, when it can be shown that their habits cause continuous family distress or reduce those dependent upon them to poverty. I think in any question of the extension of the Act such persons should be included.

131. (*Mr. Bridgeman.*) I suppose you would apply it to the provision of Meals Act, and that sort of thing, where parents do not feed their children, and so on?—Yes.

132. Does not the Provision of Meals Act touch this point. They have to pursue the parents when they find they have neglected their children?—Certainly.

133. Cannot they deal with them by the Act of two years ago?—No, it is no good whatever; no case has ever been dealt with under Section 11 of the Prevention of Cruelty to Children's Act of 1904.

134. I mean the Provision of Meals Act, the one passed the year before last. There was a section in that which I never believed would work at all, but which they all said would enable any local authority to pursue any parents for neglect of their children owing to drunkenness or any other cause when they found a child underfed or where there was neglect on the part of the parents they could be proceeded against under some Act, and I did not know which it was?—I cannot say, no cases have been sent to retreats under its provisions.

135. (*Chairman.*) I think we ought to get a copy of that Act, because I think the Act empowers the local authority to hand over cases of negligent parents to the magistrates for a conviction?—Yes.

136. (*Mr. Bridgeman.*) That is so; but I think they can only work through the Prevention of Cruelty to Children Act?—That is so. Now with regard to the establishment of retreats. Any suitable person may establish a retreat for the reception of voluntary cases. Such a licence can now be given by local authorities, that is, by county or borough councils. A county or borough council is the authority for establishing the retreat. But, unfortunately, under the present Act, the subsequent control of that retreat is in the hands of the Secretary of State. So that a county or borough council can establish, and license, anything in the shape of a retreat, and whatever they like to license, we have to see that it is conducted properly. That dual control has been a matter of very serious inconvenience and difficulty. For instance, instead of being able to say to the licensee of a retreat (I am looking at it from the inspector's point of view now) "Look here, unless you do this, that, or the other, we will not renew your licence." All I can say is: "If you do not do this we shall write to the authority that grants you the licence." Seeing very often that the licensee of the retreat is a man of some importance in the neighbourhood, a Justice of the Peace himself sometimes, and that his own friends are very often members of the Council, that is not a very strong threat, of course. That is one of the reasons. Then, again, there is a good deal of delay in obtaining a licence for a retreat. County councils only meet occasionally, and I have known a case where nine months have elapsed between the application for a licence and the grant of the licence.

137. (*Chairman.*) What is your suggestion?—My suggestion is that the licensing and subsequent supervision of the retreat should both be under the control of the Secretary of State, and that the Secretary of State should license retreats in the same way as he now certifies reformatories which are much more responsible institutions.

138. (*Mr. Bramsdon.*) Would not the local authorities be likely to strongly object to such a transfer?—No, I think they would be very glad. They do not want to be bothered with it, because it is business they do not understand. The control committee of a council is constantly changing and they do not know anything about the necessities for an inebriates' retreat.

139. (*Mr. Bridgeman.*) It would not be very easy to get them to contribute later on if they had had no say in it?—That is another question, is not it? There is no question at present of contribution by local authorities to retreats. They can establish them if they like, but then if they establish them they should not also license them, should they?

(*Mr. Bramsdon.*) You ask them to contribute to the support of a retreat the licence to which they have not granted. There is not much probability that local authorities will contribute to retreats.

140. (*Mr. Bridgeman.*) They would contribute their share at any rate of any person they sent?—Local authorities do not at present pay for cases in retreats. It is different with regard to a reformatory. A local authority asks to be allowed to conduct a reformatory. It provides it, and then asks the Secretary of State that it may be certified for the admission of inebriates.

141. (*Mr. Bramsdon.*) You want to make it uniform?—I want to make it uniform. Then there is another point. Section 6 allows any person to establish a retreat and then ask for a licence. The result is that a person may only license his institution if he wants to. There is no compulsory power of licensing at all. Therefore, a man conducting a good institution does not fear supervision or inspection, and asks for that institution to be licensed. But if a man does not conduct a decent place and does not want supervision, he does not license. There are as many unlicensed inebriate homes in England now as there are licensed, and I think in any amending Act we should have compulsory licensing.

141*a*. (*Dr. Donkin.*) Would that mean that every doctor who takes one or two people and treats them, or every doctor to whom a man can send a drunken relative to be treated, would have to be licensed?—Yes, that should be provided for in the same way as in the case of the Lunacy Acts.

142. It is a very important question?—It is.

143. I am not opposing the question because I have not thought it out, but I think it is raising an exceedingly important point?—Yes.

144. (*Chairman.*) That is my opinion also. These questions will all have to be gone into?—Of course, if desired, you could always except houses for only one or two inebriates; you need not call those retreats.

145. (*Dr. Bruce Porter.*) Providing that the licence fee was only a nominal one, there ought to be no trouble about the licence?—Certainly not.

146. (*Chairman.*) What is your opinion of the word "home" as compared with the word "retreat"?—I do not like the word "home" at all; I prefer the word "retreat." I think retreats ought all to be licensed, or to take Dr. Donkin's exception, with the exception of those doctors who only treat one or two patients.

(*Dr. Bruce Porter.*) Would there be any objection in the case of a man who only wishes to take, say, one inebriate in, having a licence, because I think most of us will agree there is a very fine dividing line between inebriate and lunatic, and why should not a man, providing you only charge him a nominal fee, who is given permission to have a house for one inebriate, have a licence for it.

147. (*Dr. Donkin.*) You have also got the case of a man who keeps a home for people suffering with nervous breakdown. Is he to have a licence?

(*Dr. Bruce Porter.*) No, because he is not to be controlled by Act of Parliament. It merely means that when the inebriate comes in he is to be controlled and retained there from the moment he goes in, and why should not there be a licence?

(*Dr. Donkin.*) I quite agree if Dr. Branthwaite only means to confine it to such retreats as under the Act are rendered compulsory. I was speaking of the large number of persons who are sent now to retreats which are not licensed at all—people who are simply received there as cases for medical treatment. Are those cases to be licensed?—I think those institutions should be licensed.

148. (*Mr. Bramsdon.*) Are there many of them?—A good many.

149. You have no supervision of them?—None whatever. Some of them are overcrowded and badly conducted generally, and in some cases they allow the inmates to drink as much as they like.

150. (*Chairman.*) So you suggest supervision?—I suggest supervision, and inspection, and control and licence for all persons taking inebriates.

151. (*Mr. Bramsdon.*) Are you inclined to limit it in the case of those who only take a few?—I should say all.

151*a*. Even single cases?—Yes.

152. (*Mr. Bridgeman.*) Would not a home where only one person was taken be more open to abuse—because it is abuse that is one of the great things to guard against—than where there were several?—Yes. I think we might follow the lines of the Lunacy Act in this respect.

152*a*. Is there a fee charged under that Act?—Yes, I think so.

153. (*Mr. Bramsdon.*) This might mean a very big question, because I apprehend there is an enormous

number of cases where only one person is voluntarily detained?—Yes.

154. Would not that mean a large number of additional inspectors?—They do not go very often in the case of lunacy, not more than once a year, to the person maintaining a lunatic. I am quite willing to eliminate it in the case of one, if you like, but I suggest they should all be under inspection and control.

155. At the present moment there are two kinds of homes, one where a man volunteers to go into it, and whenever he likes can leave—he can go in one day and leave the next if he does not like it. Are there many of those homes?—Certainly.

156. Do you suggest those homes should come under our control?—I think they ought.

157. A man might be in and out all day long. You would want a special Home Office to deal with it would you not?—I do not think so.

158. (*Dr. Bruce Porter.*) It seems to me to bring the whole of the treatment into discredit and disrepute, where a man goes into a retreat and stays for three or four weeks, and then says, "I am not going to stay any longer," and comes out, and is just as bad as he was before, and his friends say he was in a retreat and it has not done him any good. I take it that he ought to go there for some definite period which would give the actual treatment in question a definite trial?—You will have to take evidence on all those points.

159. Once having volunteered to go, he should stay there for the time he has agreed on, and not throw the whole thing up in a short time?—That is so.

160. (*Chairman.*) It is an important point, and I should like a note made of that.

(*Witness.*) Yes. Then Section 7 is: "No licence shall be given to any person who is licensed to keep a house for the reception of lunatics." I am not satisfied that such restriction is necessary or desirable. Many inebriates are little short of insane persons, and would perhaps benefit by being under the control of persons expert in the treatment of insanity. I would recommend the addition to the section of the following words: "Unless suitable and separate accommodation is provided to the satisfaction of the Secretary of State, and duly licensed for the purpose."

161. (*Mr. Bramsdon.*) Then I take it you would only send to such a place persons who were very nearly, if not quite, insane?—Many go to lunatic asylums now who are merely inebriates, and I think, that being the case, they should be controlled in some part which is suitable for the purpose, and not be amongst lunatics as they are at present. The reason why no lunatic asylums are at present authorised to take inebriates is because of that prohibitive clause, and I think that prohibitive clause is unnecessary.

161*a*. I think, as a matter of fact, they go there in the ordinary way as lunatics?—Yes. With regard to the conditions as to an inebriate desirous of being admitted into a retreat, Section 10 here says that his application should be signed before two magistrates, but that has been amended by Section 16 of the Act of 1898, which also substitutes a term "not exceeding two years" for a term "not exceeding one year." I was not very anxious, I remember, at the time, that one year should be increased to two years, and I am not sure now it is desirable. I think it would be better if this Committee recommended that the second year should be spent on leave of absence, unless it is specifically shown that such a course is undesirable.

(*Dr. Donkin.*) I strongly agree with that.

162. (*Dr. Bruce Porter.*) With regard to the question that was asked about keeping a man in a retreat once he has volunteered to go there, that is provided for by Section 10 of the 1879 Act, I see?—Yes, if he signs, but if the place is not licensed they cannot take signed patients.

162*a*. What I meant to get out and did not get out well, was that all places should be licensed so that they should be able to deal with these cases?—That is my suggestion; that is what I meant.

163. (*Chairman.*) The second year you think they should have leave of absence?—Yes, they should be allowed to spend the second year on leave of absence unless specially shown to be undesirable. Now with regard to Section 14. If I wanted to start a retreat I should have to apply to the County Council for licence, and I should have to pay 10s. a head for every case I proposed to detain in that retreat. There are one or two retreats now licensed for the detention of 50 persons which means a considerable tax for keeping inebriates. I do not see why any person should be taxed for trying to cure drunkards; it seems to me as unjustifiable as to tax a hospital or a nursing home. But I suppose the question of the word licence occurring so often and the word liquor occurring so often led people to think that they must somehow bring in the Inland Revenue.

164. (*Mr. Bridgeman.*) Would you wish to abolish the £5 stamp duty?—Yes, I would abolish it. The Treasury has consented, and has done for some years past, to allow me to certify certain institutions as being conducted for philanthropic purposes, and in all those cases I have been able to get the stamp duty rebated; they do not pay at all in such cases.

165. (*Dr. Bruce Porter.*) Would not an extension of that be questionable, because you do not want to strike off any means of raising money—especially just now?—Yes, but what does it mean—about £15 or £20 a year to the Treasury.

166. (*Mr. Bramsdon.*) I suppose the Treasury will not object?—No. In fact, they have suggested that in any amendment of the Act this should be done. You will find that in the Home Office papers on the subject.

166*a*. Your point is to encourage the establishments rather than to hamper them?—Quite so. I am leaving out several minor points, as they will all come in in the evidence. I now go to Section 19. There is a small point there.

167. (*Chairman.*) How shall we get this on the notes?—My written statement will give it to you. By Section 19 leave of absence may be given to a patient for a definite time for the benefit of his health. There are many other practical reasons why it is desirable that leave of absence of a patient from a retreat should be possible in addition to "the benefit of his health"; for instance, leave of absence of a patient from a retreat is sometimes desirable where business necessities; domestic difficulties, sickness and so on, demand his presence elsewhere, and I think "for the benefit of his health" should be omitted altogether, because that would enable a magistrate for any purpose that he considered justifiable to give leave of absence. The other points with regard to the Act of 1879 are all small points, and you will get them in the ordinary course, so I am missing those over.

168. The ones you have mentioned to us are the chief amendments that you suggest?—Yes, they are the chief amendments; there are a lot of smaller ones which are very technical and not at all controversial, but which, of course, will need to be considered.

169. You would like to see them all embodied in your report?—Yes, because they have given rise to practical difficulties. Now I come to the 1898 Act. You see the heading of the 1898 Act is "to provide for the treatment of habitual inebriates." I think if any Act requires the word "control" that Act does, but that is a point that this Committee will have to decide, as to whether any case, irreformable or otherwise—I do not like that word, and I know Dr. Donkin does not—whether "cases not likely to be benefited," should be detained under this Act.

170. (*Mr. Rose.*) Might not they be classified as hopeless?—Yes.

171. (*Mr. Bramsdon.*) Is not "habitual inebriates" carrying it a little bit too far. What is an inebriate?—The definition in Section 3 wants altering. Inebriate, according to the definition of that section, is "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 to others, or

incapable of managing himself or herself, and his or her affairs."

172. Do the words "habitual inebriates" occur in any other part of the 1898 Act, except in the preamble and the heading? It is generally referred to as "habitual drunkards" and not as "habitual inebriates"?—That is so.

173. That is curious?—Yes, it is rather curious.

174. (*Chairman.*) Do you want to eliminate "drunkard," like Mr. Byrne?—Yes. I want the word "inebriate" to cover everything.

175. (*Dr. Bruce Porter.*) And eliminate the word "habitual"?—An inebriate is an habitual drunkard; you do not want the "habitual"; it is a double qualification.

176. (*Mr. Bramsdon.*) Do I understand there is no definition in the Act of 1898?—No.

177. Does it accept the definition of the other Act?—Yes, it says in Section 30: "This Act may be cited as the Inebriates Act, 1898, and shall be construed as one with the Inebriates Act, 1879, and 1888."

178. Therefore every Act uses "habitual drunkard" or "inebriate," and you are bound by that definition?—Yes; therefore we should consider that definition now very carefully and arrive at something better.

179. (*Mr. Rose.*) In the collection of Colonial and other statutes which have been furnished to us there is on one page a number of definitions of this sort of person, in all kinds of varied terms. You will see how difficult the definition is, but you will also, I think, find that some of the Colonial definitions are nearer right than ours?—Yes.

180. (*Chairman.*) As regards the title of this Act, you would like the word "control" inserted?—Yes, I hope to see an amending and consolidating Act including all existing and extended powers. Section 1 for the committal of criminal drunkards has not been used as much as it might be. Only about 400 persons have been committed during the last nine years under its provisions, and the maximum deterrent influence has been the necessity of indictment to higher courts from petty sessional courts. No person can be sent under Section 1 of the Act unless that person is indicted to a higher court. The magistrate sitting in the petty sessional courts cannot deal with cases under Section 1 of the Act. There are a great many cases which might be dealt with by magistrates under Section 1 of the Act, the milder form of cases of prevention of cruelty to children for instance, larceny, assaults on police and others, attempted suicides, wounding not amounting to felony; these occurring in inebriates might very well be dealt with in petty sessional courts without indictment to higher courts. It means such a great expense to unnecessarily have a trial on indictment for every case such as that, and I think the Act might be amended in some way to enable magistrates to deal with certain cases under Section 1 of the Act. What would be the line of demarcation it is rather difficult to define, but probably any case that would in the ordinary course of justice have received six months imprisonment or something of that sort as the result of trial on indictment, might be very well dealt with in that way.

181. (*Mr. Bramsdon.*) Do you suggest the justices should have compulsory power to deal with those, and not merely where the prisoner has agreed to be dealt with summarily?—That is another question I wanted to bring in later. It applies to both sections of course. The difficulty is, whether the consent to be dealt with summarily is essential.

182. (*Mr. Rose.*) If they were by consent, that is one thing, and consent is very generally given, even in cases of importance, but without consent I am afraid difficulty might be raised in the House of Commons about it. But you think milder cases could be dealt with summarily if they consented?—Yes, I do indeed.

183. But not unless they consent to be dealt with summarily, of course?—No. Now with regard to Section 2—I am missing a lot out because there are so many points.

184. (*Chairman.*) It would be better if you would give us all the points?—These are all really practical points, and perhaps it would be as well if you could have them all.

185. Yes, I think it would save us a good deal of trouble if you would go on with them and not miss out any. We can have them on Thursday, and if you give them all to us we can make notes of them at the time, and those notes will be very useful to us in asking further questions?—All these points are essentially practical ones. I am not a lawyer, but I have had the building up of this work from the very first, and I know what difficulties I have met with. I think it would be better to have my notes printed, and you will be able to see the points much more clearly, and you can question me about them later if necessary.

186. (*Dr. Bruce Porter.*) We can have a second run at you?—You can have a second run at me. Now with regard to Section 2 of the Act which is: "Any person who commits any of the offences mentioned in the first schedule to this Act, and who, within the twelve months preceding the date of the commission of the offence, has been convicted summarily at least three time of any offences so mentioned, and who is an habitual drunkard, shall be liable upon conviction on indictment, or if he consents to be dealt with summarily"—those are the three conditions which permit or enable a magistrate to deal with a case under Section 2 of the Act. First, if that person has three times previously been convicted within twelve months; secondly, if that person is an habitual drunkard; thirdly, if he consents to be dealt with. These three distinct difficulties have been encountered in working this Section—one, difficulty in proving three previous convictions; two, difficulty in proving habitual drunkenness in accordance with the present definition—I mean some magistrates being dissatisfied that a person is an habitual drunkard unless he is also mentally incapable. Thirdly, difficulty in obtaining consent to summary procedure, and fourthly, difficulty in the recommittal of irreformable cases—repeating cases. Now the difficulty in proving three previous convictions is a very real one indeed.

187. (*Mr. Bridgeman.*) Would it be simplified by making it 24 months instead of 12?—No, it would help little; many persons who are known to be habitual drunkards of the most confirmed type only now and again fall into the hands of the police.

188. But if you made it two years instead of one you would get more?—That is probable; but the result would not be satisfactory. The "three previous convictions" requirement was inserted to qualify the drunkenness and to prevent the Act being applied to ordinary vicious drinkers. In practical working, however, it is found that a magistrate can more easily be satisfied of the fact of habitual drunkenness than he can of the "three previous convictions." Therefore, as a matter of practice and as the result of experience, we find that the previous convictions have become the main reason for conviction in these cases. I mean the first question that is asked is with regard to the three previous convictions, otherwise the man cannot be dealt with at all, habitual drunkard or not, and the three previous convictions' condition has therefore assumed an importance which it was never intended to have. Is not that so, Mr. Rose?

(*Mr. Rose.*) That is entirely so.

189. (*Chairman.*) It takes complete precedence over the other things?—Yes, it has assumed a value which it should not have.

190. (*Mr. Bramsdon.*) It is the *raison d'être* of the whole thing?—Yes. We have 15 courts in London, but you know how easy it is to go across the street, and a man, if he is cunning, may be convicted 45 times in London and three times in any one court without coming a fourth time to the same court. That is an exaggerated case possibly, of course; but you can imagine a case where a man has been convicted 10, 15 or 20 times in a year without having been convicted four times in any one court. In that way very many cases go on year after year and cannot be dealt with at all. Mr. Rose, for example, would ask if there had been three previous convictions, and the answer might be,

"No, only twice in this court." Yet that man might have been convicted many times in other courts.

191. (*Chairman.*) You cannot trace him, I suppose?—No.

192. (*Mr. Rose.*) These people so frequently change their names when they have been convicted in one district. Mary Brown who has been convicted in one district is Jane Smith in another?—Yes, and I think the last one who was convicted had eight aliases. I merely throw this out as showing you the practical difficulty. Whether it can be modified or not is another question. Whether it is possible to remove the three previous convictions' condition or not I am not prepared to say without some discussion of all bearings; but I give it to you as being one of the most important influences which have deterred the working of this Act.

193. (*Chairman.*) Putting aside the point of the change of name, is there any practice in these courts of one court communicating with another with a view of tracing the person who comes before the magistrate? (*Mr. Rose.*) There is an informal way. I think the police communicate with each other, and the jailor is often able to say in my court, for example: "This woman has been convicted at Lambeth." There is a kind of informal correspondence amongst the police; they make inquiries amongst themselves.

194. (*Chairman.*) But there is no centralised register, or anything of that kind, that you can consult and put your finger upon a particular person?—No; and I wish strongly to recommend better police registration as one remedy for the difficulty.

195. A centralised register?—Yes.
(*Mr. Rose.*) In London the difficulty is very great with regard to it.

196. (*Mr. Bramston.*) You have given us this figure of three previous convictions as an arbitrary number?—Yes.

197. Is the suggestion that a lesser number would be better or are you of opinion that it would be better to do away with the number altogether?—I am not prepared to say whether it should be done away with altogether; I think there ought to be some modification. The only reason the police give for not being able to compile a fairly good registration is because of the clerical staff it would involve. I think if a recommendation of the Committee went forward that a more careful registration is desirable, that the Treasury would grant the additional clerical help necessary. I might say that I arranged with the Governor of Holloway Prison to notify when a case happened more than three times in that prison, and the Prison Commissioners very kindly followed that suggestion, and it has been of very great use.

198. Does that difficulty apply only in London, or do you get the same difficulty in the Provinces?—It is just the same in the Provinces in the large towns: Leeds, Hull, Manchester and Liverpool.

199. It struck me in reading this that three convictions was rather a large number?—A reduction of the number of convictions would be an advantage, if the condition cannot be removed altogether. I think we shall have no difficulty whatever in agreeing on the next point, and that is with regard to returning cases; cases that have once been committed to a reformatory and within 12 months, say, have relapsed. Why should it be necessary again for the magistrate to prove three previous convictions, if it has already been proved, and the man has already been sentenced to a reformatory? With regard to re-committal, I think merely proof that a person has been under detention in an inebriate reformatory within 12 months ought to be quite enough.

200. You mean, of course, that he must commit another offence?—Yes, he must commit another offence against the Inebriates Act.

The witness handed in the following statement to summarise the position and make the foregoing points clear.

1. In 1884 I was appointed Medical Superintendent of the Dalrymple Home, Rickmansworth, a retreat licensed under the Act of 1879, and conducted by a philanthropic association. During the 15 years which followed I managed that institution, and two others of a similar nature. Nine years ago I was appointed inspector under the Inebriates Acts, with control over the then existing institutions, and with the organisation of others to be established under the Act of 1898 which had just become law. During the latter period I have had under my immediate supervision about 25 retreats, 11 certified inebriate reformatories, and two State reformatories. From first to last I have known, or have been familiar with, the details of approximately 7,500 inebriates who have entered retreats, and nearly 3,000 who have been committed to inebriate reformatories under the Act of 1898.

Mr. Byrne, by giving you an outline of the history of inebriate legislation and the development of work under the provisions of existing Acts, has rendered it possible for me to pay more attention to details concerning the difficulties which have been met with in the administration of these Acts, and the amendments which are necessary to remove difficulty and make them effective. With this object in view I propose to attack the subject under the following sections:—

A. Relating to the Habitual Drunkards Act of 1879.
B. Relating to the Inebriates Act of 1898.
C. Relating to powers for the control of inebriates in other than the above Acts.
D. Relating to the desirability or otherwise of further legislation for those inebriates who cannot be dealt with under any existing Act.

SECTION A.

Relating to the Habitual Drunkards Act of 1879.

2. In regard, first, to the title of this Act, I would strongly advise that, in all future legislation, the term "habitual drunkard" be allowed to disappear, and that its place be taken by the word "inebriate," which is less opprobrious. This course has already been followed in the Act of 1898, and should be continued. Besides being less opprobrious the word "inebriate" is more comprehensive, in that it can be made to apply to persons who habitually use to excess such drugs as morphia, cocaine, chloral, chloroform, and ether.

Some attempt has been made to stretch the term "habitual drunkard" in the present Act to apply to drug habits—when the drug habitués have brought themselves into the condition of "habitual drunkards" by excessive indulgence in the drinking of laudanum, chlorodyne, chloroform, ether, &c. But this has only been done to a very small extent, and it has been found impossible to do it at all, however bad the case may be, when the drug habit depends upon methods other than the introduction to the body of fluid by the mouth. No man can be called a "drunkard" who does not drink drugs but eats them in solid form (*e.g.*, lozenges or tabloids), inhales them, or injects them under the skin. If the word "inebriate" is universally substituted for "drunkard," it becomes possible to include in the term all drug habitués as well as persons addicted to the excessive drinking of alcoholic intoxicants.

The descriptive heading of the Act of 1879 reads as follows:—"An Act to facilitate the control and cure of habitual drunkards." Although this seems clear enough, the wording has, nevertheless, given rise to considerable misapprehension, and, in view of future observations concerning the Act of 1898, and the possibility of the extension of these Acts on broader lines, I think some modification of this description is desirable. It has been held by many persons that this Act was passed to permit the control of inebriates solely for the purpose of cure, and, therefore, that persons not obviously curable are exempt from its provisions. There are reasons other than cure which indicate the control of inebriates, and it seems to me that these reasons should be specifically accepted to avoid future misapprehension. If, as I am sure you will find, there are ample reasons to justify your recommending the presentation to Parliament of an amending, consolidating and extending Bill, such a Bill should definitely state that its object is to facilitate the reformation of inebriates, or, failing reformation, to provide for their more or less continuous

control in the interests of the community. I mention this point here in consequence of my attempt to take questions in the order which they present themselves as we read the Acts; but the matter has proved of still greater importance in relation to work under the Act of 1898, and will be referred to again when the details of that Act are subjected to criticism.

Definition of Habitual Drunkard.

3. Taken in order of sequence, no point of importance calls for notice in regard to Sections 1–4 of the Act, save and except the last paragraph of Section 3—the definition of "habitual drunkard," which, as it stands, has given rise to a considerable amount of difficulty, and calls for attention. Three main points have arisen in respect to this definition, two which affect more particularly work under the Act of 1879 and one which has, to a very considerable extent, hampered the advance of work under the Act of 1898. As the same definition applies to both Acts, it will be convenient to deal fully with the matter here. It stands now in the following words: "Habitual Drunkard, &c." (as in Act). The two points which principally affect the working of the Act of 1879 are: (1) the objectionable character of the words "habitual drunkard"; and (2) the absence of any reference to excessive indulgence in the use of drugs. The first point has already been under notice, and it is unnecessary to add to what has already been said, except to emphasise the fact that it often becomes necessary for good class persons to place themselves under the provisions of the Act of 1879, and my own experience has satisfied me that many have been deterred from doing so by the presence of these words. For some reason or another the word "inebriate" is not open to the same objection. With regard to the second point—the absence of any reference to excessive indulgence in the use of drugs other than alcohol—it is necessary to add something more than has already been incidentally mentioned. In my own experience I have been brought into contact with hundreds of persons who, by the excessive use of various sedative, narcotic, or stimulating drugs or preparations, have ruined their own health, brought disgrace upon their families, and reduced to poverty those dependent upon them for a living. Although we find violence and crimes of passion less common amongst drug habitués than amongst alcoholic inebriates, comparatively speaking, as much ill-health, mental injury, suicide and poverty, results from the one as from the other. A drug habitué becomes as incapable of earning his living as an alcoholic. As the law now stands there is no power to detain such persons either for their own good or for that of the community. They should be legally considered to be "inebriates" within the meaning of the Act, and amenable to all the restrictions now possible, and to be applied in future, to the victims of alcoholic indulgence. This can easily be done by the addition of a few words to the definition in the last paragraph of Section 3 of the Act of 1879. The words "by reason of habitual intemperate drinking of intoxicating liquors," as they now stand, should be amended to "a person who habitually indulges to excess in the use of any intoxicating liquor or sedative, narcotic, or stimulant, drug, or preparation."

4. Before considering the influence of this definition upon work under the Act of 1898 it becomes necessary to call to mind the condition (Sections 1 and 2) which requires every judge and magistrate to satisfy himself as to the fact of "habitual drunkenness" before any person charged with an offence against the Act can be dealt with under its provisions. In other words, it is essential that judges and magistrates shall clearly understand what the words "habitual drunkard" or "inebriate" are meant to convey, and consequently what sort of persons are intended to be dealt with under the Act. The definition as it now stands has led to much controversy, and needs amendment to remove difficulty. Some judges or magistrates have taken a view of the meaning of the definition totally different to that taken by others; a difference of opinion which has conduced to restricted and ineffective working of the Act. A considerable number of magistrates have refused to commit habitual drunkards to reformatories on the ground that the definition of a habitual drunkard is not clear enough to enable them to act. This attitude appears to be originally due to a statement at Leeds by the Recorder, Mr. Tindall Atkinson (see "Stone's Manual," 1905, p. 250 and 46, S. J. 644), which has been widely quoted. Mr. Atkinson's attitude and that of the magistrates who have followed his lead is to the effect that under the existing definition no person can be considered to be a "habitual drunkard" within the meaning of the Act unless he is incapable of managing himself and his affairs *when he is sober* as well as when he is drunk. In order words, that a condition of permanent defect must have been produced by drunken habits short of actual lunacy.

Although this reading of the definition is not accepted by the majority of magistrates, it has been accepted by a sufficient number to materially affect the utility of the Act, and therefore requires amendment.

Taking into consideration the whole question of the definition, and to remove the objections raised against it, I would suggest the following as an amendment.

5. The expression "inebriate" means a person who, habitually indulges to excess in the use of any intoxicating liquor, or sedative, narcotic, or stimulant, drug or preparation, and by reason thereof at any time is or is likely to be dangerous to himself or others, or incapable permanently or temporarily of managing himself or herself, or his or her affairs.

It seems to me desirable that the definition should be still further extended to include persons who are neither dangerous nor incapable, when it can be shown that their habits cause continuous family distress, reduce those dependent upon them to poverty, or cause scandal.

The Licensing of Retreats.

6. An institution established under the Act is called a "Retreat." Any suitable person may establish a retreat on suitable premises, but such person may not receive and detain therein any inebriate who has signed under the Act until a licence to conduct the retreat has been issued in accordance with the provisions of the Act.

So far as England is concerned, Section 5 of the Act of 1879 authorises justices assembled in Special, General, or Quarter Sessions to grant such licence. This provision, however, was subsequently amended by Section 13 of the Act of 1898, which transferred the power of granting retreat licences into the hands of County and Borough Councils. These bodies have therefore been the licensing authorities since 1898, and remain so at the present time. For many reasons this arrangement has not proved satisfactory; a system of dual control exists which leads to constant difficulty and to an unworkable division of responsibility. Present enactments permit County or Borough Councils to license a retreat, but at the same time places upon the Secretary of State the responsibility of its subsequent good management (Sections 13 and 15, Act of 1879). The duties of inspection are rendered difficult in consequence. Instead of being able to enforce attention to requests for improvement, by a threat to withdraw certificate unless these requests are acceded to, it is only possible to threaten a letter to the licensing authority. As the persons interested in the management of retreats are often themselves Justices of the Peace, members of local authorities, or persons of local influence and importance, such a threat to write to persons who are local friends is not of great power.

Moreover, as a general rule, the granting of a licence to a retreat is placed in the hands of the General Purposes Committee of the Council interested. The Committee is formed of persons who are constantly changing, and who can scarcely be expected to become familiar with the points of importance which should govern the grant or refusal of licence. To be able to express an opinion on these points is of the greatest importance, indeed, essential. Knowledge of requirements can only be gained from familiarity with the needs of the inebriate, and from constant association with administrative contingencies. No committee burdened with important municipal business can be expected to master such details. The architectural construction of a building proposed for the purpose of a retreat, the state of its drains, and the existence of suitable provision for the escape of inmates in case of fire, are all matters which need

attention; but, they almost sink into insignificance when compared with the special suitability of the place for the detention of inebriates, and the qualifications of the individual who applies for power to legally detain such persons with a view to reformation. Through its surveyor a Council can deal with architecture, drains, and fire questions; but cannot be expected to deal properly with the more important matters above mentioned. Ignorance on the part of a Council of the conditions necessary for the successful conduct of a retreat has on more than one occasion led to grant of licence under conditions which rendered its effective working almost an impossibility.

Then again, many Councils only meet quarterly. The first application for a licence is adjourned (as a rule) for inquiry, which means an initial delay of three months. Should any question arise as to unsuitability, a further three months' delay occurs, and so on until the Council is satisfied. This may be necessary, but it is cumbrous, causes much inconvenience, delay in the reception of patients, and financial loss. In one instance, partly through a verbal defect in the original application, partly owing to a doubt as to the suitability of the premises, more than nine months elapsed between the date of original application and the final grant of licence.

In eight or ten instances within my experience licensees of retreats failed to make their application for the renewal of licence 30 days before the meeting of the licensing authority as required by Statute. This omission prevented the Council from granting licence until a subsequent meeting three months afterwards, with the result that the existing licence expired, and intervals occurred during which retreats were without licence, and therefore without power to detain persons under their care.

In two cases, again, licensees became suddenly incapable of conducting their institutions; no meeting of the Councils interested being due for nearly three months in each case, it was not possible to transfer the licences into other hands, and both institutions had to be closed.

7. The above are some of the difficulties encountered under existing conditions, and there are others which might be mentioned of minor importance. Constant occurrence of these difficulties leads to a lower standard of efficiency than would otherwise be possible to maintain, and causes irregularity, friction, and inconvenience. I am of opinion that no licensing arrangements will be satisfactory until the grant of licence to conduct a retreat and the supervision of its subsequent management are both in the same hands, such authority being a permanent one, able to act on emergency. I am satisfied that the power to issue licence or certificate should be in the hands of the Secretary of State, and, in regard to the procedure, that the same methods should be followed as now regulate the issue of certificates to inebriate reformatories. The issue of certificates to reformatories by the Secretary of State on the strength of an official investigation has proved simple in arrangement, effective in working, and conducive to the maintenance of a high state of efficiency.

This suggested amendment would be met by a clause repealing the power of local authorities to grant licences to retreats and in lieu thereof providing that "the Secretary of State, on the application of the Council of any county or borough, or of any persons desirous of establishing a retreat for the detention and control of inebriates, may, if satisfied as to the fitness of proposed buildings, and of the persons applying for licence, grant a licence which shall remain in force until withdrawn or resigned, and thereupon, whilst the licence is in force the retreat shall be a licensed retreat within the meaning of the Act." The Secretary of State should have power to make regulations prescribing the conditions on which a licence shall be granted and held, and the circumstances under which they may be withdrawn or resigned.

8. Section 6 of the Act has been amended by Section 15 of the Act of 1898 in so far as "thirteen months" has now been extended to two years. In regard to this, if my last suggestion that the power to certify or license be transferred to the Secretary of State be approved, the time limit will be removed altogether, and (as in the case of reformatories) a certificate will be given which shall continue in force until resigned, or withdrawn by order of the Secretary of State.

The great fault in this section is one of omission—the absence of compulsory licensing. If any person likes to make an application for a licence the licensing authority may grant such licence. The effect of this is that many institutions carrying on the work of retreats are unlicensed, and are consequently not subject to any inspection or supervision. The persons who manage good retreats are not afraid of inspection, and accordingly apply for licence; others, who have reason to object to inspection, do not become licensed. At present, therefore, good institutions which require the least supervision are properly licensed and inspected, whereas the bad ones escape control of any sort.

9. The unlicensed homes for inebriates in England, so far as one can judge, equal in number and probably exceed those licensed. It is possible that some of these unlicensed homes may be well conducted; but, on the other hand, many do not bear a good character. For the most part they are proprietary and managed by persons who care little for the future welfare of their cases, the houses in some cases are insanitary, insufficiently protected by means of escape in case of fire, overcrowded, situated in unsuitable neighbourhoods, and are without proper facilities for exercise and employment. Having an Act to legalise the detention of inebriates for the purpose of cure I think that Act should embrace all institutions in existence, and protect all inebriates from unsatisfactory control. It is fully recognised for the successful treatment of inebriates that some restriction to personal liberty is essential, but such restriction should only be allowed subject to safeguards against abuse. To render this possible the Act of 1879 was placed upon the Statute Book. It therefore seems an anachronism that institutions should exist exercising restraint over individuals without the precautions and supervision evidently contemplated by legislation. Moreover, it is impossible for intending patients or their friends to discriminate between the good and the bad without some guarantee as to suitability such as is provided by licensing, regular inspection, and appeal to responsible authority. At the present time some inebriates are in licensed retreats, others are in good and bad unlicensed homes, others are under the control of a large number of persons of varying degrees of fitness, who take patients singly or in twos or threes. Some of these latter, by the way, have secret schemes of treatment, or methods of their own for drugging the patient; others administer quack remedies, whilst others give their patients no treatment whatever and very little attention. Some do not attempt even to control their drinking habits. A certain number of cases are in penitentiaries, rescue homes, or are under control in other charitable institutions.

10. I am of opinion that no amendment of the Act will be satisfactory which does not include a provision on the lines of the Lunacy Acts, for the compulsory licensing of all institutions for the treatment of inebriates and for the registration of all persons undertaking the care and control of inebriates.

11. With regard to Section 7, I am not satisfied that this restriction is necessary or desirable. Many inebriates are little short of insane persons, and would perhaps benefit by being under the control of persons expert in the treatment of insanity. I would recommend the addition to the section of the following words: "Unless suitable and separate accommodation is provided to the satisfaction of the Secretary of State, duly licensed for the purpose."

12. Sections 8 and 9 should be allowed to stand, except in regard to such alterations as may be necessary to adapt them to the suggested transfer of the power of licensing from local authorities to the Secretary of State.

13. Section 10 has been amended by Section 16 of the Act of 1898, which substitutes a term "not exceeding two years" for a term not exceeding twelve months, and authorises one justice to attest the signature of the applicant instead of the two required by the Act of 1879.

14. When the amendment concerning the extension of time to two years was proposed I cannot say that it

met with my approval, nor am I quite satisfied even now that such extension of time was desirable. On the other hand, I cannot say that any real difficulty has arisen in connection with this phase of the question during the last nine years, and in special cases, where a shorter time has been considered desirable, I have managed to effect a reduction of the period of detention by inducing licensees to issue leave of absence under Section 19.

I do not consider, therefore, that sufficient reason exists for suggesting any change in regard to this. Concerning the change in the circumstances governing attestation, the alteration from two justices to one has, in my opinion, reduced objectionable procedure to a minimum, and I am unable to suggest further change. On the whole, therefore, I am prepared to recommend that the section as amended by the Act of 1898 remains unaltered, unless it is considered desirable to recommend a clause to the effect that when a person signs for two years' detention the second year shall be spent on leave of absence unless it is specifically shown that such a course is undesirable.

15. With regard to Section 11, I suggest that the words "and a copy of the Statutory Declaration" shall be inserted after the word "admission" in the fourth line of the section. This is an omission which should now be rectified. It is obvious if any examination of papers is desirable that all in connection with the case should be available. I also suggest that the words "to the clerk of the local authority, and" should be deleted. This requirement, even under existing conditions, has fallen into desuetude owing to its practical uselessness, and if the Secretary of State is made the licensing authority, there will be no object at all in its retention.

16. With regard to Section 12, I recommend that the following words be added: "Provided that, before applying for the discharge of a patient under this section, the licensee shall give notice of his intention seven full days previously to the Secretary of State, and shall specify the reasons for his application and the name and address of the justice to whom it is to be made." This suggested addition is intended to check the abrupt and thoughtless discharge of troublesome patients; it already appears in No. 8 of the Secretary of State's Regulations, but should, I think, appear in the body of the Act.

I have no remarks to make in respect to Section 13.

17. I recommend the complete deletion of Section 14. Why a person should be taxed for trying to cure drunkards it is difficult to understand; it would seem to me equally justifiable to tax a hospital for consumption, or a nursing home. I suppose the words "licence" and "intoxicating liquor" occurring so often in the Act led to something about "Inland Revenue" and "Stamp Duty."

As it stands at present the Act of 1879 requires that every licence granted to a retreat must bear a stamp equivalent to 10s. per head for each patient for which the retreat is licensed with a minimum of £5. The existence of this tax acts as a deterrent to licensing, and is without benefit to any one; the revenue derivable therefrom being trivial enough to be negligible. The consent of the Treasury has already been obtained authorising the Commissioners of Inland Revenue to stamp free of cost all licences for retreats conducted by philanthropic bodies; but it seems to me that removal altogether is the more desirable course.

Sections 15, 16, and 17 call for no comment.

18. Section 18 is open to abuse, in that it permits the patient to make an application for his discharge which may be granted on his own statement, but does not require notice to be served upon the licensee so that evidence on both sides may be heard. This has actually occurred, and patients have obtained discharge who would not have done so had the licensee been afforded opportunity to state his case. To obviate this possibility, in regard to cases committed to retreats under the Licensing Act, Statutory Rule 9 exists. I think similar provision should occur in the body of the Act so that the same requirement should apply to all patients admitted to retreats.

19. Section 19 is exceedingly useful, and the first paragraph cannot be improved upon except as regards the last few words: "for the benefit of his health." These words should be omitted in any future legislation. For whatever period a patient may sign under the Act, the number of months cannot be other than an arbitrary guess at the length of time necessary for reformation. The patient may be considered fit for liberty or for modified liberty before the expiration of the period for which he signed, and leave of absence should be available for this purpose. Circumstances occur also where business necessities, domestic difficulties, sickness, etc., demand a patient's presence elsewhere, and this should be possible to arrange by leave of absence. The deletion of the words complained of, and the insertion of a clause conferring upon the Secretary of State power to make regulations as to the conditions upon which leave of absence may be granted would effect the desired object.

20. I think the second paragraph of Section 19 should be deleted and its place taken by—"A leave of absence so granted shall remain in force unless forfeited or revoked, until the inebriate's period of detention has expired."

I have no comment to make on Section 20.

21. Section 21 has given rise to considerable difficulty owing to the failure to indicate the procedure by which a person may be recovered and sent back to the retreat when he has forfeited his leave for reasons other than escaping from the person in whose charge he has been placed. There is nothing "hereinafter provided" to meet the case. Persons who have forfeited leave of absence for refusal to be restrained from drinking intoxicating liquors (without running away) have been treated here and there as technical escapes, and have been dealt with under Section 26 of the Act. But many magistrates, owing to the ambiguity of the Act, have refused to follow this procedure on the ground that no power exists to order a patient's return to the retreat under such circumstances. I think the section should be amended as follows: "shall be considered *ipso facto* to have forfeited this licence. Any person who has so forfeited licence, and who refuses to return to the retreat, shall be considered to have escaped therefrom as from the day of such refusal to return, and may be taken back to the retreat as hereinafter provided for the recovery of persons who escape therefrom."

I recommend the deletion of the last paragraph commencing with the word "An."

Section 22 requires no amendment.

Sections 23, 24 and 25 require no amendment.

Section 25 has been amended by Section 18 of the Act of 1898. With these amendments the section is satisfactory.

Section 27 has been amended by Section 19 of the Act of 1898. With this amendment the section is satisfactory.

With regard to Sections 28 to 36, I have no comment to make.

22. The amending Sections 14, 17 and 20 of the Act of 1898 are useful additions, and should be incorporated in any subsequent Act. With regard to Section 20 (1) (*b*), there is a point worth notice, which it may or may not be considered necessary to remedy. It is desirable for many reasons that patients in retreats should be employed rather than idle away their time, to this extent work is more or less a necessity for health, and may reasonably be enforced under this section. But a class of retreat is urgently required to provide for impoverished and indigent cases, and the financial advantage gained from such work is necessary for the conduct of an institution for the control of poor cases. It has been felt that the amount of work capable of being enforced with the object of meeting maintenance expenditure is more than can be enforced as *necessary for health*. I think some special addition to this clause is desirable to make this point clear.

23. In regard to work under the Act of 1879, some question has arisen as to the power possessed by local authorities in regard to the establishment of a retreat. To make this clear I would suggest an enabling clause to remove all doubt; such as:—"It shall be lawful for the Council of any county or borough to apply for

and hold a licence to keep a retreat under the Inebriates Acts, and any expenditure incurred by them in the establishment or maintenance of such a retreat shall be defrayed in the same way as expenditure incurred by them in connection with the establishment or maintenance of an inebriate reformatory."

24. Sometimes circumstances arise which render it desirable that an inmate of a retreat should be transferred to another similar institution. At present the Act contains no power by which this can be effected. I suggest that the Secretary of State be given power to order the transfer of an inmate from one retreat to another when such a course is made to appear to him desirable, and, that power be given to him to make regulations by which such removal can be effected.

SECTION B.

RELATING TO THE INEBRIATES ACT OF 1898.

25. With regard first to the title. Although this Act by Section 30 is meant to be read as one with the Act of 1879, including its title, it is ridiculous that the former should be described only as "An Act to provide for the treatment of Habitual Inebriates." Cases of the Jane Cakebread (hopeless and insane) type were mainly responsible for the Act, and many of them were recognised as fit subjects for control in the event of failure to reform. In regard to this Act, more than the other, control for reformation, and detention for the good of the community, are both essential, and should be specifically emphasised.

The advantage to be gained from control for the purpose of reformation is obvious, and it seems to me that detention in the event of irreformability is just as obvious. If an inmate prove to be irreformable, then continuous detention is warranted on other grounds—the protection of a more or less irresponsible individual from himself, and the protection of the public from misdeeds which result from a condition which is periodically or continuously dangerous. The community is not in any way protected so long as inebriates who are a danger to the public, or a constant disgrace, are permitted to get drunk every month or so and wreak their vengeance on things in general. From an inmate's point of view it seems more humane to give a long reformatory sentence than to give, in the aggregate, much longer prison sentences made up of innumerable short periods.

The knowledge that no improvement can result from the latter process is definite, and it is certain that intermittent penal treatment when resorted to, needs to be continued until death or lunacy relieves us of further trouble.

To make any Act of full value the dual purpose of control for reformation, and control for the good of the community, should be clearly made manifest.

26. Many magistrates have declined to send inebriates to reformatories because they were *too bad*, and have continued to send them for short periods to prison, with the result that the old useless routine of prison, streets, police courts, and prison, has been continued, with its attendant inhumanity and disgrace. Some managers of reformatories also, as an instance the London County Council, have refused to deal with other than obviously reformable cases.

Witness reserving the latter portion of his statement to next sitting, here withdrew.

(The Committee adjourned till Thursday, 14th inst.)

SECOND DAY,

Thursday, 14th May, 1908.

At the Home Office.

PRESENT:

SIR JOHN DICKSON-POYNDER, BART., M.P. (*Chairman*).

T. A. BRAMSDON, Esq., M.P.
R. W. BRANTHWAITE, Esq., M.D.
W. C. BRIDGEMAN, Esq., M.P.
H. E. BRUCE-PORTER, Esq., M.D.
H. B. DONKIN, Esq., M.D.
C. A. MERCIER, Esq., M.D.
J. ROSE, Esq.
J. F. HENDERSON, Esq., *Secretary*.

Dr. BRANTHWAITE (a member of the Committee) was recalled, and further examined.

201. (*Chairman.*) When we adjourned last Tuesday, you had dealt with the 1879 Act, and had started dealing with the 1898 Act, and you made one or two suggestions with regard to Section I. Have you anything more to say with regard to that section before we proceed to Section II.?—Section I., by rendering possible the special treatment of a morbid condition which causes crime, approved a most important principle. It recognises that the real punishment of an offender for the commission of crime is insufficient, that he is only in a modified degree responsible for his criminal action, and that the force which impelled him to its commission is only partly, if at all, under his control. To simply punish a drunkard who has been led into crime by drink is to deal with the effect and neglect the cause. A virulent unabated cause leads to constant repetition of offence, to oft-repeated unavailing punishment, and the ultimate creation of a well-known type of prison recidivist. Such a person when the process is complete becomes demented, past all hope of reform, worse than useless from an economic point of view, and a constant burden upon public funds. During the nine years this section has been in force only some four hundred persons have been committed under its provisions, of which number 319 have been sent for cruelty to children owing to the energetic action of the National Society for the Prevention of Cruelty to Children. It is obvious, therefore, in view of the large amount of crime due to drink that it has been very little used in connection with the more common indictable offences, such as attempted suicide, larceny, wounding, assaults, and crimes of

passion generally—the most common of drink-caused offences. Probably the most important deterrent influence against the use of this section is the necessity for indictment to Higher Courts. The tendency of the day is more and more towards the use of summary procedure, and there is sure to be some difficulty in obtaining full advantage of an Act which, like the Inebriates Act, goes counter to the prevailing tendency by requiring indictment. I want to emphasise the fact that the section as it stands requires indictment for all offences proceeded against under the section. Although it is probably desirable that the more serious offences against Section I. of the Act should still be indictable, it is a question whether or not some modification can be arranged to permit of a certain character of case being dealt with summarily with the consent of the prisoner. Such arrangement would facilitate procedure in a large number of cases, prevent unnecessary delay, an irritating period in custody awaiting trial, and the unnecessary expense of indictment and retrial at assizes or sessions. These latter have all been deterrent influences which have materially detracted from the value of Section I. How to arrange a division of such cases it is difficult to decide, but I would suggest that magistrates in petty sessional courts should have power to deal summarily, under the Inebriates Act, with any habitual drunkard charged with an offence against Section I. of the Act, provided he could have dealt with the offence by fine or imprisonment had the prisoner not been charged under the Inebriates Act as an habitual drunkard. The consent of the prisoner to be dealt with summarily would have to be obtained. I would also suggest that power should be given to magistrates to deal summarily under this Section with such offences as neglect or cruelty to children, wounding not amounting to felony, and the like, provided the offender is proved to be an habitual drunkard, and the offence is caused or contributed to by drink. Magistrates have the right now to deal with some of the cases I have mentioned with the consent of the prisoner; they can deal with such cases by imprisonment, and I fail to see why they should be prevented from dealing more effectively with an habitual drunkard committing the same offence. I think you will have pretty strong evidence in that direction.

202. Whereas in the one case, with the consent of the prisoner, a summary judgment can be made by the magistrate up to six months' imprisonment; in the other case, that of an habitual drunkard, the offender cannot be similarly treated under this section, and you suggest a similar power for dealing with drunkards?—Yes.

203. With consent?—Yes.

204. (*Mr. Bramsdon.*) I think that wants a little clearing up. In the cases you spoke of the consent that is required is a consent for the magistrate to deal with the case, and not the consent of the prisoner to be sent to a reformatory; that would be a substituted punishment?—Quite so.

205. (*Chairman.*) It is only the option to the prisoner to be treated summarily rather than to be sent to a higher court and run the risk of a possibly more severe punishment?—I rather doubt whether punishment would be more severe. In cases indicted at sessions the result would probably be the same.

206. In practice, yes; but there would be the possibility of a more severe punishment?—Yes.

207. And that would be the influence brought to bear on the prisoner?—Yes.

208. As regards consent?—Yes.

209. And now about the next section?—With regard to Section II., four distinct difficulties have been encountered in working this section:—

(1) Difficulty in proving three previous convictions.

(2) Difficulty in proving "habitual drunkenness" in accordance with present definition.

(3) Difficulty in obtaining consent to summary procedure; and

(4) Difficulty in the recommittal of irreformable cases.

(1) The difficulty of proving three previous convictions is a real one, and prevents a great number of cases being dealt with under the Act. Many persons known to be habitual drunkards of the most confirmed type only now and again fall into the hands of the police, escaping notice because their conduct when drunk is not especially of that noisy and violent character which attracts most attention. Others again are brought up at different courts, avoiding repeated conviction at any one court. In the absence of any means of registration the convictions at one court are practically worthless to the officers of another. In London, for instance, there are 15 police courts, so that it would be possible for a person to be convicted of drunkenness 45 times in twelve months without appearing four times at any one of them. Although this is an exaggerated possibility many of the class in question are quite cunning enough to regulate their habits with sufficient care to allow in the aggregate 10 or 12 appearances (at different courts) in a year without attracting attention at any special one. When they do get convicted they are so bad as to be practically irreformable. Owing to the fact that it is easier to prove "habitual drunkenness" than the three previous convictions, the latter condition has practically become the main qualification for committal, and has assumed an importance not anticipated or desired. The main reason for committal to a reformatory was intended to be "habitual drunkenness" and the previous convictions were meant to be considered a secondary cause for committal; merely an additional confirmative qualification. Some attempt should be made to minimise the blocking action of this influence, so that cases may be committed earlier when there is a greater chance of reformation.

(2) Proof of "habitual drunkenness" brings us again to the definition question, which has already been partly dealt with. Some magistrates, as previously intimated, construe the definition of "habitual drunkard," as it stands in the Act of 1879, as meaning a person who is not only addicted to the excessive use of intoxicating liquor; but, in addition, is so far injured by its use as to be in some degree dangerous or incapable of managing himself when sober. This reading has had the effect in many parts of the country of limiting the use of the Act to the very worst quasi-insane class, allowing the simply drunken to escape, until they also become mentally defective. Seeing that the most important principle underlying the Act of 1898 is the reform of the reformable, the necessity for delay until the drunkard becomes mentally defective, and therefore hopelessly irreformable, seems hardly in accord with the meaning and spirit of the measure.

(3) The necessity for asking the prisoner's consent to be dealt with summarily has proved a block to committal under the Act. If the convicted person consents to summary procedure, he can be committed to a reformatory by the magistrate before whom the case is tried; if he refuses, the magistrate can commit for trial at Assizes or Sessions, or be content with inflicting a prison sentence or other punishment. Many persons do refuse to be dealt with summarily, and some (about 20 each year) have accordingly been sent for trial on indictment, to find their way to reformatories afterwards. But by far the greater number of persons who refuse to be dealt with summarily are fined or subjected to short sentences of imprisonment, and are not proceeded against under the Inebriates Act. Attention has already been drawn to the tendency of the present day in favour of summary procedure, whenever such a course is possible, and to the marked disinclination on the part of magistrates to commit any but the very worst cases for trial. That tendency is very evident in regard to persons who refuse to be summarily dealt with under Section II. of the Inebriates Act. There are many and good reasons, which fully justify this attitude on the part of magistrates; but, unfortunately, in regard to work under the Inebriates Act, it too often means the continuance of the old prison routine, and consequent neglect of those better means for dealing with inebriates which are now available. I think it extremely desirable that some attempt should be made by the Committee to devise some procedure which will lessen this adverse influence.

(4) Although it has been necessary to indicate, and complain of, the difficulties which are encountered in

the attempt to apply the Act to hopeful cases for the purpose of reformation, the advantage of its application to the apparently hopeless and irreformable class must not be lost sight of. There should, for instance, be no necessity to prove habitual drunkenness, three previous convictions, and obtain consent to be dealt with summarily, in regard to persons who have spent from 10 to 20 years between the streets, the police court, and prison, and when, year after year, he or she has been convicted of drunkenness many more than the number of times required by Statute. There should, for instance, be no difficulty in dealing with such cases as are represented by the sample histories reproduced in each of my annual reports, especially when such a case has been once tried in the ordinary way, and has served a sentence of reformatory detention. When one reformatory sentence has been imposed in such a case, and has proved useless from a reformation standpoint, there are many reasons why the subsequent application of similar sentences should be facilitated and be more beneficial than reversion to the old prison routine. When subjected to the latter method, irreformable inebriates are persistently drunken when not in prison, commit wilful damage, attack policemen, or are publicly disorderly or indecent. They gain no benefit from repeated prison punishment; but, on the other hand, exhibit progressive physical deterioration, steady decline of mental power, and finally become hopeless mental and moral degenerates. During periods of liberty between imprisonment such persons create disturbances without number by fighting, disorderly conduct, using obscene language, behaving indecently, and causing obstruction. They are responsible for assaults, wounding of all grades of severity, and wilful damage. They are also the cause of considerable expense to public funds without adequate return, arrested many times, tried time after time in Petty Sessional Courts, carted backwards and forwards to prison, sent for trial to Assize and Sessions, and are kept in the aggregate for years at the country's expense. They bring into the world ill-fed, uncared-for and mentally useless children, who provide the mass from which the future criminal, drunken and lunatic army is recruited, and finally they themselves become in later years chargeable to the rates as paupers or lunatics. When irreformability is proved, I think there is only one course justifiable in dealing with such persons—recommittal to reformatory colonies for as near continuous control as the country will accept. Whatever precautionary conditions this Committee deems it desirable to retain to prevent persons other than inebriates from being dealt with under the Act, when once it has been proved in Court that a person is a recidivist habitual drunkard, and when he has been sentenced to reformatory care, and has subsequently relapsed within a reasonable period after discharge, recommittal should be possible without unnecessary difficulty. With a view to the removal of some of the difficulties outlined above, and the modification of others, I suggest the following amendments to Section II. of the Act:—

(1) Any person not having previously been committed to an inebriate reformatory who commits any of the offences mentioned in the first Schedule of the Inebriates Acts of 1898, and who is found to be an habitual drunkard, shall be liable on conviction for the offence to be detained for a term not exceeding six months in any certified inebriate reformatory, the managers of which are willing to receive him.

(2) Any person who commits any of the offences mentioned in the first Schedule of the Inebriates Act of 1898, and who within twelve months preceding the date of the commission of the offence—

(*a*) Has been convicted summarily at least three times of any of the offences so mentioned, and who is an habitual inebriate; or

(*b*) Has been under detention in a State or certified inebriate reformatory in pursuance of an order made under the Inebriates Act, 1898, or this Section,

shall be liable upon conviction or indictment, or if he consents to be dealt with summarily on summary conviction, to be detained for a term not exceeding three years in any certified inebriate reformatory, the managers of which are willing to receive him.

(3) The Summary Jurisdiction Act, 1879, shall apply to proceedings under Sub-section (2) of this Section as if the offence charged were specified in the second column of the first Schedule to that Act.

Magistrates have power at present to detain inebriates in prison for six months in default of sureties; the first part of this Section, therefore, by limiting reformatory detention to six months, would not add to any power of detention already existing, and would have the additional advantages of giving magistrates a freer hand, enable them to deal with inebriates in a rational manner earlier in their downward career, and in view of the following Sub-section permit of the more extended reformatory treatment of inebriates without the intermediate prison routine, which is now a necessity before cases can be dealt with. The new clause Sub-section (2) (*b*) enables a Court at once to send a person who relapses back to the reformatory, if he commits a further offence of drunkenness within a year after he has been released from a sentence of detention. In such a case it will merely be necessary to prove habitual drunkenness, a further offence against the Inebriates Act, and that the accused has, within a year, been detained in an inebriate reformatory. It will not again be necessary to prove previous convictions. The order will still, however, be made either on conviction on indictment, or on summary conviction with the assent of the accused.

210. At our last meeting you dealt with the difficulty of tracing previous convictions and suggested the establishment of some central system of registration?—I was pointing out the difficulty with a view to explaining the reason why cases committed to courts under that Section are of an extremely advanced character, both in respect of degraded mental condition and confirmed habitual drunkenness. There have to be many years of drunkenness and intermittent periods of prison treatment before such persons can be treated under the Inebriates Act. What I want is specially to enforce the necessity for some method by which such cases could be dealt with at an earlier period of their career. Therefore, I have suggested that Section II. should be modified so as to permit a magistrate to commit an inebriate to a reformatory for a short period, instead of necessarily for the longer period now prescribed by Section II. as a preparatory measure to any longer sentence which may subsequently become necessary.

211. (*Mr. Bridgeman.*) Necessary after a second conviction?—Yes. The amendment I have suggested eliminates the requirement of the three previous convictions, but otherwise the conditions would remain the same as in the present Section II. There is now power on the part of a magistrate to imprison for six months by calling for sureties which the inebriate cannot possibly find. That goes on day after day in our London courts. There are many cases now in Holloway which have been committed there for six months in default of sureties. I maintain that if magistrates can deal with cases in that manner there would be no hardship to the individual if, instead of committal to prison, the defendant could be committed for a short time to an inebriate reformatory. The advantages would be obvious. By dispensing with the necessity of previous convictions, the cases would be dealt with earlier; better cases would be sent and the individual himself would have an earlier, and therefore a better, chance of reformation.

212. (*Chairman.*) If the magistrate commit for six months, what is the object of obtaining the consent of the manager of the reformatory?—That must be so. He cannot compulsorily commit any inebriate to any reformatory unless the managers are willing to receive him. As things are at present there is no obligation upon anybody to establish reformatories. So long as establishment is voluntary, I think consent to receive must be retained.

213. Do you suggest any alteration in the law to overcome that difficulty?—Yes, I think that will follow.

214. (*Mr. Bramsdon.*) It would necessitate an increase in the number of reformatories, would it not?—Yes, an increase in their number or their size.

215. That involves a rather big financial question?—Yes.

216. (*Dr. Mercier.*) You suggested that the consent of the prisoner should be obtained to the case being dealt with summarily?—I think that requirement will have to remain. I do not see any way of getting out of it. If a prisoner refuses to be dealt with summarily he can be sent to a higher court for compulsory committal.

217. (*Dr. Bruce Porter.*) Even if he did not consent?—In the event of refusal to consent the magistrate has power to remand to sessions.

218. (*Mr. Bramsdon.*) In practically all cases prisoners have a right to be tried by jury, but if they consent to be dealt with summarily magistrates may deal with the case?—Yes.

219. If a prisoner is brought up or charged with any of the offences in the first Schedule he would be asked whether he wished to be dealt with summarily, and in that case, according to what I understand to be your suggestion, it would be in the power of the magistrate to sentence him to six months in the reformatory?—Yes. My suggestion would give the magistrate power to send inebriates to reformatories without the intervening prison treatment, and without the delay incident to proving three previous convictions. The effect would be that a magistrate, believing a certain prisoner to be an habitual drunkard, could send that person primarily to an inebriate reformatory for six months, which would give an excellent chance of recovery in milder cases. If six months did not prove sufficient, and the prisoner relapsed into drinking habits and was again brought before the Court, proof, of course, of an offence against the Inebriates Act would be again necessary. Proof of habitual drunkenness would be necessary, but the fact of having been committed to an inebriates' reformatory would replace the necessity which now exists of proving three previous convictions, and that is really the point of my suggestion as to the amendment of Section II. If you look at my printed suggestion of questions for witnesses you will find that 35 and 36 both bear upon this, but 37 is the one which I have suggested to you as a means of drawing out evidence as to the desirability of the amendment I suggest, viz.:—

> "Do you recommend the insertion in the Act of power to enable magistrates to commit inebriates (convicted of an offence included in the first Schedule of the Act to reformatories for a short period of three or six months as a preparatory measure to committal, if need be, for longer periods. Such short sentence to replace the necessity for proving these previous convictions."

I have put that question there with a view to bringing out the desirability or otherwise of the change I am now suggesting.

Although the powers under Section II. are so definite and so obviously directed towards the substitution of a better method of treatment for inebriates than is possible under the short sentence prison system, there is nothing in the present Act to indicate that it is the duty of anyone to start the necessary machinery for the carrying out of its provisions. There should be a new section following Section II. to provide that "whenever there is reasonable cause to believe that a prisoner who is charged with an offence against the Inebriates Act of 1898 is an habitual drunkard, has been previously convicted within twelve months of similar offences, or has, within the same period, been under detention in an inebriate reformatory, it shall be the duty of the police to so inform the magistrate, who shall consider whether or not such person should be committed to an inebriate reformatory for special treatment or control." To render this course possible the police of a district or county should also be required to keep a register containing the names of all persons who have been convicted of habitual drunkenness. Such a clause would require the police to note cases and report them, and would secure to the magistrate the opportunity for dealing with any suitable person under the Inebriates Act should he so desire. Again, with special reference to Section II., some magistrates, although they have regularly done it, have doubted their power to remand in custody during the making of arrangements for reformatory detention. To remove this doubt a clause should follow the above giving magistrates power to remand in custody any case they desire to commit to a reformatory during such time as is necessary to complete arrangements for the reception of such case in a reformatory.

220. (*Mr. Bridgeman.*) We shall have an opportunity of discussing the advisability of sentencing persons to short terms of imprisonment, such as six months, and so on?—Yes. You will have the opinions of magistrates, and clerks to magistrates, and other persons, who are rather better able to explain to you the advisability or otherwise of a change than I am myself.

221. (*Chairman.*) Do you suggest that those persons should be sent to State reformatories?—No, to certified reformatories.

222. (*Dr. Bruce Porter.*) Shall we come back again to this question of the desirability or otherwise of these short sentences with regard to the homes to which they should be sent?—Yes.

223. (*Chairman.*) Yes, that will want explaining a little further?—I hope in this desultory conversation I have made the details clear?

224. Yes, I think you have made it quite clear to every member of the Committee. That really covers all your proposed amendments to Section II.?—Yes. Now, Mr. Byrne in his evidence has already dealt with the establishment of State and certified inebriate reformatories under this Act, and there is little left for me to add. With regard to State reformatories, I agree that no purpose would have been gained by the establishment by the Government of an ordinary reformatory to detain persons who can be controlled effectively by the managers of certified reformatories, and I am of opinion that State reformatories for the control of refractory persons are essential to the proper conduct of the whole work. In fact, certified reformatories could not exist without some place to which refractory inmates can be transferred. I am of opinion that Aylesbury State Reformatory serves its purpose admirably, and it would be exceedingly difficult to improve upon it. With regard, however, to Warwick—the State reformatory for men—I am not satisfied. I think, if the work is to be continued on the present lines, the men now controlled at Warwick should be removed to a specially provided institution of the colony type, where they can be put to agricultural work, or workshop employment, and not be confined as at present in a prison, and so definitely on prison lines. I ought perhaps to explain that in regard to State reformatories the procedure followed in establishing both the institution for females and the institution for males has been similar. With regard to Aylesbury, we took a more or less separate wing of Aylesbury prison and adapted it for the purpose of the control of State reformatory cases. Then when that became insufficient, and perhaps unsatisfactory, a large new institution was built specially for the purpose. The same history has been repeated with regard to Warwick for men, that is, a small, more or less detached, part of the prison was acquired and adapted for the purpose and brought into use as an inebriate reformatory. Similarly to the experience at Aylesbury, that part has become too small, and therefore unsatisfactory, and we have had to increase the accommodation by acquiring part of the prison proper. Therefore, as regards Warwick, we are just in the state of development which was remedied in regard to Aylesbury by the building of a new institution. The question now, that you will be asked to express an opinion upon, will be as to whether the system we are following with regard to State inebriate reformatories is the best, and, if so, whether the history of the establishment at Aylesbury ought to be repeated with regard to Warwick—that is, whether a new and special institution shall be provided for male inebriates in the same way.

225. Semi-detached from the prison?—Yes, or absolutely detached from the prison.

226. (*Mr. Bridgeman.*) Not necessarily at Warwick?—No.

227. There is not any particular merit in Warwick, is there?—No.

228. (*Dr. Donkin.*) None whatever. It was merely because of the necessity for economy that it was chosen?—That is so.

229. (*Mr. Bridgeman.*) I suppose it should be somewhere where it would be easily accessible?

(*Dr. Donkin.*) Yes.

(*The Witness.*) Dr. Donkin is a Prison Commissioner, and perhaps will say whether that history of the case is fairly accurate or not?

230. (*Dr. Donkin.*) I think it is perfectly accurate, and I was going to ask you whether you would be prepared to add to the points that you emphasise for the consideration of this Committee as to State reformatories, as to whether or not the title "State reformatories" should not be abolished. It is clear, from the use that they are put to now, that the question of reformation is almost reduced to nil?—"State institution for the detention of inebriates"?

231. Yes. I think that is a point for this Committee to consider, because one of the greatest arguments that has been brought up, and is brought up now by some of the inmates who have at least intelligence enough to appreciate the situation, is that they are not treated as reformable people and are distinctly told that if they do not behave themselves in a certified reformatory they will go to a State reformatory, and there they have no hope of any sort or kind of getting out a minute before their term has expired?—Yes, you might ask that question.

(*Dr. Donkin.*) And I should rather like to emphasize to the Committee the great importance of every member thoroughly appreciating the present condition of things, which I think is more easily done after seeing the places and talking to the people themselves.

232. (*Chairman.*) Yes, we shall probably be able to get information from you on this subject, and deal with it by itself. However, what we gather, both from you, Dr. Donkin, and from you Dr. Branthwaite, is that you do not in any way suggest that any reformatory establishment need necessarily be at Warwick?—No, not necessarily at Warwick.

233. It is for us to determine upon or to suggest some possible alternative place?—Yes.

234. (*Chairman.*) I have no doubt you may have something to say on that, Dr. Donkin.

(*Dr. Donkin.*) I could sum it up in an instant. Warwick was Hobson's choice. The Prison Commissioners were told by the Secretary of State that somewhere must be found, and as promptly as possible, for this class of people, and Warwick was the only prison where there was sufficient accommodation to put them. That was the sole reason why Warwick was chosen.

(*Witness.*) Now may I go on to the certified inebriate reformatories?

235. (*Chairman.*) Before we go to that, I do not think we quite gathered whether you also approve of the idea that the title "State Reformatory" should be abolished?—Yes, I see no reason at all why it should not be abolished. But at the same time, the word "reformatory" is rather loosely used, especially in America. For prison purposes in America places of detention are called reformatories. Personally, I do not think it is quite such an important point as Dr. Donkin does, but I would be glad to see it altered for the sake of any possible difficulties arising from the present name. It is not to me a question of very great importance. Now with regard to the establishment of certified inebriate reformatories, Mr. Byrne has emphasised the difficulties arising from the absence of any compulsory power to compel any body or person to establish certified reformatories, and his remarks are, if anything, too mild. At present the power to commit is given to judges and magistrates, but it is nobody's duty to provide accommodation. So long as this condition obtains the Act cannot possibly be of much real value, and it can hardly be expected to work smoothly. If the power of magistrates to commit is still to be retained, then there should also be compulsory provision of accommodation by some person or other. There is a strong feeling on the part of some that the State should provide for the reception of all cases committed. This, of course, would be the simplest solution of the difficulty; but it is doubtful whether so revolutionary a change would be accepted without great opposition. Moreover, there is much to be said in favour of local authorities bearing part of the cost of detention, seeing that the segregation of police-court recidivists relieves local rates of many charges, and seeing that many of the persons who are amenable to being dealt with under the Inebriates Acts would, if left alone, eventually become lunatic. To estimate the respective responsibility between State and local authority for the maintenance of inebriates, it is necessary to consider what an inebriate's life consists of when not under detention in a reformatory. When alternating between street and prison, and during history till death and burial, inebriates constitute themselves a charge upon several funds, the exact proportion of which is extremely variable. Whatever else may be assumed, it is clear that once a person of the police-court class becomes a confirmed inebriate, unless placed under effective control, he remains so to the end of his days. We have to consider in his history the street expenses, the Court exepenses, the maintenance in prison during sentence, the maintenance in lunatic asylums later, probably in workhouses during illness or destitute old age, the cost of coroners' courts for sudden deaths to which such people are liable, from accident or at their own hands, and burial at public cost. These are the main charges that the inebriate brings upon the State. With regard to the street charges, this is obviously a local charge.

236. In so far as the police are a local charge?—Yes.

237. That opens up a big question?—Yes, but I think it is one for serious discussion, inebriates on the streets undoubtedly lead to the maintenance of a larger force than would be necessary if recidivist drunkards were removed from the population, or were considerably reduced. Then, again, these people cause damage to the police, very often leading to sickness, sometimes to retirement, and now and then to an award for compensation for permanent injury. Under court expenses might be included maintenance in police cells after arrest, awaiting trial. Further, every hearing at a police court means outlay which has to be borne in some way or another, and can only be represented by the average cost of each case, with the charges for entering recognisances, summonses, preparing documents, etc. Then in regard to the more serious indictable offences committed by these persons there are fees for returning convictions, the cost of committal to assizes or sessions, and the subsequent expenses of such trial. All these expenses during a long life may mount up to a considerable sum. There have been many cases committed to reformatories who have had many committals to Assizes, and each committal to Assizes costs a very fair sum of money. I do not know how we could estimate what that sum is, but I believe it would come to something like £20. Then under prison expenses we have the carriage backwards and forwards, with escort from court to prison, and expenses back from prison to the town to which the prisoner belongs after termination of sentence. To these charges must be added maintenance in prison during sentence. That, of course, is a State charge. Then many of the police court inebriate class become certifiably lunatic, and require detention for part or whole of life in an asylum. There you come to what is mainly a local charge, and a very fair percentage of these cases that become lunatic. When I say become lunatic, I do not say that lunacy in these cases is a sequence to drunken habits, but the drunken habits may be an exhibition of lunacy, but anyway, from the same class a large percentage of lunatics in asylums are derived. That, of course, again points to local responsibility. Then many have delirium tremens or become otherwise ill and require treatment in infirmaries or require maintenance in workhouses during a destitute old age. There, I am afraid, we have the Poor Law coming in; still, it is a local charge and not a State charge. Then there is the question of sudden deaths. I referred to the expenses of coroners' courts. Many of these people meet with sudden death either from accident or suicide, and, another important point, that a great many coroners' inquests are held upon the children of women inebriates, an enormous number of whom die from accident or neglect, or from over-laying. That is a rough idea of the cost upon the State and local funds as the result of a police court recidivist's life. Looking through the list it will be evident that part of the expense falls upon the State and part upon local funds, but I think it will also be evident that the main charge upon the State is maintenance in prison, and the rest, with the

exception of the State contribution towards the police, are mainly local charges. If these persons are detained so that they cannot incur such expenses, the State is relieved to the extent of prison maintenance, and local funds to the sum represented by the other five items. I cannot think there is evidence here to justify the sole charge of inebriates by the State, but evidence rather of dual responsibility. What that responsibility is it is exceedingly difficult to estimate, but I cannot be otherwise than driven to the conclusion that if the State accepts responsibility to the extent of one-half the maintenance charge it makes, I think a liberal allowance which should be considered and accepted as sufficient. My own opinion is that local authorities should pay half the cost of detention, and that, estimating 14s. as the maximum cost, our present Treasury grant of 7s. is all the State should be expected to contribute, except in regard to new institutions, when the additional 3s. 6d. might be given for six years as State contribution towards establishment. To make this effective it is evident that a clause must be inserted in the Act requiring local authorities to provide suitable and sufficient accommodation for the reception of inebriates committed to reformatories from any court situated within their administrative area, on condition, of course, that the State is willing to contribute what may be considered a reasonable sum towards the maintenance of cases committed thereto, and failing such provision by a local authority, I think the magistrates should be empowered to commit to any reformatory the managers of which are willing to receive, and that the managers should have the power to sue for the recovery of any sum which we may decide upon from any defaulting local authority, as contribution towards the maintenance of each case so committed. I think we must have compulsory provision of accommodation by someone.

238. (*Mr. Bridgeman.*) In default of there being sufficient accommodation?—Yes.

239. There would be no object, if there were several certified homes in a county, in the county being obliged to put up another of its own?—Oh, dear no—only in the case of default.

240. (*Dr. Bruce Porter.*) Would it be possible to bring these various existing homes under a central body, so that, provided there is accommodation, they should be compelled to take a case in and have power to sue for the cost if necessary. This still leaves the clause that the managers "may accept," and although the magistrate commits, the managers may not accept, and there would be no place to send the cases to. I think they should be obliged to accept them if there is accommodation, just as in the case of lunatics.

(*Mr. Bramsdon.*) You are obliged to put that clause in because the reformatory may be full.

(*Dr. Bruce Porter.*) Yes, but provided there is accommodation, I think they should be compelled to take them in.

(*Witness.*) If a reformatory is provided out of public funds, my own opinion is that the managers should be compelled to take the cases in, if there is accommodation, and not to pick and choose.

(*Dr. Bruce Porter.*) Then it should be "where there is accommodation," rather than where the managers are willing to accept.

241. (*Mr. Bramsdon.*) The question of district crops up there, does it not?

242. (*Chairman.*) Do you suggest that a district should be compelled by the State to establish an institution for this purpose?—I consider that both the State and the local authority should be compelled to pay a certain amount to ensure the establishment of certified inebriate reformatories.

243. (*Mr. Bramsdon.*) In every district?—In every district.

244. If a reformatory were established in every district power could then be given to the judge or to the magistrate, as the case may be, to commit to the particular reformatory in his district?—They could do so when a reformatory had been established, otherwise they should be able to commit to any reformatory the managers of which were willing to receive cases, the managers having power to claim money from the State or from the local authority for the maintenance of such cases.

245. In the absence of a regular system, I suggest that the present law must remain as it is, because, supposing for instance there was a vacancy up in Yorkshire, you could not allow the bench of magistrates down in Devonshire, say, to commit to the reformatory in Yorkshire, could you?—No.

246. (*Dr. Mercier.*) This difficulty is got over practically in the case of lunatics by the fact that the local authority is bound either itself to provide an establishment or to contract with some other authority which has an establishment, to take their cases. So that the difficulty is got over in every instance in the case of lunatics?—That occurred, of course, with regard to the classical London difficulty. The London County Council established Farmfield for 103 inmates. Farmfield became full at once, of course. Then the question arose, "Shall we increase Farmfield, or shall we board out surplus cases?" The Council decided not to increase Farmfield, but to board out the surplus cases on condition that the managers of those reformatories with which the London County Council contracted would send back to Farmfield all the good cases they received, they retaining the hopeless ones. As time went on, the London County Council had 103 cases at Farmfield and 550 boarded out in the other institutions. Even this accommodation was inadequate for London, and now the London County Council says, "Look here, this is becoming too massive for us; we did not quite anticipate all this expense, and we will not contract any more with these institutions; we will retain Farmfield for selected cases, and the others we will have nothing to do with." That means throwing back the 550 on to the streets again.

247. That difficulty would not occur if the same procedure were adopted as in the case of lunatics, because the county authority cannot throw lunatics on to the streets; it must either provide accommodation for them itself or it must contract with some other local authority or some other body that has accommodation?—That is just the point I want to emphasise, that the absence of that compulsory power is rendering the Act absolutely valueless in London.

248. Yes. Of course, whether it is a matter of contracting or providing their own accommodation is, after all, merely a question of detail?—A matter of detail, absolutely.

249. The thing is, there should be accommodation?—Yes.

250. (*Mr. Bramsdon.*) I gathered from the very complete account you gave of the financial responsibility which is thrown on the State and the local authorities that you have some idea in your own mind that if more general committals took place to reformatories that a lot of those other expenses that you mentioned would be obviated?—That is so, I think.

251. Is it possible to get any information in the Home Office which would assist us in arriving at anything like a conclusion as to the setting off of one expense against another?—I think if you ask for it you might get something, but it is exceedingly difficult to go further than I went after some years' investigation. You will find them set out in a small paragraph in my report for 1904.

252. Was what you got a return to the House of Commons?—No.

253. Departmental information?—Yes. The Secretary can get a copy of that report for you.

254. Do not you think the information, although difficult to obtain, is extremely valuable?—Extremely valuable and necessary.

255. I mean the fact that it does entail a lot of trouble should not deter us from asking for it?—Certainly not.

256. (*Mr. Bramsdon.*) How could that best be obtained?

(*Chairman.*) I think we could ask for it here in the proper quarter in the Home Office.

(*Witness.*) Yes. I would like you to settle upon the details of information you require.

257. (*Mr. Bramsdon.*) I was going to suggest that perhaps you would give us an idea?—Perhaps Mr.

Henderson will send for the last bound volume of my Reports.

(*Secretary.*) I will get it.

258. (*Chairman.*) I gather from what you say that you would not propose to disturb the proportional payment between the State and the local authority as it obtains to-day?—I think the proportional payment as it obtains to-day is an equitable one.

259. Secondly, you would practically compel each local authority to make provision for these class of people?—That is so.

260. That will require, of course, further definition, will it not, because this London area, for instance, has made provision, but hopelessly inadequate provision?—Yes, and it has withdrawn a great part of its provision—that is the point.

261. It still retains this place at Farmfield, but that is hopelessly inadequate, and if you are going to make a compulsory provision, you will have to go somewhat further, will you not, and make it in proportion to the population or on some statistical averages. Otherwise you find yourself confronted with the same difficulty as you have got now, that London has provided and is providing, but it is so inadequate that it is a mere drop in the ocean?—Would not the words "adequate and sufficient accommodation" meet the case?

262. (*Dr. Bruce Porter.*) I take it if they had to board out, it would ultimately become more expensive?—No, much less.

263. (*Mr. Bridgeman.*) It entirely depends on the views of the magistrates too, in different places?—Yes.

264. If a county did not want to spend money the magistrates would very likely use their powers?—The effect would be, I think, for county authorities not to establish their own reformatories; they would do it all by boarding out.

265. In a good many counties the magistrates and the County Council are very much the same people, and if they wanted to save money they would not commit them to these retreats. I think you will have to meet that difficulty?—Yes.

266. (*Chairman.*) Yes, you have to meet the great difficulty of the establishment expenses, if you are going to ask the local authorities to pay half. If you give the alternative to the local authority to board these people out in a neighbouring establishment, it will certainly lend itself to each local authority evading the expense of erecting an establishment of its own?—Do you not think it would encourage the establishment of certified reformatories by philanthropic bodies if you limited the liability of the authority?

267. You would rely, you mean, for the erection of the buildings upon private agency?—Partly. Then the managers of such reformatories should further be empowered to recover from the defaulting authority, as contribution towards the maintenance of each case so committed, a sum not exceeding one shilling per day, or part of a day, during which each inmate so committed has been detained under sentence.

268. (*Dr. Bruce Porter.*) Supposing people interested in temperance and questions of this kind say, "The local authority will not put up these establishments, so we will do it," you would have to give them more than 1s. a day, which the authority who had neglected to provide buildings would have otherwise got. I think at present the springs of charity are somewhat dry, and they would expect, I should think, more than 1s. a day.

(*Mr. Bridgeman.*) It is rather a broad assumption, is it not, that temperance bodies in each county are going to provide these institutions out of their own funds.

269. (*Dr. Bruce Porter.*) If the authorities are given the right to board out, should not a right also be given to these people with whom the inebriates are boarded to get rather more than the authorities would get, so as to provide an encouragement to the counties to put buildings up at their own expense?

(*Dr. Mercier.*) In the case of lunatics, the local authority has to provide accommodation in one way or another. It either has to erect buildings itself, or it has to contract with some other person, private or public, that has got buildings or has got accommodation, and in that case it has to make what terms it can, and the question of terms is a private contract between two local bodies or between the local body and the private authority, and they all have to pay considerably more for out-county patients, as they are called, than for in-county patients.

270. (*Mr. Bramsdon.*) The local authorities enter into particular contracts. I do not know whether I understood Dr. Branthwaite to suggest to us that magistrates should have power to commit to a particular reformatory, and that the cost of keeping that patient there may be recovered from the local authority?—Failing the provision of a reformatory by the local authority itself.

271. That is compulsion as against the local authority?—That is compulsion against the local authority.

(*Mr. Bramsdon.*) I do not know whether there is any precedent for that. I have not heard of any. That is quite a new thing, and a very important thing to embark upon.

(*Chairman.*) I do not like to give an opinion at this early stage of the proceedings, but if you are suggesting to us compulsory provision of these establishments, we must, at any rate, very carefully consider an alternative other than that of the original establishment of those institutions by private agency. I am quite sure of that, if we are to make a practical report. I think we can agree that there must be some alternative suggestion if it is to be compulsory. We cannot rely on private agency for the erection of these buildings.

(*Mr. Bramsdon.*) There would have to be some generous grant to induce philanthropic bodies to establish these institutions.

(*Mr. Bridgeman.*) I think you would arouse tremendous opposition if you are going to put another charge on the local authorities. They have a very strong feeling now that they are being compelled to do a great many fresh things without getting any money for it, and I think the feeling is working up very strongly, and I am quite sure we should get a tremendous opposition if we are going to try and put a new charge on the local authorities.

(*Dr. Bruce Porter.*) That is why it is so important to get out the figures that have been asked for as to in what way it will reduce the cost of existing charges. If it reduces costs on the one hand and increases costs on the other, it does not really matter whether it comes out of the right hand pocket or the left, and if it can be shown that we will have to take less out of one pocket, we will not mind having to take a little more out of the other. If it is found that there will be less for police charges and maintenance, and so on, there might not be the same opposition.

(*Mr. Bridgeman.*) Would it not be better to leave this open until we have taken evidence upon it?

(*Chairman.*) Certainly.

272. You go as far as this: that in your opinion there should be compulsion to provide accommodation for these people in certain districts?—Yes.

273. At present there is no compulsion?—That is so.

274. The means whereby that is to be attained we will discuss hereafter?—Yes.

275. Those are the two points. You wish to retain the present proportion, half-and-half between the State and the local authority?—Yes.

276. Now we go to the next point?—Yes. The remaining two or three amendments to the 1898 Act are unimportant and not of a character requiring much consideration. A clause is necessary providing that if an inmate escape from a reformatory the time between his escape and return to the reformatory shall not be treated as part of his term of detention in the reformatory. At the present time if an inmate escapes from a reformatory and manages to keep outside, he can serve a considerable portion of his sentence at liberty, which is wrong, and, I think, is a great inducement to escape. A clause is also necessary prohibiting and penalising the unauthorised supply by any person of any intoxicating liquor or sedative, narcotic, or stimulating drug, or preparation to an inmate of an inebriate reformatory. At present, although the officers of a reformatory are penalised heavily for supplying liquor to an inmate, there is nothing to prevent other persons from supplying it.

277. You would strengthen it up there?—Yes. Then I think the first Schedule of the Act should be made to apply to persons who constantly make themselves a charge upon the Poor Law by reason of habitual drunkenness. Many persons are in and out of the workhouses a number of times each year from delirium tremens or other illness or incapacity due to drunken habits, and I suggest they should be made amenable to treatment and to being dealt with under the Inebriates Acts.

278. Now just a few words on Section C. You have done with the Act now?—Yes. I just want to draw attention to the matter of control of inebriates under other than the Acts that have been mentioned, that is under the Prevention of Cruelty to Children's Act, and Section 5 of the Licensing Act of 1902. Section 5 of the Licensing Act of 1902 enables a magistrate to send an inebriate wife to a retreat in lieu of issuing a separation order. This power has been little used owing to the necessity for obtaining the consent of the inebriate woman to enter a retreat and owing to the requirement of payment for maintenance. Of course, the power is really a very humane one and a very useful one, if it could be only more generally applied, because an inebriate wife if separated from her husband usually becomes immoral and sinks to the lowest depths, and I think some effort, if possible, should be made to reform that woman when it can be done before an order of separation is given. That was the object of the section, but the object has been rendered difficult of attainment by the two difficulties mentioned, which are the necessity for the obtaining of the consent of the woman to go into the retreat and the difficulty of obtaining payment for her.

279. Your proposed procedure would get over that difficulty?—I am not prepared to suggest a proposed procedure.

280. I mean what you were suggesting just now with regard to the committal for six months?—Yes, that would be so; you could bring it under that procedure.

281. (*Mr. Bramsdon.*) That is only if she is guilty of one of the offences mentioned in the first schedule?—Yes, but we might extend that section or incorporate in the Inebriates Acts that section which is now in the Licensing Act, and make it an offence or condition whereby magistrates could proceed under Section I. of the Act.

282. (*Dr. Mercier.*) Include it in the section?—No, you could not include it in the section as an offence.

283. (*Dr. Bruce Porter.*) You could include neglect of children and all those kinds of offences?—Yes, I am going to propose that.

284. (*Mr. Bramsdon.*) You are speaking of general inebriety?—Of cases where, under Section 5 of the Licensing Act, the husband applies for a separation order, the magistrate, in lieu of granting a separation order, may commit the woman to a retreat if she consents, and her maintenance is paid. We know the block that that individual assent has been from the very first to all inebriate legislation. It is exceedingly difficult to get an inebriate to consent to being removed from liquor, and in that way that section is practically valueless.

(*Mr. Rose.*) I have had just that case in the last half hour.

(*Mr. Bramsdon.*) And I suppose it is extremely difficult to get payment for her maintenance?

(*Mr. Rose.*) Yes.

(*Chairman.*) Even in the rare instances where you get consent I suppose you cannot get payment, and *vice versâ*.

(*Mr. Rose.*) That is so. Even where the husband is a man in a fairly good position, and is quite willing to pay a small sum for his wife, in my experience the consent of the wife has not been forthcoming.

(*Witness.*) The block is the refusal to consent.

(*Mr. Rose.*) Yes.

(*Chairman.*) I suppose the difficulty is not so constant as regards payment as regards consent.

(*Mr. Rose.*) Not in the case of husbands and wives, apart from criminal cases. I am speaking of the case where the husband merely applies for separation from his wife on the ground that she is an habitual drunkard, and where she has not been proceeded against for crime.

285. (*Chairman.*) You suggest that if it is possible those difficulties should be got over?—Yes, I should like to eliminate the condition of consent on the part of the inebriate woman; that the magistrate should have the power to commit to a retreat if he thinks it desirable to exercise it.

286. If you take it out on the part of the woman, I take it you would have to take out the consent on the part of the man. It would never do to remove the consent on the part of the woman and in the case of the man leave it that he should give consent?—No.

287. (*Dr. Donkin.*) You do not propose to differentiate between the sexes?—It is at present confined to one sex in the Licensing Act.

288. There are two sexes and the procedure is not the same in the two cases?—No. A magistrate cannot commit a man to a retreat in lieu of a separation order, but he can a woman.

289. (*Mr. Bramsdon.*) I should have liked Mr. Rose's opinion as to whether, if it were extended in the way Dr. Branthwaite suggests it would be open to abuse—whether husbands could get their wives put away and *vice versâ*.

(*Mr. Rose.*) It might, indeed; it would depend on the care of magistrates.

290. (*Dr. Bruce Porter.*) I take it that one of the biggest questions that we have to deal with on this Inquiry is the question of consent in all cases, is it not?—I think that question of consent will have to be dealt with later.

291. But it will be one of the big questions of the whole thing?—Yes.

(*Mr. Bramsdon.*) We must not get out of the frying pan into the fire.

292. (*Chairman.*) We want your view clearly on the minutes. Your view is that the necessity of consent should be removed?—You rather force that out of me.

293. We do not want to do that, but we want more or less clearly your opinions on this subject?—I am really not prepared to advocate that course without further evidence and discussion.

294. We were dealing with it on this particular section of the Licensing Act, on which it has a direct bearing?—Yes. I prefer to wait until I have heard evidence on the possibility of excluding consent before expressing an opinion. I do not feel myself quite in a position to state anything definitely now without hearing that evidence.

294a. You would only suggest it, as you say, subject to all proper precautions against abuse?—Yes, I will suggest it, if you will allow me to use those words.

295. And that precaution will have to be gone into and made effective?—Yes. It is very vague, but it covers my meaning. Section 11 of the Prevention of Cruelty to Children Act was referred to in the House the day before yesterday, and further discussion is being held over until the report of this Committee is forthcoming. It empowers a magistrate to commit to a retreat any inebriate parent who is convicted of an offence against the Children's Act. Here, again, the value of the section has been destroyed by consent being required and the consent of the inebriate's husband or wife being necessary before an order can be made. Payment for maintenance must also be guaranteed to the satisfaction of the court. So far as my memory serves me no cases have been committed to retreats under this section.

296. (*Mr. Bramsdon.*) Do you not think the necessity for that section could be largely done away with by dealing with those cases under Section I. of the Inebriates Act?—Yes. In other words my suggested alteration to Section I. of the Act would practically nullify that and make it unnecessary altogether. That is what I am hoping you will recommend. With regard to Section D. of our questions here, I have only a few words to say. I am convinced that, amended on the lines suggested, the power, as represented by the Act of 1879, enabling patients to enter retreats voluntarily, should be retained for the benefit of inebriates who are willing to consent to detention for

the purpose of treatment. It is well to avaid compulsory procedure so long as it can be avoided. I am satisfied also that the Act of 1898 with its power over criminal inebriates is also very useful and could be made of extreme value, if amended in the directions I have indicated. But when we have obtained these two powers, complete and perfected, we have only secured legislation to touch the two extreme classes, those who realise the helpless nature of their condition and consent to take steps towards their own recovery, and those who are so degraded as to become amenable to the criminal law. The large mass of inebriates are still untouched by any restraining power; all those who, inebriate without being criminal, refuse to take advantage of any voluntary measure likely to benefit them. The fact that the majority of inebriates do not realise their condition, or realising it refuse to do anything to relieve it, and yet manage to keep out of the clutches of the law, renders the existing Acts of limited value, even if suitably amended. In common with others who are brought into contact with drunkards, I have known hundreds of cases where the friends of a victim have been unable to interfere and avert ruin, owing to the absence of power. The victim has to be permitted to continue his course to the detriment of himself, family, and dependents. Two previous Committees on this question have advocated extended powers, and I may perhaps hope that a third will strongly support their findings. It is time that England possessed some power to deal with such cases on the lines of legislation in other countries or on any lines which will permit the compulsory control, under proper safeguards, of persons who are inebriates within the meaning of the Act, and who cause family distress and poverty through their habits. Anticipating that, sooner or later, this question would again come under consideration, some years ago I compiled a collection* of laws showing how the matter is dealt with in other countries. This collection has been supplied to you and should serve as a guide in consideration of the question. I can add nothing to what I have written as introduction to the volume referred to, except to advocate strongly that some law of guardianship, compulsory control, or both, is urgently required to meet a condition which seems to call for remedy. There is a little information I have here which is not included in that collection of laws and which I should like to read. When the Act of 1879 was in Bill form and before Parliament as the Habitual Drunkards Bill, 1878; it contained the following Clauses:

"10. Upon the application of the parent, husband, wife, relative, or guardian of any habitual drunkard, a Justice may summon such person to appear on a day named, such day not to be less than two clear days after the service of the summons, at the petty sessions where such justice has jurisdiction, to show cause why such person should not be placed in a retreat under this Act.

"11. At the hearing of such summons, whether the person summoned appear or not, upon proof of the service of the summons and that the person summoned is an habitual drunkard within the meaning of this Act, the justices in petty sessions assembled may make an order in the Form No. 4 in the second schedule hereto, or to the like effect, authorising the apprehension of such person, his conveyance to a Retreat under this Act to be named in such order, his delivery to the proprietor thereof, and his reception, detention, and curative treatment therein for any term not less than one calendar month and not exceeding twelve calendar months. In default of such proof, such summons shall be dismissed with costs against the applicant or applicants. The summons, whether heard by the justices without a jury under this section or with a jury under the next section, shall, if the person summoned so require, or in the discretion of the justices, may be heard in private.

"12. If, on the day appointed for the hearing of the summons, and when the case is called on, the person summoned so require, such justices shall hear the said summons with a jury of twelve persons, to be summoned by the clerk to such justices from amongst the persons on the list for service as jurors at quarter sessions in the county in which such justices are acting; and, on such requisition, shall adjourn the hearing of the said summons for a period of not more than seven days, for the summoning of such jury. Such jury, at the hearing, shall be duly sworn to find by their verdict whether the person summoned is an habitual drunkard within the meaning of this Act or not; and if such jury shall find that the person so summoned is an habitual drunkard within the meaning of this Act, then the justices before whom the hearing on the said summons shall have taken place may make such order for the detention of the party summoned as mentioned in the last section. If such jury shall find that the person summoned is not such habitual drunkard the summons shall be dismissed with costs as against the applicants."

297. (*Chairman.*) It was omitted from the 1879 Act?—It was thrown out as being not likely to pass. So far as I am concerned, that is the extent of my evidence.

(*Chairman.*) Yes, now we come to the questions we propose to issue for the guidance of witnesses.

* [*See* Cd. 1474.]

The questions having been discussed,

The Committee adjourned till Thursday next, at 11 o'clock.

THIRD DAY,

Friday, 3rd July, 1908.

At the Home Office.

PRESENT:

Sir JOHN DICKSON-POYNDER, Bart., M.P. (*Chairman*).

W. RYLAND ADKINS, Esq., M.P.
R. W. BRANTHWAITE, Esq., M.D.
W. C. BRIDGEMAN, Esq., M.P.
H. E. BRUCE PORTER, Esq., M.D.
H. B. DONKIN, Esq., M.D.
J. ROSE, Esq.
J. F. HENDERSON, Esq. (*Secretary*).

Mr. ERNEST BAGGALLAY,* called and examined.

298. (*Chairman.*) You are one of the metropolitan magistrates?—I am.

299. At Tower Bridge?—Yes.

300. I understand you are prepared to give us information regarding the question of inebriates. Your evidence will exclusively deal with the Act of 1898?—Yes.

301. You do not deal with anything of a voluntary nature?—No.

302. We will go, therefore, straight to the 1898 Act. Will you be good enough to tell the Committee what your opinion is with regard to this Act, whether it should be understood to apply to the control of inebriates who have become liable under its provisions, whether they are likely to benefit from detention, or not. In other words, is their detention desirable for the benefit of the community alone?—On that point distinctly I think it is most important in the interests of the community that they should be dealt with. My opinion is that it is most important that we should keep the streets and other public places free from habitual drunkards, and particularly women, who are a very great trouble; and there is no doubt with regard to women that they influence others. As I understood it at the time the 1898 Act was passed it was very largely supported on the ground that it would assist the magistrates and the police in keeping the streets clear, and that we at the police court should not constantly be troubled with having to deal with so many habitual drunkards.

303. Could you tell the Committee approximately what percentage you consider likely to relapse into drinking habits after the full sentence has been served under the Inebriates Acts?—I can give you the figures I have obtained through the kindness of my friend, Mr. Rose, for Marlborough Street, and also for Tower Bridge. One represents what you may call the West End of London, and the other the East or the South-east part. I can give you those figures, if you would like to have them.

304. If you please?—With regard to Marlborough Street, for the 9 years to April, 1908, 140 were sent to homes as habitual drunkards; of these 17 were men and 123 were women. At the end of April, 1908, of those 140, 74 were still in homes, and had not been released. That leaves 66 who had served their time and been released. Of those 66, 44 have been convicted again of drink offences; and of those 44, 10 have been sent again to homes. The Tower Bridge record for the same period is, curiously enough, very similar: 138 were sent to homes, of whom 15 were men and 123 were women; 58 at the end of April were still in homes; and of the 80 who had been released, 38 have been convicted of drink offences since, and 16 out of the 38 have been sent a second time to homes. At Marlborough Street one was sent a third time, and she has spent about 7 years out of the 9, at the expense of the country, in a home. These figures show that of those that we have dealt with, about 12 to 13 per cent. were men; and I notice in the Inebriates' Report for 1906 that the proportion of men to women there was about 16 to 17 per cent. There was not much difference, taking the whole of the figures dealt with throughout the country between our two courts and the figures for the whole of the country; but those figures for the whole of the country were only for 1906.

305. The second table shows a better analysis than the first?—Do you mean the Tower Bridge record?

306. Yes?—Yes, slightly better. The totals of those who have been sent to homes are very nearly equal.

307. Can you trace to which homes they have been sent?—Yes, for Marlborough Street; I have not got it for Tower Bridge.

308. Where have they gone to chiefly?—The women in the early years went to Farmfield, and a few to Ashford, and then for some time they went to Lewes during 1904. Then some few went to East Harling and Lewes alternately apparently.

309. The ones that have been re-convicted?—Two to Ashford, three to Farmfield, another to Ashford, and another to Lewes. I do not think I have got that complete; it shows where they went to the second time. I have not got that accurately noted up, but I should think they are fairly equally divided amongst the homes, but most of them went to Farmfield and Lewes.

310. Did any go to Aylesbury?—No, none went to Aylesbury at all. I do not think any men have been sent back again.

311. What, in your opinion, are the causes of frequent relapses after detention?—Returning to their old haunts and friends has a great deal to do with it, I should say, probably; but that is more for the experts than for me—they had not been cured when they left the home, I suppose, for the reason that they had gone so very far before they went.

312. They have gone so far that the influences that are brought to bear upon them in the home become nugatory when they get out?—Yes; they are at once received by their friends, and probably get a warm reception when they arrive. Within the last month or two I have had, and Mr. Rose has had, cases where these people have had a warm reception on their arrival home—there was one at Bermondsey recently—and have returned to be dealt with next morning.

313. Can you give the Committee any suggestions as regards any alteration of the law to make possible earlier committal of these cases to reformatories?—Of course, the difficulty now is the definition, and the conditions which have to exist before we can deal with them. The definition, in my opinion, is a very long and vague one, which encourages magistrates rather to put difficulties in the way; and then there are conditions like the three previous convictions, and that they must be practically on the verge of lunacy according to some people; that is to say, they must be only just not fit for a lunatic asylum.

* *See too*, pp. 86–182 below.

314. That, of course, is the first and most important condition, I take it—the three previous convictions?—Yes. That means, as the Committee know, that the person must be a very old hand to have had three convictions, or, rather, four convictions, in one year. That is the condition which is necessary before we can even deal with it at all. Then, again, some magistrates will at once deal with the case if they find the previous convictions and do not inquire really whether he is an habitual drunkard; so that it is a fallacious test really.

315. You have thousands of cases convicted twice during the year, have you not, who strictly should come under the same heading as habitual drunkards?—Yes, we have lots of habitual drunkards up twice every year; but, on the other hand, you may get a man who gets drunk on each bank holiday, and who is a good, hard-working man all the rest of the year, and he may come within the condition of the four convictions.

316. A hard-working man who happens to go on the drink four times in the course of the year?—Yes, and a good many men do—that is our experience, I think. On the morning after bank holiday, lots of perfectly good, hard-working men and otherwise perfectly respectable women are brought up, and they might easily be up two or three times in the course of the year, and they are qualified on that point as habitual drunkards, and if the magistrate is strong for locking-up, one of them may be sent off to a home straight away. The real test is the habitual drunkard, and the less you define it the better, I think.

317. In your experience, do you think many men have been sent to reformatories who have come up before you for a fourth time in the year, about whom you have the impression that they are really hard-working men who are not, strictly speaking, habitual drunkards, beyond the fact that they go on the drink rather excessively periodically?—No, I cannot go quite so far as that, because I never know how many times a man has been convicted before. We do not always know that. If it is known that he has been convicted before, it is mentioned that he has been convicted, and we know to that extent; but unless he is reported by the police as qualified for a home, we do not go further with regard to him in inquiring as to what his previous history is, so that we can hardly say that we have sufficient means of knowledge—the police have not, really.

318. Would you say that there are a great many hard-working, more or less respectable people who merely go on the drink periodically, but who between times are quite sober?—I should think there are some, but not a great number.

319. You would say that that was a small number?—I should say a small number, yes.

320. Would you say that many of that class that I have indicated to you find their way into reformatories?—Of course, I have no knowledge of that at all. I only wished to indicate one of the dangers and the disadvantages of having the three previous convictions' condition at all, that it rather leads magistrates into thinking that that is the real test of "habitual drunkard."

321. Have you any alternative proposal to make as regards the definition of "habitual drunkard"?—I think it would be a very great advantage if an habitual drunkard were defined simply as a person who habitually drinks alcoholic liquor to excess; but before I would give power to anybody to deal with him, there must be conditions, of course. One condition must be a crime connected with drink, which is the result of his or her drinking habits, such as the cruelty to children cases, attempted suicide cases, and others, which are clearly traceable to the result of habitual drinking. I certainly would not give power to the magistrates to lock a man up who is an habitual drunkard on that short definition, but I would give power to the magistrates to send to a home habitual drunkards who have committed crime—in fact, those crimes in regard to which now you have to send them for trial on indictment, before they can be dealt with, I mean, as habitual drunkards.

322. You would give magistrates power to send to a reformatory those who have committed crime under the influence of drink, and you would remove the present condition of three previous convictions?—Yes; I do not think that is a good test.

323. It might be the first time the man had been up before you?—Yes. Of course the responsibility must be upon the magistrate to find that he or she is an habitual drunkard.

324. Would you suggest any appeal?—Certainly, there must be appeal in every case.

325. To whom?—To Quarter Sessions, and in the first instance you would not deal with him unless he consented. But my experience of that is that they very rarely claim a right to go for trial.

326. They prefer to be dealt with by you?—They are willing to be dealt with.

327. (*Mr. Ryland Adkins.*) Do they know what they are in for?—I think they do; and that suggests one other idea that I had upon that point, that although these figures show that the success as regards cure is very slight, I am quite satisfied that sending them for three years is, although not a deterrent to them, a deterrent to their friends. I think it is pretty well known amongst these people and their friends that they go in for three years, and if it goes on much longer that they are risking being sent to a home. You can tell by the way they conduct their defence and talk about it. Of course, there is no security for knowing that they know what they are in for, but I think they generally have a pretty shrewd idea. They may doubt as to whether it is one year, or two years, or three years, but they know it is going to be a long term.

328. (*Mr. Rose.*) And they might be told. I have on occasion told them?—There is no obligation to tell. That is why I did not say so, but one would take care that they knew. You see, you do not deal with them off hand, you always remand them; you remand them for evidence and you remand them in order to inquire whether there is a home ready to take them. That, of course, we ought never to need to do; there ought to be a place to send them to immediately we pass the sentence.

329. (*Chairman.*) You have had experience of cases where there has been no room for them in the existing homes?—Yes. I have constantly been told that there is no room for them, and then we let them go again.

330. Has that often happened?—Yes, but not so often as it might. It has happened once or twice, and now until I hear that there is room we do not try to get the evidence or attempt to deal with them. I do not know what other magistrates have found, but I have several times been told that there is no room.

331. So that, generally speaking, the upshot of what you have said to us is that you would like to see the three previous convictions' condition removed, and as a magistrate you would like to have a wide discretion with regard to the definition of "habitual drunkard"—in fact, you would like the definition left in your own hands?—Yes. I am speaking only as a metropolitan magistrate. Whether that would be wise to leave to all magistrates throughout the country is not a question for me at all; I do not know.

332. You are speaking exclusively as a metropolitan magistrate?—Yes.

333. You are not prepared to say that the conditions in the Metropolis are the same as the conditions in the Provinces?—They may not be; I do not know.

334. (*Dr. Bruce-Porter.*) Has the witness any suggestion to make as to dealing with people who do not commit offences which bring them within the Act? I am speaking of people who drink to excess in different parts of the country, and who try their best to disgrace their relatives, and yet avoid coming into the clutches of the law.

(*Chairman.*) We will deal with that later, if we may finish this first.

335. Is there anything you can tell us as to how you would distinguish between those cases which you would suggest being dealt with summarily and those which you would suggest should be committed for

trial on indictment?—I do not think I should draw any distinction. I think with regard to all cases that we can now deal with summarily, we should still have the power to deal with them summarily, and the additional power of sending them to homes. I should add that we have no power, of course, at present to deal with attempted suicides, and that I think is a power that might be given to us because it is a very common case.

336. (*Dr. Branthwaite.*) May I suggest that we may also include cruelty to children, and wounding not amounting to felony?—Yes.

337. (*Chairman.*) You have put 'No' in your *précis* as your answer to that question?—Yes; that is a mistake; it ought to be "Yes." They ought to have power to deal with those offences; that is a very valuable power.

338. That would be a great increase of power beyond what you at present have?—Certainly.

339. (*Mr. Rose.*) Perhaps Mr. Baggallay would explain to the Committee the anomalous position that has arisen with regard to attempted suicide. A practice has grown up in the metropolitan courts with regard to it?—Yes. The only power we have in the case of attempted suicides is to commit them for trial. That involves, of course, a very troublesome and expensive process, and an undesirable one, because we may see at once that it is the case of a foolish woman, perhaps, who has had a quarrel with her lover, and after remanding her for a week, and being satisfied that there is no chance of her doing it again, and the cause is a ridiculous one, we proceed no further. We have power to bind them over, which some magistrates think is a reasonable one, but we do not often do that, and after they have been locked up for seven days on remand we discharge them, and do not go any further. It would be a very satisfactory way of treating them if during that remand we could get evidence that the attempted suicide was due entirely to drink, and if there was a history of habitual drunkenness, it would be a very useful thing for us then to be able to deal with it.

340. (*Dr. Branthwaite.*) Can you suggest any reason why you can now send to a reformatory a woman who is found drunk in charge of a child, and not deal with one who, through being constantly drunk, neglects to feed and wash her child?—There is no difference between them. We ought to have power to deal with both classes.

341. (*Chairman.*) To what extent do you consider it desirable to remove or modify any of the three above-mentioned conditions: (*a*) in regard to persons who, although qualified for committal, have not previously been committed to reformatories; and (*b*) in regard to persons who, having once been committed to reformatories, are again charged with an offence against the Inebriates Acts?—The three previous convictions I have already spoken of. That is what I consider a fallacious test, and it might be removed in both (*a*) and (*b*). With regard to the second condition, habitual drunkenness, I do not think it would be sufficient for a previous committal to be evidence of habitual drunkenness. I do not think that is conclusive in itself, but I think it is admissible as evidence to show that a person is an habitual drunkard, although it is not conclusive evidence; and that would be still more important if you take away, as I should propose, the three previous convictions' test, because then you would have a person without three previous convictions being sent to a reformatory, and who comes out and just happens to be well received by her friends when she first comes out, and gets drunk, and she would be liable to be sent straight back again. I think that would be too severe.

342. How do you protect her against being sent back again?—By saying that the fact that she had been sent to a home would not in itself be evidence that she was an habitual drunkard, and that there must be some evidence to show that she was still an habitual drunkard when she came out of the home.

343. How would you show that if you were to remove the present conditions?—You would have to show more than the fact that she had simply got a little the worse for drink through the kindness of her friends during the first few days after she came out. To send her back to the home because of that would be, in my opinion, a rather strong order. I think you must prove habitual drunkenness.

344. The condition that you are suggesting to us would leave that entirely in the discretion of the magistrates, would it not?—Yes.

345. Some magistrates might take the view that you have just expressed: that it would be too severe to send her back immediately, but it is conceivable that other magistrates might take the opposite view, and send her straight back?—What the magistrate would have to find would be that, notwithstanding she had been in the home, she still showed signs of being an habitual drunkard. If you take away the three previous convictions' test you must have some safeguards. A woman is not to be sent straight back to the home the moment she gets the worse for drink.

346. That safeguard has got to be given expression to in some way?—Yes.

347. You cannot suggest any expression which would convey the necessary discretion that magistrates ought to have?—I should only allow the magistrate to send a person back to a home on proof that she was an habitual drunkard. To prove that she is an habitual drunkard, the fact that she has already been to a home is some evidence, but not conclusive evidence, that she is still an habitual drunkard.

348. "Habitual drunkard" under the present law means three previous convictions?—No. That is one of the conditions on which you can send an habitual drunkard to a home.

349. That is another way of putting it, is it not?—No.

350. You get them into the home as the result of the three previous convictions?—No; I say you send them to a home because they are habitual drunkards who have been three times previously convicted.

351. That is the same thing, is it not?—No, and as I say, there are so many magistrates that cannot see the distinction.

352. (*Mr. Ryland Adkins.*) By the Act of 1879, "habitual drunkard" means "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 to others, or incapable of managing himself or herself, and his or her affairs." That is rather different from saying merely that they have been drunk three times previously; and in the later Act of 1898 it says any person who has been summarily convicted at least three times, and who is an habitual drunkard. That is a condition precedent?—Yes, it is a condition precedent to your dealing with an habitual drunkard. You must prove the person to be an habitual drunkard first, and before you can deal with the person as an habitual drunkard, and send her to a home, there must also be the condition that he or she has been three times previously convicted.

353. (*Chairman.*) Yes; but to prove that a person is an habitual drunkard involves a varied interpretation of "habitual drunkard" on the part of the magistrate. To prove that a person has been convicted previously three times requires a less varied interpretation, and you are going to remove the condition precedent, which is open to a varied interpretation. You may take the view that the person coming out of the home and who is warmly received by her friends and gets into that condition does not involve being sent back to the home, but there might be other magistrates who would take a different view?—You must have a safeguard.

354. That is what I want to get at. How are you going to safeguard it?—I should say that the magistrate has to find that the person is still a habitual drunkard.

355. (*Dr. Branthwaite.*) Has relapsed into habitual drunkenness?—Yes—not simply into one night's drink.

356. (*Mr. Bridgeman.*) She should start just the same at the end of her time when she comes out of the home as she would have done if she had never been in the home at all?—Yes, except that I would make the fact that she has been in a home evidence of habitual drunkenness, but not conclusive evidence. It is evidence, but in itself it is not sufficient.

357. (*Chairman.*) Coming out of the home and having an excessive drink after having been in a reformatory does not constitute an habitual drunkard?—Quite so.

358. (*Mr. Rose.*) Do you not think that the one act of relapse might justify putting the person under probation?—Yes, you might have powers of some sort in that direction. Directly you find a person comes out of a home and begins drinking again you might give a further power to deal with that particular case, but I do not think that that person ought to be *ipso facto* considered a habitual drunkard.

359. (*Chairman.*) You are strongly desirous of seeing every protection given to the person concerned against any arbitrary treatment of that description?—Yes, quite so.

360. (*Dr. Donkin.*) Your point, if I gather it rightly with reference to the existing definition of "habitual drunkard," is if a person comes out after having been for three years in a reformatory, he or she cannot possibly be an habitual drunkard?—Not at the moment, no.

361. For three years they had no liquor?—That is so.

362. Therefore, it would follow, would it not, that that person would have to be out for some time before you could get fresh evidence of his being an habitual drunkard; he would have to be watched at least?—Yes, it would not necessarily be a conviction, you know; a person might come out and relapse into drink. There might be plenty of evidence that she comes out and during the first month or two she is drinking, but not perpetually; but if there has been evidence that she has been habitually drinking, that, with the fact that she has been in a home for three years, would come under "habitual drunkard."

363. (*Mr. Bridgeman.*) Do you not think that a period of at least a year should be required before you can again prove habitual drunkenness, that she should have a year after she comes out of a home?—To drink at her own sweet will? No, I do not think I should recommend that.

364. (*Dr. Branthwaite.*) How long do you think it would be necessary for a woman coming out of a home to have—how many weeks of drunkenness on her part would you consider necessary in order to prove her an habitual drunkard?—That would be a question for the magistrate whether he was satisfied by the evidence that the home had done her no good, and that she had relapsed into habitual drunkenness again.

365. (*Dr. Bruce Porter.*) If we had a series of indeterminate sentences would you send her up for a fresh period?—You might give a power to magistrates to deal shortly with them in that way, but I do not know whether that would meet the views of the experts.

366. (*Mr. Ryland Adkins.*) Do you not consider that the difficulty in defining "habitual," which in your mind excludes one lapse after three months' compulsory absence, but which might very well cover a week's drinking, would be cleared up pretty promptly by the Court of Appeal? Is not that a kind of thing that the Court of Criminal Appeal would settle?—Yes, but I understood the object of this Committee was to frame regulations from which there would be no appeal. I do not think we ought to rely on the Court of Criminal Appeal putting everything right.

(*Mr. Ryland Adkins.*) But you have the word "habitual."

(*Dr. Branthwaite.*) Are we not proposing to eliminate that word?

367. (*Chairman.*) You realise the importance if you are going to withdraw appeal of laying down conditions so definite that they could not be interpreted in any sense as an abuse?—I do not think it is possible. You must leave considerable discretion to the magistrate; it is absolutely impossible to draw a definition. If you are giving him discretion it is impossible to do it with perfection, and that I think is the difficulty. The very fact of the previous Acts trying to lay down exactly what they are to find has led to a great deal of trouble and a variety of opinions.

368. I think we might go to question 34: Do you recommend the insertion in the Act of power to enable magistrates to commit habitual inebriates (convicted of an offence included in the First Schedule of the Act) to reformatories for a short period of three or six months, without the necessity for proving three previous convictions? If so, might not such short sentence replace the necessity for proving previous convictions when subsequent committal for longer periods is contemplated?—Assuming you are going to leave the three previous convictions' condition as it stands, then I should recommend the insertion of power to give a short period.

369. Which would you prefer of the two?—I would abolish the three previous convictions.

370. Are you satisfied that present police arrangements are sufficient to ensure the recognition of habitual inebriates when such persons are brought before magistrates in police courts?—The police send round circulars two or three times a week in the metropolitan area which give all the police at each police station the names of the people who are what they call qualified by three previous convictions; so that if they get Ellen Smith, for example, brought in as drunk they can refer to their circulars at once and see if she has been convicted at other courts.

371. So that you have in existence a fairly complete register for the Metropolis?—I think the metropolitan system is very good. I have looked into it very carefully lately. The circular comes round about two or three times a week, so that they are posted up to date.

372. (*Dr. Bruce Porter.*) Would it be possible to have finger print recognition, because Ellen Smith brought up in one court to-day may be Mary Jones in another court to-morrow?—Yes, but they very quickly spot them; they do not move about so much as some people suggest. I do not think they move about a great deal at all. I do not think the person exists to any great extent who goes about to different parts of London in order to get drunk.

373. (*Chairman.*) Do you consider that provision for the reception and maintenance of habitual inebriates committed by a court of law should be compulsory?—Yes. If the court wishes to send an inebriate to a home there ought to be no doubt as to there being a home to receive him or her.

374. Have you any other point that is not covered by the preceding questions which have been put to you in relation to the Act of 1898 which you desire to bring before the Committee?—I do not know whether it is exactly an answer to Question No. 42, but the only suggestion I have to make is that I do not think we have power enough to deal with the ordinary drunkards in the streets. I think metropolitan magistrates might have more power than they have, say, to sentence up to six months or even 12 months. At present our power is limited to one month's hard labour unless we bind them over and make them find sureties; but then, of course, they can find the sureties, and out they go. That is the only way in which you can punish them beyond one month.

375. You think your hand would be strengthened if you could have the sentence increased to six months?—Yes, I think so. I think these sentences are distinctly deterrent—that we do something towards stopping drinking by sharp sentences. It would very soon get known if it was found that magistrates had power to give six months instead of one, and six months might be long enough for the expert to come in and examine the prisoner and see whether it really was a case for cure rather than punishment.

376. You think it would have as an effect the diminution of disorderly conduct in the streets through drunkenness?—Yes, I think our power of punishing is rather weak. Of course, there again you would leave it to the discretion of the magistrate as to how many previous charges would be necessary, but I should give them a freeish hand in London. There is an idea about, I know, that sending them to prison for these short periods or finding them has really no effect in stopping drinking, whereas I think it would if we had a little stronger power.

377. (*Dr. Donkin.*) Would it, in your opinion, probably very much diminish the number of cases for whom the only alternative is to send them to a home for three years?—Yes, I should think it would.

378. It would probably act as a very considerable deterrent to a large number of people, and they would either not drink at all or they would drink in their own homes if the magistates had power to pass a sentence of 12 months?—Yes, I should like 12, but I would take six as a compromise. Of course, I am only asking this for metropolitan magistrates.

379. (*Chairman.*) You consider the one month is not adequate?—I do.

380. (*Mr. Bridgeman.*) You said that after sentence they could be examined by experts for curative treatment or for punishment, and you think immediately after the sentence they could work out the year or six months either in prison or in a home?—Yes, that was my idea. You see we cannot send for witnesses. These people are brought up before us—here is a chap or a woman constantly up, but not enough to be an habitual drunkard, or perhaps who has not even got what is now required—the three previous convictions in the year, and if we were to give them a sharp sentence, anything up to 12 months, and then let the experts examine them at once, in my opinion it would be a great deterrent.

381. How would it do, in your opinion, to have a sort of temporary place where all these people could be sent to and classified after they had got there?—I should see no difficulty in that.

382. If there were a discretion to send them to a place of detention of some kind where they would be classified afterwards, it would not be necessary to classify them by the decision of the court?—No, I should not give the court any power to classify; I do not think we can do it. We have no power, nor really have the police or the missionaries. As magistrates we have no staff for making inquiries. We can adjourn a case for a week, and ask other people to do it, but we have no staff of our own. We cannot say to a clerk or an officer of the court, "Go and investigate this case and tell me whether it is a case for a home or a case for sharp punishment."

383. (*Dr. Branthwaite.*) What advantage do you consider arises from a twelve months' sentence to prison as against a twelve months' sentence to a reformatory?—I should ask for the power to send to prison on the fact that the person has been constantly troubling the court as a regular nuisance as a drunkard, but against whom there is not sufficient evidence of his being an habitual drunkard. That person, I say, deserves to be punished severely and sharply for it to have any deterrent value. But we have no power to investigate beforehand and see whether that person is more suitable for cure than for punishment. The moment he is sentenced and goes away from us, let his case then be inquired into by those who can do it to see whether he is a proper person for cure or for punishment.

384. (*Mr. Rose.*) Why let the prison come in at all? Why not send him direct to a reformatory where he can then be examined?—I do not know whether he is an habitual drunkard; I only know that he is a criminal offender who is constantly disturbing the peace and who is a nuisance in the streets. That is all I know about him and I punish him, but you may find, and the people who inquire afterwards may find that, after all, he is really an habitual drunkard who could much better be dealt with for cure than for punishment. All I do is I have cleared him out of the streets, and I have warned other people that if they do likewise they will be locked up.

385. (*Chairman.*) You have ordered him to be locked up for 12 months, and you would suggest that other people should have a discretion as to whether he should go to prison or to a reformatory?—Yes.

386. That suggestion would involve the erection of a new and elaborate machinery, would it not?—That I do not know. My only point upon that is that we, as Magistrates, have no means of making sufficient investigation to decide which is proper for him, but what I do ask for is a strong power with regard to the longer sentences as a deterrent.

387. (*Mr. Ryland Adkins.*) In cases where you do not feel yourself justified in pronouncing a criminal an habitual drunkard, it being known that to call him an habitual drunkard or an inebriate, or any other collocation of sounds which is finally adopted for it, that would mean his going away for a considerable period. You want power where you do not say he has been that to punish him up to twelve months as a criminal?—Yes, to keep the peace and to clear the streets.

388. (*Chairman.*) You want further power in the direction of punishing crime?—Yes.

389. (*Dr. Branthwaite.*) You want power to send a man to prison who is a drunkard and a nuisance for 12 months, although you cannot prove that he is an habitual drunkard, and yet you want very strong proof of habitual drunkenness before you can send him to a reformatory?—Yes, but that is a person who has committed no crime and who is not a nuisance in the streets.

390. Are not a great number of the persons who are dealt with as habitual drunkards a nuisance in the streets?—Yes, but I thought you wanted compulsory powers to deal with habitual drunkards who are not criminals.

391. (*Mr. Ryland Adkins.*) If the criminality is more prominent than the drunkenness, it seems right that they should be sent to prison, but if the drunkenness is more prominent than the criminality, it seems reasonable that they should go to a reformatory?—Yes.

392. (*Chairman.*) Now the next point is: Can you give any reason for the little use which has been made of the power to commit a wife who is an habitual inebriate to a retreat in lieu of making a separation order under Section 5 of the Licensing Act of 1902?—The consent of the wife is necessary for one thing.

393. Do you suggest that that consent should be removed?—Yes, if it is to be of any use. The husband, you see, is always the prosecutor, or rather the complainant in that case, and he probably does not want her sent to a home. He thinks it would cost him more than if he only has to make her an allowance. As long as he can satisfy the magistrate that he ought to have a separation and give her something, the magistrate in a case like that has no power to send for further evidence. I do not know, but I should think that the fact that she has to consent is the most important reason why it has not been enforced oftener.

394. You would suggest that that condition should be removed?—Yes, I think that might be removed.

395. Are you aware that no cases have been committed to retreats under Section 11 of the Prevention of Cruelty to Children Act of 1904?—I suppose that is due to the fact that there are so many conditions. The consent of the person there has to be obtained. There, again, the police are not often the prosecutors, but a society, and then again it only applies to the parent or the person living with the parent. The wife or husband can be heard to object to an order for maintenance and then the court has to see to the expenses; so that there are so many conditions there that the court probably rarely, if ever, attempts to enforce that section.

396. In view of the fact that the 1879 Act only empowers the detention of inebriates when they themselves desire treatment, and the 1898 Act only when the inebriate becomes criminal or degraded, are you of opinion that further powers are necessary to authorise the treatment, guardianship or detention of inebriates who cannot be treated or controlled under any existing power? Can you suggest any further legislation that would be desirable there?—I think my answers to questions 28 and 42 are all I can say with regard to that. [*See pp.* 136 *and* 171 *below.*]

397. You do not desire to say anything further than what you have already said in answer to those two questions?—No.

398. (*Mr. Ryland Adkins.*) I want to ask you two or three questions on the legal side of it. I understand you to say that in your judgment the three convictions might go, and that the question as to who is an habitual drunkard might be decided by the magistrate on a very general definition?—Yes.

399. Do you think it would be desirable if that were the case that with regard to every person brought before a magistrate charged with being an habitual

drunkard by the police, or otherwise, there should be an obligation to tell them what the possibilities of the sentence might be so that they might exercise a full choice as to whether they would go to a jury or not?—Yes, I think it would be.

400. So that they know absolutely?—Yes.

401. And then, subject to their having that choice and not exercising it, you hold that London stipendiary magistrates, at any rate, should have power to decide whether they are habitual drunkards with a punishment up to three years' detention?—Yes.

402. With regard to magistrates who are not trained, do you consider that it would be safe to leave that to a single magistrate or do you agree with a previous witness who has held that there ought to be two magistrates to decide a matter which has such momentous consequences?—I think certainly two, as it is with most charges now.

403. With regard to the crimes committed by persons who turn out to be habitual drunkards you want to extend the power, subject, of course, to appeal, and with the consent of the prisoner, to deal with attempted suicides, and even woundings that are not felonious?—Yes.

404. Besides that power with regard to habitual drunkards you think you should have greater power for sentencing people who have been drunk and make themselves a nuisance. At the present time is there any appeal to Quarter Sessions or anyone from a sentence of that kind?—No.

405. You can give up to a month without appeal?—Yes, I think so.

406. Do you consider, if power is given you to sentence a man for being drunk and who is a nuisance to six months' imprisonment, or upwards, that there ought to be the same appeal there as there would be in the other cases of habitual drunkenness?—Yes, certainly; there is no difficulty in that, I think.

407. You were not asking that a metropolitan magistrate should have power to send a man to 12 months' imprisonment without any power of appeal on the part of the man?—Certainly not.

408. In cases of habitual drunkenness which could be tried on indictment if the drunkard wished it, do you consider that the provisions of the Court of Criminal Appeal Act should apply? They only apply now in cases of indictment, but here are cases involving seclusion for three years, and I wanted to ask you whether you thought they ought to be included with cases where the Court of Criminal Appeal has jurisdiction?—Yes, I think they might.

409. That would create a safeguard?—Yes, a very considerable safeguard.

410. The question of "habitual" would then get the highest legal decision if there was any doubt about it?—Yes.

411. With regard to cases of persons who are a nuisance to their friends because of drunkenness but who have committed no crime, would you look with favour on a suggestion of this kind—that any person living with the mother, or a relative, or one who is permanently in the *entourage* of the mother, might bring a charge of habitual drunkenness before a court of summary jurisdiction and have it investigated then, just as though somebody had got drunk in the street, or was driving a donkey cart when drunk, and so on. Should you approve of that state of things being brought on the motion of an aggrieved person before a tribunal like yours?

(*Dr. Bruce Porter.*) If you exclude the words "living with" it would deal with the people to whom I referred, *i.e.*, those who go to a place where relatives live and drink to excess with the idea of disgracing and annoying those relatives——

412. (*Mr. Ryland Adkins.*) I only want to get from you whether cases of habitual drunkenness which have not eventuated in any criminal offence might be brought before the magistrate in the way I have suggested?—Yes, with certain safeguards.

413. What sort of safeguards have you in your mind?—One was that it should be necessary to prove that all reasonable efforts had been made to cure without success—some sort of safeguard of that kind.

414. But you think, subject to certain carefully considered safeguards, that courts of justice might have cognisance of what might be called domestic distress by habitual drunkards if it is brought formally before them?—When you say domestic distress I would make it certainly a condition that it is for the benefit of the individual concerned and not so much for the benefit of his relations.

415. The great question is whether that door should be opened at all?—Yes, I think it certainly should be opened, but the two most important considerations are that it is for the benefit of the individual that he should be cured and that all reasonable steps have been taken to cure him first without success.

416. We have heard a good deal and you have heard a good deal no doubt about the indeterminate sentence people who have become habitual drunkards, but not convicted as such, that they should be sent away for a certain period with the prospect of being kept longer if the *quasi* medical authorities think it desirable. Before any sentence is prolonged on those grounds, is it your opinion that they should be reheard before a magistrate or some judicial person? What I mean is this: You sentence a man to a reformatory, and the magistrate sentencing him contemplates a certain period, but it may become very desirable when he or she is there that they should be kept longer, and one can well understand that those who look at it from the medical point of view may shrink from those persons being turned on to the public again and that they should be kept longer. Do you think before anything in the way of extending sentences of that kind is done, that the case should come up again before some judicial authority?—I would not give any power at all to extend.

417. On the other hand, supposing there was a very strong case that the person already in a home should stay there longer in his or her own interests, do you think that a matter that should come before the magistrate with a view to its being adjudicated upon by him rather than letting the person go and his being brought up again almost at once for a similar offence?—I do not think so.

418. (*Mr. Bridgeman.*) With regard to question 25 [see p. 125 below], many persons are sent to homes too late, you say. Do you come to that conclusion because those you have seen relapse are mostly the older ones, or on what grounds?—I think from general experience.

419. Could you say, amongst those who do come out again after being in homes, that it is the older ones who are more apt to be brought before you a second time?—No. I cannot say that I have noticed it with regard to any particular age. I am merely speaking from what you may call general experience, and the figures that I have quoted rather bear out one's general experience.

420. Are those, for example, that are sent before they are 25 years of age apt to relapse at all?—I should think they are more likely to be curable—the younger they are the more likely they are to be curable, of course. I say that more from general knowledge than from experience. I do not think I have sufficient data to go upon to say positively whether the young or the middle aged cure best.

421. Do you think that any of the suggestions you have made would get those persons sent to homes sooner than they are at present?—I think so; I think it would help towards that.

422. Do you think it is enough?—Of course, I am only speaking as a magistrate. We can only deal with the cases that come before us, and the only case, except where there is crime, is the one that has been put to me quite at the last—where friends or relations think it desirable.

423. You cannot suggest any other alteration which would enable us to get hold of them sooner?—I think the three previous convictions alone will make a difference.

424. The other answer to that is: "Many return to old haunts and old pals." Can you suggest any way of preventing that?—No.

425. It is impossible?—Yes. I only gave that as the reason. I do not see any way of stopping it; in fact it is a certainty, they must go back to their old haunts.

426. (*Dr. Branthwaite.*) I gather from some of your previous answers that you think no magistrate should be expected to discriminate between reformable cases and irreformable cases by just seeing them in the dock?—That is so.

427. No magistrate in your opinion should be asked to so discriminate?—I would not got quite so far as that, because the medical authorities might be able to produce sufficient evidence for us to discriminate; but as the cases go now, it is not so.

428. You wish for a cessation of the present arrangements where certain reformatories say they will not take any but reformable cases?—Yes, that is no use to us.

429. That is the point I wished to bring out. In your opinion magistrates should have a free hand to commit, irrespective of any question of reformability?—Yes.

430. With regard to the re-committal of persons who have relapsed after discharge from a reformatory, would you consider, as a sufficient reason for re-committal, previous detention in a reformatory with a further relapse into drunkenness?—Yes.

431. And another offence against the Inebriates Acts, or would you exclude the latter?—If it can be brought before us in any way that the person has returned to drinking habits.

432. It is not necessary, then, in your opinion, that the person should be again convicted for an offence against the Inebriates Acts?—No, not necessary.

433. The only other questions I wish to put to you are really to emphasise some matters that you have already practically answered, especially with regard to the three previous convictions. You are of opinion, are you not, that any person by getting drunk on four Bank Holidays of the year could qualify in that sense?—Would satisfy that condition.

434. Yes. Conversely you have known many cases of confirmed habitual drunkards who have not qualified under that condition?—Quite so.

435. You are therefore of opinion that these three previous convictions do not constitute a criterion in any sense of habitual drunkenness?—No. They are merely worth what they are—four times drunk and four times caught.

436. And, further, that the requirement that now exists of three previous convictions is a serious factor limiting the value of the Act?—Yes.

437. May I also assume that you are of opinion that the necessity for proving three previous convictions prevents the application of reformatory detention to any but the worst and practically irreformable class?—Yes, I am of that opinion.

438. And that, provided habitual drunkenness is fully proven, the necessity for proving three previous convictions could be eliminated without detriment to the interests of inebriates?—Yes.

439. Now, with regard to your answer to question 38 [*see p.* 162 *below*], you say that it is important that the provision of reformatory accommodation should be compulsory. Is this because you feel that magistrates should have a free hand to commit suitable cases without having to beg for accommodation?—Yes. That is the whole point.

440. It has been suggested to us that magistrates would feel more security in committing persons to reformatories if those institutions were managed by the State and not by local authorities or philanthropic bodies. What is your opinion about that?—That I have not considered.

441. It has also been suggested to us that magistrates should have power to sentence an inebriate to a reformatory for treatment and control without any definite period being mentioned by the magistrate at the time of the sentence on the understanding that release on probation should be resorted to at the earliest possible date compatible with possibility of good result. That the first period of detention before release should be about six and not exceeding twelve months, that release on probation should be in the charge of the probation officer of the court for two years, and that evidence of relapse into drunkenness and a further offence against the Inebriates Acts within such period should render the inebriate liable to immediate recommittal for a further period of detention followed by further release on probation, and so on until frequent release had proved the case unlikely to benefit, when release on probation should only take place every three years. How would you regard such a scheme?—I do not think the magistrate would take the trouble to do all that.

442. It would give the magistrate less trouble?—He would have to sentence one for a limited period, and there ought to be no power to extend that.

443. The magistrate on each occasion would have it brought up again before him?—Then you have to find the same magistrate again or go before another magistrate.

444. (*Dr. Bruce Porter.*) The record might go?—Yes, but you cannot remember the case.

445. (*Dr. Branthwaite.*) You want some means of giving magistrates the power to commit cases earlier—voluntarily of their own free will to do it—and they will not do it as long as there is a three-years' sentence?—I see.

446. (*Dr. Bruce Porter.*) I take it if the State is going to deal with this problem there will have to be some special organisation to deal with the matter, and that records should be kept of all those inebriates that are dealt with so that there should be no difficulty in the record going to the magistrate wherever that case has to come up. Mr. Baggallay says that it might not come in front of the same magistrate, but that would not matter if the record of that case went to him?—No.

447. (*Dr. Branthwaite.*) My point is that with a mass of inebriates such as exist in London, neither Mr. Baggallay nor any other magistrate seeing them brought before him one by one can form any estimate whatever as to the reformability or otherwise of each individual?—Yes, I quite follow.

448. Therefore, he has no right to sentence each one to three years, because six months or three months might do for some of them?—Yes, but the reason we have done it up to now is because of the intimation that it must be three years, and not less than two at any rate. If you are satisfied that he is an habitual drunkard who ought to be cured and who has brought himself in every way within the law which gives us power to try and cure him, we can have a limit of two years or three years, and then those who have to deal with him can let him out sooner if they like.

449. Supposing you are obliged to sentence a certain case to two years in a reformatory, and you have reason to believe that that person is an habitual drunkard, but are not absolutely certain, would you not refuse to sentence such a person to two years?—Yes, certainly.

450. Whereas you might send them for three months or six months?—No; if I am not sure I should not convict him at all.

451. I have not put the question clearly. Say he has committed an offence against the Inebriates Act?—Yes, that is why I want strong power to deal with a chap who is constantly drunk in the street; I want to punish him sharply because he has brought it on himself. When I say "he," I include "she," because no doubt the great majority are women.

452. (*Chairman.*) You do not think the extension to 12 months would in any way conflict with what appears to be the universal desire of those conversant with this question to allow discretionary power to the reformatory authority to release a man after a few months if they find he is curable, even if he has been convicted for 12 months?—Certainly not.

453. You think that part of the sentence might be remitted by the reformatory authority?—Yes, just in the same way as the Home Office now treat young offenders under the Borstal System.

454. (*Mr. Ryland Adkins.*) Supposing you sentenced a man to 12 months partly because he drinks and is an acute nuisance when he is drunk, the authorities might say: "We will let him out at such and such a time." Two people may be equally drunk, but one may be much more offensive and much more dangerous than the other?—Yes.

455. (*Chairman.*) The chances are that the man who is just taking to drink is a much greater nuisance than the habitual drunkard?—Yes, and I think we might catch some of them in that way and deal with them in an early stage.

456. (*Dr. Bruce Porter.*) In going round the inebriates homes we have been told by a number of inebriates that they prefer to go to the State reformatories instead of going to the private homes. When you have had occasion to re-commit persons, have they ever expressed a desire to go to any particular home?—No.

457. Or any objection to go to any particular home?—No, I have no recollection of any.

458. (*Chairman.*) It does not come under your discretion as to what home they go to?—No.

459. You pass that on to the Home Office?—Yes; but no person has ever said anything about it that I remember.

460. (*Dr. Branthwaite.*) Would it meet your objection to dealing earlier with milder cases if you were enabled to prescribe a sentence of not more than three months, for instance, or six months, or nine months, as the case might be, shorter sentences?—I should think there might be cases that could be dealt with in that way.

461. (*Mr. Ryland Adkins.*) You have asked for a good deal of discretion as to who is a habitual drunkard. That is one of your main points?—Yes.

462. Do you think an equal discretion as to the length of sentence should be given—that anything you thought right up to three years would be desirable?—Yes. I think some discretion might be given as to the length of sentence, because we might have evidence with regard to the case.

463. You could remand the case for that purpose?—There is nearly always a remand in these cases.

464. (*Dr. Branthwaite.*) It seems to me you want so much proof of habitual drunkenness that the person has to become almost a confirmed drunkard before you can deal with him under the Inebriates Acts?—Yes, it does. You want to catch them earlier in their drunken career.

465. (*Mr. Ryland Adkins.*) If you had the power to give much shorter sentences at your discretion, you would not take quite such a severe view, would you, of what constituted habitual drunkenness?—I do not think that I can admit that at all.

466. Mr. Curtis Bennett was asked in writing about the question of classification, and I wanted to ask any magistrate who came before us whether he took the same view. This is what Mr. Curtis Bennett said: "I think there should be detention in a classified form (1) For persons advanced in years. (2) For those who have led an immoral life as well. (3) For those of younger age and not immoral." Do you agree with that?—I do not think I have considered it from that point of view at all.

The Committee adjourned till Thursday next at 11 o'clock.

FOURTH DAY.

Thursday, 9th July, 1908.

At the Home Office.

PRESENT:

Sir JOHN DICKSON-POYNDER, Bart., M.P. (*Chairman*).

W. Ryland Adkins, Esq., M.P.
T. A. Bramsdon, Esq., M.P.
R. W. Branthwaite, Esq., M.D.
W. C. Bridgeman, Esq., M.P.
H. E. Bruce-Porter, Esq., M.D.
H. B. Donkin, Esq., M.D.
C. A. Mercier, Esq., M.D.
J. Rose, Esq.
J. F. Henderson, Esq., (*Secretary*).

Mr. Henry Curtis Bennett,* called and examined.

467. (*Chairman.*) You have been good enough to give the Committee answers to the questions that we submitted to you, and the Committee thought that perhaps you might be able to further inform them by certain elaborations of one or two of those questions, and that it could be done better verbally than on paper?—Yes.

468. Perhaps the best course for me to take would be to go rapidly through the main questions that have been put with their answers, giving you the opportunity of affording us any further information if necessary. You have had only occasional cases under the Act of 1879?—Only occasionally.

469. Those have been due to your incidentally being present when the applicant has been before the magistrate?—It has arisen in this way, there are very few of the cases under the 1879 Act that come to us at all: they go to the justices: they do not come to

*See too, pp. 86–182 below.

our courts, but in exceptional cases I have done it, and I have been asked to do it, and, as I say further on, when I have been asked, and in cases where I have fully explained what the result will be of the applicants going to the home, the result has been that they have said: "No, thank you, I will not go," and they have refused to go on in the matter. In other cases they have consented, but the number of cases that I have dealt with since that Act of 1879 are very very small really.

470. You are of opinion that that Act might well be strengthened up?—Yes.

471. (*Dr. Branthwaite.*) When such applications are made is it your experience that the persons making them are sober at the time or drunk?—When I have seen them certainly they have been sober.

472. Mostly sober?—Always. In every case that I have seen the person has been sober when he has come to me. I think they generally come with their friends and so forth, and they are probably sober before they come. I have never seen anybody in the least the worse for drink when they have come to make the application personally.

473. You do not think the condition as to voluntary application should be minimised?—I do not say it should be minimised. I only say care should be taken that the person fully realises what he is asked or what she is asked to do.

474. (*Chairman.*) You would like to see the operation of this Act strengthened in the direction of a scheme of classification?—Yes.

475. So that under particular circumstances there should be compulsory detention for the three different classes that you enumerate in your reply to question 21?—Yes—that is under the other Act.

476. Yes, you are quite right. Can you give the Committee any idea of the powers you would suggest under the 1879 Act with a view to introducing compulsory detention, and at the same time giving all proper protection to the person affected?—I really have not thought that out: there was no question upon that put here in any way as to how we would strengthen it.

477. You have not thought that out at all?—I have not.

478. (*Dr. Mercier.*) Do you think there is any practical value in it considering that the magistrate has to explain fully to the applicant what is the meaning of his application, and he has to satisfy himself also that the applicant is an habitual drunkard. Is it worth while to have a statutory declaration of two persons in addition to the effect that the applicant is an habitual drunkard?—You have to satisfy yourself in some way, and you do it by that means, if not you would have to have witnesses instead of the statutory declaration.

479. (*Chairman.*) That dismisses the 1879 Act. Now we get on to the 1898 Act?—Yes.

480. (*Dr. Branthwaite.*) Do you consider three previous convictions a necessary and essential condition before persons can be dealt with under the 1898 Act?—It is three convictions, and then in addition to that you have to be satisfied that they are habitual drunkards, which makes really six.

481. Do you consider both conditions essential?—I do not. I suggest in my answer to question 27 [*see* p. 132 *below*]. "I would recommend that committal should be either after six convictions of drunkenness (as now), only that it should not be necessary that three of them should be within the last twelve months, or in all cases in which there have been three convictions within the last twelve months, then a committal should be made; and after a person has been committed under the Act, then that should be proved on such person being recharged with drunkenness for the court to recommit to a reformatory on the previous committal being proved, and that it should not be necessary, as now, to wait for three convictions for drunkenness within a period of twelve months before recommittal can be made." If it is once proved that they have been sent to a home on committal then that shall be taken to be sufficient to have them recommitted again without waiting for twelve months.

482. (*Mr. Rose.*) Is not the inference that he has been cured if he has been three years without drink?—There is no question for three years: it is three convictions in a year.

483. Yes, but if he comes out of a home after having done three years without drink, can you call him an habitual drunkard the day after he comes out, even although he is drunk on that very day?—That is just the point. Is it not better to pull them up at once instead of letting them get well down again before they are pulled up. They wander about from district to district at present, and they know exactly how far they can go: they get two committals, and then they go to another district and adopt another name: Sarah Brown is Emily Smith, and Mary Jones is Eliza Robinson, and it is most difficult to trace them, and the end of it is that these women go from district to district in London and go on drinking and do not get back to recommittal at all. I have had to give up dozens of cases altogether because one could not get the three committals within the twelve months.

484. (*Dr. Branthwaite.*) May I put the question rather differently: If a person stood convicted of an offence against the Inebriates Act and habitual drunkenness were fully proved in his case to your satisfaction, can you give any reason why procedure should be stayed until three previous convictions had been recorded?—I see no reason why it should. That is what I say. I think on proof of that there ought to be power without waiting for an extra three convictions.

485. (*Dr. Mercier.*) Are you speaking of first committal also?—Yes, if it is proved to the satisfaction of the court that a person is an habitual drunkard it should not be necessary to wait to have three convictions within twelve months before you can deal with him.

486. (*Dr. Branthwaite.*) May I assume that you are of opinion that the necessity for proving three previous convictions has been an influence in restricting the use of the Act to old-standing and confirmed cases?—Yes, I think so in London.

487. And conversely that many inebriates qualified from a drunkenness standpoint are unable to be dealt with owing to the absence of the necessary number of previous convictions?—Undoubtedly.

488. I gather on the whole that this condition could in your opinion be removed without detriment to the inebriate?—I think it might, and with very great advantage both to the State and to the individual.

489. (*Chairman.*) Do you think a modification of these conditions would necessitate a modification of the definition of habitual drunkard?—I think it probably would, but that could be provided for under the Act which will modify this.

490. Would you suggest that modification?—I would suggest it, yes.

491. Have you thought out in what direction you would modify the definition of habitual drunkard?—I take it if a person has been convicted a good many times in his life, that it would not be necessary that the three convictions should be within twelve months. If he is known to the officers of the court as being often drunk, and that is proved, I think, although it may be over a considerable space of time, that it must not be limited to twelve months.

492. Would you leave a sort of vague discretion to the magistrates on that to define it in any way they thought right?—Yes, I believe that discretion is better than tying things down by definitions in Acts of Parliament which very often fail and have to be considered by the court above. I think discretion is the great thing.

493. So that it is not so much a question of modification as of leaving it to the discretion of the magistrates to deal with these cases on their merits?—Yes, where in the opinion of the court he is an habitual drunkard.

494. That is your alternative to the present system?—Yes, I think so.

495. (*Dr. Bruce Porter.*) Does that combine any method of confining that to the Metropolitan magistrates who are much better trained than magistrates in the country?—I am only speaking of my own body.

I do not know enough about the magistrates throughout the country to speak for them.

496. (*Chairman.*) From your knowledge of the Metropolitan magistrates and your experience, would you say that so wide a discretion as that could be safely put in the hands of a less skilled magistrate in the provinces?—Of course, experience is the great thing with regard to discretion. A Metropolitan magistrate sitting as he does with the enormous number of cases he has to deal with daily naturally gets very facile in dealing with these questions, and probably the gentleman in the country does not when he only sits one day a month, and some of them only one day in three months, and they are not getting the same insight into human nature.

497. It is a matter of common sense practically?—Commonsense and experience.

498. (*Mr. Ryland Adkins.*) In the case of magistrates who sit on rota, do not you think that a matter of this kind which might involve three years' detention of the person affected should be dealt with by two magistrates and not by one?—I certainly think that it should be two in the country and not one.

499. (*Dr. Bruce Porter.*) Might we have it rather than its being a question of common sense that it is a question of experience?—I said common sense and experience—common sense based on experience.

500. (*Mr. Ryland Adkins.*) I wish to put some questions to you that I put to Mr. Baggallay last week. My point is that there is no need to have these preliminary three convictions, and that at any rate with regard to Metropolitan police magistrates you can judge, and ought to judge, whether the inebriates are habitual drunkards without being fettered with any closer definition?—Yes, practically.

501. If they are, you, then, would have the power, under the present Act, to order their detention for a period which might be as long as three years?—Yes.

502. That being the case, do you agree that before you ask them whether they want to go to quarter sessions or not you should point out to them—that there should be an obligation on the magistrate to do it—what the possibilities of the sentence might be, so that they may exercise a full choice as to whether they should go to a jury or not?—One could not say what the sentence would be.

503. But you know the possibilities of it. I will put it in a different form. With regard to the ordinary matters that you deal with summarily, you could only give them six months' imprisonment and the criminal classes know that. Then you get a case where you have power, if you thought right, to seclude them from freedom for three years, ought there not in a case of that kind to be an obligation on the magistrate to point out to the person charged that if he is an habitual drunkard that the magistrate has that power, so that they might decide whether they would be tried summarily or go to quarter sessions, with a full knowledge of what the possibilities of the sentence are?—Yes, I think that ought to be pointed out, undoubtedly.

504. Do you agree they ought to have, as at present, the right of appeal to quarter sessions?—Undoubtedly.

505. Do you consider in the case of habitual drunkards, who are liable to penalties higher than those meted out for many indictable offences, that there ought to be the same appeal to the Court of Criminal Appeal, and that the provisions of the Court of Criminal Appeal Act should apply to those persons as they now apply to all persons committed on indictable offences?—I really have not considered that at all. I really do not know what the Court of Criminal Appeal is going to do at present.

506. The idea of that Act is that any person who is found guilty of an indictable offence should have the right of appeal?—Yes.

507. Here we are dealing with a matter which, in its consequences, is as serious as many indictable offences, and yet which it is desirable should be dealt with summarily by yourself and your colleagues?—You would give a double appeal—an appeal to the sessions and an appeal to the Court of Criminal Appeal as well?

508. Yes?—Do not you think the one appeal is good enough to the quarter sessions without multiplying appeals?

509. Personally, my opinion at the moment is submerged: I am anxious to get yours?—Quite. I think my answer conveys my opinion.

510. I asked Mr. Baggally, and I wanted to get if possible the opinion of all the London magistrates?—I should have thought that one appeal was sufficient without a double appeal.

511. I will put the question to you exactly as I put it to Mr. Baggally:—"In cases of habitual drunkenness which could be tried on indictment if the drunkard wished it, do you consider that the provisions of the Court of Criminal Appeal should apply? They only apply now in cases on indictment, but here are cases involving seclusion for three years, and I wanted to ask you whether you thought they ought to be included with cases where the Court of Criminal Appeal has jurisdiction."—Yes, in this way; if the Court of Quarter Sessions consider they should give leave to appeal and not without—not a general right of appeal.

512. I am not suggesting that the drunkard should have the double right which he could exercise simultaneously?—You mean either one right or the other?

513. Yes, either "I will not be tried by you at all, I will go to a jury," or "I will be tried by you, but if you are to try me and can give me three years I will ask the Court of Criminal Appeal whether that is right"?—But he has his appeal to quarter sessions, and I do not think it matters much which it is. I thought you meant in the first instance a double appeal.

514. I did technically, but I do not mean to be exercised simultaneously by the same person. In the case of persons who are a nuisance to their friends because of their drunkenness, but have committed no crime, do you think it would be desirable that a state of things like that should be brought to a tribunal such as yours on the motion of some aggrieved person? I understand they can only be brought before you now if they have committed some offence against public order, but supposing as habitual drunkards they are an intolerable nuisance to their relatives, do you think that your court and similar courts would be a tribunal which could rightly undertake the inquiry where some relative comes and says, "Here is this person who is a perfect nuisance to us and to himself or herself." Would you say that he or she is an habitual drunkard with the same right of appeal and the same choice of going to a jury?—I do not see any difficulty in our courts dealing with such a question. The only difficulty would be as to the multiplication of work.

515. Subject to provision being made for the multiplication of work and the provision of a sufficient number of people to deal with, do you think it would be in the public interest that that should be done?—I do.

516. (*Chairman.*) Do you think such a power would be exercised in many of the cases that are brought before you?—One can never tell unless we see how the Act works. Of course, there is no doubt a great number of such cases exist, but whether they would take advantage of an Act of Parliament one does not know.

517. (*Mr. Ryland Adkins.*) You agree it would have to be subject to certain safeguards and to all reasonable efforts having been made to cure without success, and that it was in the interests of the inebriate himself?—Yes, it must be safeguarded round with great care and great discretion must be used in the matter.

518. Do you think it desirable in cases where you shrink from saying they are habitual drunkards that where they have been a nuisance and have been convicted, it may be several times, that police magistrates should have power to increase the penalties for drunkenness from the present length of sentence up to six or twelve months' imprisonment, during which time the Home Office, if they thought it desirable, could remove the criminal to some reformatory?—I think, as far as we can judge, that prison has never been found to be a cure for drunkenness.

519. I am dealing with another point, where a person is not an habitual drunkard, and yet when he does

get drunk is a great nuisance to public order and is very disorderly. Do you think you ought to have greater powers than you have to-day of dealing with drunkenness considered as a crime, as distinguished from the habitual drunkard?—It all depends on what you are going to do with "habitual drunkard"—whether you are going to alter the definition of habitual drunkard. It might be altered, as I say, for persons who do not come within the twelve months' three convictions.

520. In the case of a person whom you consider to be a habitual drunkard, do you think that you ought to have greater powers?—Yes, unless you alter the condition now and leave it to the discretion of the magistrate.

521. That is in the case of any person whom you decide to be a habitual drunkard, but supposing you have someone brought before you who is generally a sober person but who breaks out two or three times a year, and when he does break out does considerable damage and is a drunkard of the worst type from the point of view of public order, at present you can only give him a month?—Yes, but would he not be an habitual drunkard? Supposing he comes twice in the year and continues that for two years you get him.

522. Supposing it is proved before you that he only breaks out in drunkenness on Bank Holidays and at other times—something similar to the outbreaks we have read of in Greek civilisation—and at other times of the year the man is a sober man who did his work, and who was not generally a drunken person, but when he did go on the burst he was a dangerous person who broke up things and provoked street rows and was generally a great nuisance to public order, do you think it would be well, instead of only being able to send him for a month, you should have power to send him for six months or twelve months if you thought right?—I do not agree with the statement that we only have power to send him for a month, because I very often deal with a man of that kind by binding him over and getting the missionary to watch him and bring him up on bail if called upon, and that I have found to be a great success.

523. Yes, but apart from that do you think the power should be enlarged?—No, I do not think so; it all depends on what the man does.

524. (*Chairman.*) You do not desire to see the power of sentence increased beyond one month?—No, I think we can deal with him in another way, either by his friends or by the Missionary.

525. (*Dr. Mercier.*) Have you found any difficulty in the application of the definition of habitual drunkard or inebriate. Difficulties have been found; for instance, the definition as it now is states that the habitual drunkard must not be amenable to any jurisdiction in lunacy?—Yes.

526. That has been held to imply that the inebriate before he can be dealt with as an inebriate must have some mental defect. Has that hampered you in any way?—I am afraid personally I have not considered it to have hampered me. I do not know what my colleague, Mr. Rose, has found.

527. (*Mr. Rose.*) No?—I have not personally found myself hampered by it.

528. (*Dr. Mercier.*) Another difficulty found by magistrates is this. This is one of the answers we have had: "An inebriate has to be a person who, by reason of habitual drinking, is at times dangerous or incapable. Evidence is called as to his dangerousness or incapacity. If that evidence is directed towards his conduct at times when actually drunk, how am I to hold (in a penal statute which must be construed strictly) that his conduct whilst drunk is caused by reason of the habitual nature of his drinking." That is a very fine point?—Yes.

529. Have you been hampered by that consideration?—No, I am afraid it is too fine. I do not think one would be hampered by it.

530. (*Mr. Ryland Adkins.*) There is another question about the possibility of indeterminate sentences that I should like to put to you. What I want to ask you is this, supposing you commit a man to a reformatory for three years or some shorter period—and in passing I take it you agree you ought to have full discretion as to the length of the period, you would not necessarily send everybody for three years: you would send them for a less period if you thought well?—Quite so.

531. Supposing you sent a person for a definite period, short or long, and when the man or woman is there the doctors in charge think it desirable to keep them longer, no doubt in their own interests, do you think any sentence should be made indeterminate, or should be increased without a reference to a magistrate again?—I think not without a reference.

532. You think that any increase of any sentence or detention in the interest of anyone not a lunatic should come before a judicial tribunal before the sentence is lengthened?—Certainly.

533. (*Dr. Mercier.*) Some magistrates have expressed dissatisfaction when an inebriate has been discharged from a reformatory. The magistrate has committed the inebriate to a reformatory for a certain length of time, and that inebriate has been discharged on probation before the expiration of the time which the magistrate sentenced him for, and the magistrate has been dissatisfied thereby. Would you recommend that the magistrate should be able to pronounce a minimum sentence as a punishment before which the inebriate should not be liberated on probation?—I think it is better to leave that in the discretion of the doctors as to when the person is in a fit state to be discharged. The doctor has the daily watching of these people, and we should have no information really. What I do feel about the question of these reformatories is that when these people come out no information is given to the Missionary of the Court from which that person has been committed, and they come out, and the first the Court hears of them again is when they are re-charged. I have got a list here of 19 women who were dealt with at my Court at Westminster. As to 12 of them there was no information: two of them when they came out went to a voluntary home, one of them went to Hammond Lodge, that is three, and four were re-charged shortly afterwards. What became of the twelve I do not know. I heard nothing more about them. With regard to one home there is a report: they have a Missionary woman attached to it now. I am referring to the home at Farmfield. They have got a sister in charge there, and she does give the missionary information sometimes, but it very often comes too late or not sufficiently early to be of any practical use.

534. You do not advocate that there should be a certain minimum sentence imposed by the magistrate with which the authorities at the retreat should have no power to interfere?—No, I ought to fix the maximum and let the minimum be in the discretion of those who have the watching of the people.

535. (*Dr. Bruce Porter.*) Where any inebriates have been recommitted by you, have they expressed a wish not to be sent to any particular home that they have been sent to before?—Yes. Some women have begged me not to send them back to the State home where they will be compelled to mix with the wretched people that they have had to mix with. Probably they have been associated with respectable people up to that time, excepting when drinking, and they do not want to go back because of their dislike to mixing with the class of women they meet with in these homes, and I have in some cases sent them to voluntary homes where their friends have paid for them, and they have done well there and been cured.

536. They have not singled out any particular home that they did not wish to be sent to?—No, I do not think they have mentioned any particular home. It is generally the mixing with all kinds of classes that they meet there which I think is most detrimental to them.

537. In going round the reformatories we heard complaints of different homes, and without mentioning them I wanted to know if any similar complaints had been made to you?—No, I do not know of any particular home. State homes have been mentioned generally.

538. (*Mr. Ryland Adkins.*) It is from your specific experience in these matters as a magistrate yourself that you suggest that the homes should be classified?—Yes, it is for that reason.

539. (*Dr. Donkin.*) You used the words "State homes" in your reply to Dr. Bruce Porter just now, and you also use the words "State reformatory" in your printed reply. Do you use it in the sense of applying to all reformatories, whether certified or State reformatories, to which people are committed under a process of law, or do you mean State reformatories only?—I mean State reformatories only.

540. (*Chairman.*) You only mean Aylesbury and Warwick?—Yes, I think I could show you a very different result from certified homes where they only take a very small number of people.

541. (*Dr. Donkin.*) There are only two State reformatories, one for women and one for men, and magistrates very seldom commit there: they commit to reformatories which are not State reformatories?—Yes, I included them all in the word "State."

542. Thank you; I wanted that to be quite clear?—Yes.

543. (*Chairman.*) State reformatories includes certified reformatories?—Yes.

(*Dr. Donkin.*) You did not make that clear in your answer to Dr. Bruce Porter.

544. (*Chairman.*) You have not found in your experience that there is any particular home that these people object to going to more than another of the certified State reformatories?—No, I cannot say that I remember any particular place at all that has been objected to.

545. (*Mr. Rose.*) May I put to you an attempted definition in order to see what you say to it? You use the word "often" in speaking, which is rather an apt word. An inebriate, I suggest, is a person who, through being often under the influence of alcohol or drugs (first) commits any unlawful act, or (second) causes harm to himself or fear, loss, or annoyance to others?—That is a very good definition, I think.

546. (*Mr. Bramsdon.*) In your position as a stipendiary magistrate, have you had any complaints or many complaints in particular as to the working of these Acts?—From whom?

547. From persons who have been committed, say?—No, none.

548. Do I gather that you are in favour or not of indeterminate sentences?—I think a term should be fixed.

549. Then you are not in favour of it?—No. A term should be fixed, but there should be discretion to let them out on licence.

550. (*Chairman.*) We want to get that rather clear: you say that the maximum penalty should be fixed by the magistrate?—Yes, I think so.

551. And having handed them over to the authority, the authority might have a discretion under certain circumstances of reducing that sentence?—Yes, by letting them out on licence; but I think in each case where they are let out on licence a communication should be made to the court to say that the person has come out, so that the missionary may look after them.

552. Do you suggest they should come before the court again?—No, not that they should come before the court, but that the court should have information with regard to them through the clerk of the court, and that could be handed to the missionary, and the missionary could keep in touch with them.

553. (*Mr. Ryland Adkins.*) Do you think in the case of inebriates it would be good that they should have the power of earning a definite remission of their sentence by good conduct, independently of the discretion of the Home Office. I mean it is well known with regard to ordinary criminals that they can always earn a certain remission by good conduct. Do you think that that ought to apply to these people who are half-way between criminal and lunatic?—That is a very difficult question to answer. In some cases it might be useful, in other cases it might be very harmful, because they are very cunning, these people, and if they knew that if they behave well they could get out in a short time they would act accordingly. Drunkards are very much like lunatics in cunning in that respect.

554. (*Mr. Bramsdon.*) Do you think it desirable that when any sentence of that indeterminate kind is given there should be trial on indictment: that is to say, that indeterminate sentences should come before a jury in every case having regard to the length of them?—I should have thought not unless the person wanted it; they have their right.

555. You think that is a sufficient protection to the person?—I think so.

556. On the question of re-committals, do I gather from you that after a person has served a sentence and they offend again—that is if they become guilty of an offence against the Inebriates Act—you would suggest that they should be re-committed back?—I suggest that the magistrate should have power to recommit back. I do not say that it should be done, but that he should have the power to do it.

557. That it should be at his discretion?—Yes.

558. May I illustrate it in this way. If a man is found guilty on re-committal, say, of some convivial form of drunkenness, the magistrate would not in that case re-commit him?—I should say not.

559. You think that would be sufficient protection to the man?—I think so. I think the magistrate should have discretion with power to send back.

560. But not as a matter of course?—Not as a matter of course; just so.

561. (*Mr. Ryland Adkins.*) There would be an appeal against that just as in the other case?—There would be an appeal now.

562. (*Chairman.*) It largely depends upon how the magistrate interprets "convivial," I suppose?—Yes.

563. (*Dr. Donkin.*) You said just now in answer to Mr. Bramsdon that you thought a maximum period should be fixed by the magistrate in giving sentence?—I do.

564. I rather gathered from what you said previously when you said that you would not wish for an increase of power of sentencing up to twelve months, for instance, that therefore you did not regard your sentences in these matters as penal sentences, but rather as a reformatory sentence; and therefore you did not want to have the power of giving a longer sentence for simple drunkenness?—Quite so.

565. Would it not be rather the function of someone other than a magistrate to decide as to the length of time it takes to cure a person of drunkenness?—Undoubtedly; the doctors ought to be able to give better information as to the time that would be required and that they have. You see, if we give them a sentence for three years they then go to a home where they are seen by the doctors in attendance; and the doctors should have the power to let them out on licence.

566. What is the exact logic of the claim to give a three years' sentence for a habitual drunkard? Is it because you think a three years' sentence will cure them, or is it because they deserve it for having been drinking very badly?—I think the whole object of this legislation is to cure, if possible, and not to punish.

567. You still think it would be better to have a maximum sentence?—Yes; a maximum sentence, as I say, with the power to let them out on licence.

568. You are aware, I suppose, that the maximum sentence has been given to a very large number of inebriates?—Yes.

569. And that the larger number of those inebriates have come out and gone back to drink again?—I am afraid that is so; but I think, and hope, that now if you get hold of these people at a younger stage of life, you will possibly not meet with the same amount in future as we had to deal with when these Acts came into force, when these people who were tried were, the greater number of them, old in life, and it was practically useless to try and reform them. I think the younger you can get hold of these people the less likelihood you will find of their going back again.

570. (*Mr. Bramsdon.*) In your capacity as a magistrate, if you had a young offender before you, would you be disposed to give a shorter sentence, even if you had it proved before you that he was a habitual drunkard?—I probably should not sent a young person away at all at first; I should probably try and see what could be done by the work of the missionary.

571. Have you any experience of the conduct of these inebriates after they have left the court?—No, very little.

572. I take it you are of opinion that there is more likelihood of reforming the young than the old?—Undoubtedly.

573. In the younger cases you would commit them for a shorter term than the full term you suggest?—Young cases probably I should. I was dealing really with habitual drunkards who are a nuisance to themselves and everybody else.

574. (*Dr. Branthwaite.*) At the present time, with the consent of the prisoner, such offences as common assault, assault on police, petty larceny, and so on, committed by persons who are not habitual drunkards, can be dealt with summarily; is that not so?—Yes.

575. If, however, habitual drunkenness is also charged, and there are no previous convictions, the person must be committed on indictment before he can be dealt with under the Inebriates Acts?—That is so.

576. Do you see any strong reason why, with consent, such persons ought not to be dealt with summarily under the Inebriates Acts?—I do not see any objection provided they have an appeal.

577. With consent?—Yes.

578. You are unable at present to deal summarily with attempted suicides, whatever the cause of the attempted suicide may be?—I am afraid we err every day then, because I invariably do it.

579. Generally speaking, is that arrangement satisfactory?—I hope so. I can only say that I have done it for nearly 23 years. The usual thing is to put them back if they have not anybody with them, and send for their friends and get their friends' bail for them and let them go.

580. Do you see any reason why, with the possibility of shorter periods of detention, such cases occurring in habitual drunkards should not be dealt with summarily under the Inebriates Act? Supposing you have a habitual drunkard who has attempted to commit suicide?—Deal with them not for the attempted suicide, but for the drunkenness you mean?

581. Yes, deal with them for the drunkenness?—If they really are habitual drunkards, then they can be charged on that and dealt with under the Act. There is no difficulty about it that I can see.

582. You are unable at present to deal summarily with the neglect of children or cruelty to children by habitual drunkards?—Yes; we have to get their consent.

583. Can you deal with them summarily?—By consent; you mean to say a parent who acts cruelly to a child?

584. Yes?—We can deal with them by consent; if not, they go for trial at the sessions.

585. You would also agree if that person is an habitual drunkard that she could be dealt with summarily with consent?—By consent, yes.

586. I do not think you quite understand what is in my mind. At the present time, if you have an habitual drunkard charged with cruelty to children, you cannot deal with that case summarily?—No.

587. Without previous convictions?—No.

588. Do you recommend that you should have such power?—I think it would be safer to keep the power as it is—that there should be a previous conviction.

589. You can now deal with a woman who is found drunk in charge of a child under the Licensing Act, cannot you?—Yes.

590. Do you see any material difference between dealing with such a case as that and dealing with a woman who, by reason of drunkenness neglects to feed, clothe, or take care of her child?—One is an aggravation of the other, is it not—the starting point is the same, only it is an aggravated case.

591. (*Chairman.*) Are there any other points that you would like to put before us?—I would like to refer to the last printed question you have asked of me here: "Can you give any reason for the little use which has been made of the power to commit a wife, who is an habitual inebriate to a retreat, in lieu of making a separation order under Section 5 of the Licensing Act of 1902? Are you of opinion that the power is a useful one, and if so, can you suggest any amendment to increase its value?" I should say that that is not a fact. It has been very largely used by Metropolitan magistrates I am sure, and the wives have been sent to inebriates' homes. At the present moment I can take you to 39 cases in the Westminster Police C Division, where wives are now living happily in their homes where they have been away for treatment for some period of time. Some of them have been away for two years, and they have all gone home again, and they are all going on well—that is, 39 cases in the district of Westminster.

592. Where they have been to, to retreats?—Yes. I could give you the names if necessary, but I would rather not do that. Some of them are the wives of professional men, some of them of accountants, some butlers, and various other people, where the wives have been sent away and where they have remained their time, and where my missionary's report to me, which I have here, is: "Permanent restoration," "Permanent restoration," "Permanent cure," "Permanent"? cure"—every one of these.

593. How long does it take to define "Permanent"?—Some of them were away 12 months—these all seem to be 12 months.

594. How long have they been living in contentment and happiness and sobriety since their release?—The first case was in 1902, the next was in 1903, the next three in 1904, the next two in 1905, the next in 1906, and there was one who recently came out—1907.

595. These are results up to date?—Yes; up to a year ago, and they begin in January, 1902. That was the case of a professional man's wife.

596. (*Dr. Branthwaite.*) In those cases did you make a distinct order under the Licensing Act, or did you say, "I will not proceed with this if you will consent to sign"?—Yes; most of these cases came about in this way: The husband came to get a separation order under the new Act, and instead of giving him that, I said, "Can we not get your wife to go away"; and we have seen the missionary, and she has agreed to come and sign, and she has come and signed under the 1879 Act, and she has gone away for a time.

597. I merely ask that question because I receive every order for a committal to a retreat, and the papers in none of those cases have in any shape or form shown that they have been dealt with under the Licensing Act?—That might have been done. I will not say in all cases. They may have had an order for separation, and when they have come into court the husband may say, "I am content for her to go to a home," and it may be done without an order by consent in that way.

598. (*Mr. Ryland Adkins.*) You have brought moral pressure to bear upon them?—Yes. You see, the husbands pay at these retreats £6 16s. a quarter, and if they go to the other places they, of course, pay nothing.

599. (*Dr. Bruce Porter.*) These are a different class of cases, where the husbands apply for them to be sent?—Yes, these are cases of people of means.

600. (*Chairman.*) They are rather a superior class of people?—Yes.

601. You do not have many cases of the artisan class going to retreats, and paying the expense occasioned thereby?—No, I do not think I have. The question of payment comes in there; that is the difficulty.

602. This provision in the Licensing Act is more applicable and useful therefore for a superior class of people?—No doubt.

603. It is not much use to the wage-earning class?—No; I do not think it is much use to the ordinary wage-earning class, in the South of England, at any rate. It might be of more use in the North of England, where wages are so much higher.

604. Is there any means of the wage-earning class taking advantage of this provision to a greater extent than they are present able to do?—I think if the husband or the friends were to contribute part of the

expense and the State to contribute the other part it might be useful, and it would give the friends or the husband a direct interest in the wife reforming and in keeping her reformed when she came out.

605. You think the State should pay for what the private individual now pays for?—No; that the private individual should pay for what the State now pays for.

606. I understood you to recommend a subsidy for the artisan class, to enable them to go to these places?—At the present time the artisan class is entirely paid for by the country.

607. When the person goes to a reformatory, but not when the husband sends his wife to a retreat?—No; but, as I say, if you can get the retreats to receive the artisan class, they paying part and the country paying part, you would get a better result than in the State reformatory.

608. That is what I was putting. It would enable the artisan class to take full advantage of this alternative under the Licensing Act?—Yes.

609. (*Dr. Bruce Porter.*) I take it it really means classification in the way you suggest?—Yes.

610. Only, the artisan class cannot go there at present because they cannot afford the expense?—Yes; he cannot pay the whole amount; he might pay some. Another great point is, if when these people come out you could change the environment in which they are, it would make a great difference. If you could get the husband to move his home, and take his wife to a new place, it would make all the difference; that is the great thing.

The witness withdrew.

Dr. J. FORD ANDERSON, called and examined.

611. (*Chairman.*) There are a few questions that we should like to ask you in connection with what has been your daily experience. We understand that you practise in the Hampstead district?—Yes.

612. The information we should like to obtain if we can from your experience is what difficulties you find in general practice under the existing law, which would be the 1879 Inebriates Act, in making provision for the care of inebriates which would come under your notice to ensure either their recovery or the due protection of others. I suppose in the course of your experience you come across a good many of these cases where it would be much to the benefit of the inebriate for him to go into a home, and where it would be greatly for the convenience of the family?—I have summarised in my *précis*, under paragraph 3 (*a*), (*b*) and (*c*), the answers in a general way to that question. (*a*) Patients whose only chance of recovery, in my judgment, would have been obtained by compulsory deprivation, for a sufficient period, of any opportunity of obtaining alcohol. (*b*) Patients who were probably incurable, but whose residence at home ruined the household, and who either would not leave home, or, for some reason, could not be subjected to restraint in their homes; and I have put as a note that the reasons assigned have been one or more of the following, namely, unwillingness to be coerced, question of expense, or fear of publicity. Finally, the third clause (*c*) refers to prospective mothers who, by inebriety, were risking the lives of their unborn children, and refused to adopt the treatment recommended. In the first years of my practice, I practised in a dispensary, and saw a great many of the industrial classes there. Of course, there was a good deal of inebriety amongst them, but I cannot say that since these fourteen years expired that I have seen very much of it; but it does not exist to the extent that is generally believed. I think there is a great deal of bar drinking, but inebriety rendering people incapable of their duties to their families and to the State I do not see in the class of practice that I deal with so very much; still, I have had a certain number of cases—I could not say how many; the short notice prevented me from ascertaining—but I should say I have generally one or two on hand at any one time. I do not call it a very large percentage of inebriates—that is of people who are a nuisance and a curse to the family.

613. You are speaking now of a superior class of people; not the artisan class?—Yes, where my experience chiefly lies—the middle class.

614. You say you do not come across any very great number?—I should not call it a great number—only one or two at any one time. I could give you a list of 20 or 30 within the last ten years of bad cases. I am not including cases of people who drink too much wine. I am speaking of those who become noticeably a nuisance to their families, and who are unable to conduct their business, and whose families come to grief.

615. Either men or women?—Yes.

616. In most of those 20 cases that you have mentioned, would it have been to the advantage of the person and of the family if some arrangement of law existed which would enable them to be put under restraint?—In every one of them.

617. But they none of them have been put under restraint?—No, simply because I could not obtain permission to invoke the law.

618. The person concerned would not consent to go to a retreat?—Yes. I can recall three cases only as patients of mine who have voluntarily gone into retreats for a time, but I have not invoked legal aid in the matter at all, because I have never been allowed to, and as you know it is a permissive Act.

619. There is no power to invoke legal aid?—No, not without consent, and I could never obtain the consent, and the reasons against came partly from the patient and partly from the family of the patient. You will mark that the middle-class people who have reputations and a certain position in Society think it would be a stigma upon them if one of their family were sent to a retreat. That is why the family object, and the patient objects because he does not wish his liberty to be curtailed.

620. Then there is also the question of expense sometimes, I suppose?—Not often, but sometimes.

621. Would you say in the majority of cases that it has been due to reluctance on the part of the patients or due to reluctance on the part of the family because of the fear of publicity?—I think it is about equal in that respect. I have never been able to obtain the permission of either.

622. (*Dr. Bruce Porter.*) Do you include those who are drug takers?—No, I am not including them; that was not part of the reference.

623. I think under the Inebriates Act those are included?

(*Chairman.*) Yes, you were asked that question, certainly.

624. Have you much experience of people who take drugs?—I have considerable experience of morphinism.

625. Producing very much the same results to the patient and to the family?—Exactly.

626. Do you suggest similar treatment should be accorded to them?—In some cases where there is no disease, but where morphine has been prescribed, as it generally has been, by some medical man originally for some disease, it seems very difficult to stop it.

627. I gather from you that you would like to see the law strengthened with regard to these cases to the effect that with proper protection there should be power to put them under restraint, but I gather also from your answers that it would be very important that that restraint should be carried out in such a way that no undue publicity should take place?—Yes.

628. You lay great stress upon that point?—I lay very great stress on that point. I think you missed a point as to the volition of the patient. It is useless to expect the co-operation of the patient. That is my opinion.

629. (*Dr. Branthwaite.*) You mean that any action taken should be irrespective of the will of the inebriate himself?—Yes.

630. (*Chairman.*) Have you ever thought out the process by which you could make effective this strengthening of the law?—I think in the class of patients that I have to deal with the retreat is not so serviceable or so useful as supervision at home as is done in certain cases under the Lunacy Act, where inspectors would come and supervise the home treatment. That seems to me to be what is wanted chiefly, and I think that would work very well and would receive the support of the class I speak of.

631. You suggest some appointment in the nature of a guardianship?—Yes—or why not by the Inspectors of Lunacy, or a similar functionary?

632. (*Dr. Mercier.*) Would you explain why it is that efficient control cannot be carried out at home now under certain circumstances?—We cannot get the proper nurses to carry it out.

633. (*Chairman.*) You have no power to remove alcohol from them?—No. They are willing to bring in a man, or, in the case of a woman, a female nurse, but so far as men are concerned, there is no good class of male nurses.

634. You want nurses specially trained for that purpose, I suppose?—Yes.

635. (*Dr. Mercier.*) If you had efficient nurses, would you still want more legal powers to treat them in their own homes?—I take it you would want some legal power for that, as under the Lunacy Acts.

636. (*Chairman.*) Of course, you have got no power at present at all to enforce a person of this character having a nurse to take charge of him?—No power at all.

637. You want some statutory power to enable the relatives to appoint a guardian and with specific powers to that guardian in the nature of custody and restraint, or whatever it may be?—Yes; so as to meet those cases where they will not under any consideration allow the stigma of reformatory treatment to arise.

638. Would you suggest that the guardian should have discretion as to whether the patient should be kept in a private house or should be sent to a retreat?—Yes, because there are some cases where it is absolutely necessary.

639. Where a private house would not be suitable?—Yes.

640. Do you think this could all be done without any undue publicity and scandal to the family?—I think it could.

641. Would you suggest before the guardian was appointed and this machinery set up that the case should be taken before a magistrate, and that an order should be obtained from him?—Yes.

642. You think that should be done privately?—Yes. It should be done irrespective of the consent of the patient.

643. The relatives bringing it forward?—Yes.

644. You would suggest that the whole case should be brought before a magistrate and dealt with privately?—Yes.

645. (*Mr. Bramston.*) Do you suggest that a guardian should be appointed on an *ex parte* application?—I suppose the machinery would be by petition in the first instance, and then that would be brought before a magistrate, who would decide it.

646. You would not suggest, would you, that that should be done without the person affected having an opportunity of explaining his position?—He is in the condition of an insane person—he is a lunatic to all intents and purposes.

647. Still, there is the liberty of the subject, is there not?—As I say in my conclusions, the proposed interference with the liberty of the subject would be justified by the importance of the matter to the patient, his friends, his neighbours, and in the case of expectant mothers, to the children unborn.

648. I agree; but supposing the patient took a totally different view of his case to what the other side took, would not you expect that both sides of the case should be heard?—Yes, I believe that is done under the Lunacy Laws too. I have given evidence several times and been cross-examined by the patient, and given my reasons for believing that that patient is insane, and he has cross-questioned me very cleverly; and I suppose it would be right that their side should be heard. Whether the patient consents or not, if the thing is right to be done it should be done.

649. (*Chairman.*) I take it you do not raise any objection when the magistrate is making his inquiry with a view to giving his decision to his calling anybody he desires—the patient himself, or anybody connected with him?—No.

650. Then it would be for the magistrate to decide on the evidence brought before him what was substantial and what was not?—Yes.

651. Are Lunacy Inquiries held in public or in private at present?—The Lunacy Inquiries that I have attended have been generally courts held by the Master in Lunacy. The patient says he wants to be released from the asylum, and the Master holds a court, and he calls the doctor who signed the certificate, and the doctor has to attend. That has happened to me once or twice. I have had to attend and give evidence as to my signing of that certificate.

652. (*Dr. Mercier.*) That is a proceeding for release that you are referring to; we were speaking about the procedure for committal as well. That is always private, is it not?—Yes, that is always private.

653. (*Mr. Bramston.*) Do you think that any preliminary notice to a patient of a semi-official character that an application might be made would be productive of any good?—It might.

654. You want to pull a patient up, I suppose, if possible?—Yes, if there is anything left to appeal to.

655. If you could pull a patient up by a threat of some semi-official act it might have a beneficial effect, might it not?—Yes, I believe it might.

656. You are only dealing in your evidence with well-to-do people, I understand?—Yes.

657. So that it does not apply to the industrial classes?—No, I am not including them at all just now.

658. (*Mr. Ryland Adkins.*) I understand first of all, that your evidence as to your own experience is with regard to these people who are a nuisance to themselves and others, and whose will power is pretty well destroyed, that you cannot get them to go to a retreat or get them under surveillance of any kind partly because they do not want it and partly because their relatives do not want it?—Yes.

659. What you are now proposing would depend upon the relatives wanting it, would it not?—Yes.

660. I want to get that quite clear; that you are now dealing with certain interesting and valuable suggestions which might induce the relatives to act; you are not suggesting any procedure where the relatives and the drunkard are both unwilling, as they are to-day to act under the existing law?—I take it the neighbours might petition, or anyone who is annoyed by the drunkard. A case comes to my memory of a drunkard who lived, in the modern way, in a flat. The drunkard in the flat became a source of great discomfort to the other residents and they complained; and the end of it was that the drunkard was removed.

661. Under the ordinary law of nuisances, I suppose?—Yes, and I may point out in passing that this modern system of living in flats intensifies the trouble where a drunkard is one of the occupants.

662. In the case you mention the drunkard merely got notice to leave, I suppose?—He was removed.

663. (*Chairman.*) Yes, but really through notice of removal being given to him by the landlord?—Yes, the neighbours applied to the landlord who ordered his removal.

664. That was the only process under the law that was open to them?—Yes.

665. (*Mr. Ryland Adkins.*) Do the cases you have in mind cover cases where the relatives, or the neigh-

bours, or persons aggrieved want to abate the nuisance?—Yes.

666. Do I understand your suggestion to be that in such cases they might apply to a magistrate to have the person declared a drunkard under the provisions of some future Act of Parliament and that then the magistrate would hold a private inquiry, giving official notice to the drunkard that this charge was being made against him, and the magistrate would then hold a private inquiry, or of course a public inquiry if he chose, at which you or any other medical man cognisant of the facts would give evidence; and if the magistrate then pronounced judgment that the man was an inebriate and a nuisance he might order some properly qualified nurse to take charge of him, and the man might still live in his own house under supervision there. Yet he would be under the supervision of some person appointed by a court or by a magistrate, and notice of it would be given, I presume, to the Home Office, so that any inspector of inebriates should be able to go and see, if he thought right, that the nurse who had been engaged was doing his or her duty in exercising supervision in the house. That is really the plan?—That is exactly what I had in my mind.

667. (*Chairman.*) You are assuming that there would be a nurse with certain powers who would be in constant attendance, and who would not allow the inebriate to go out in some cases without being attended?—Yes.

668. (*Mr. Ryland Adkins.*) If you do not allow the drunkard the right of appeal, you are certainly going further than is done now with any people except those who are certified to be insane. If, on the contrary, you do allow a right of appeal, which he would have got if he went out into the street and behaved as a habitual drunkard, he would then be able if he chose to make the whole thing public, would he not, by appealing?—Yes, he must have the right of appealing.

669. Do you think, therefore, that relatives with that risk of publicity would adopt your method to any appreciable extent?—I think if they realised that that might follow that they would hesitate.

670. Yet you would agree that that must follow, otherwise the private drunkard would not have the rights that the public drunkard who goes out into the streets and makes a beast of himself in public has?—Yes, but I think as a practical question it would not have much effect; I do not think the drunkard would appeal in many cases, although he might mean to do so at the time.

671. You think even with that risk that the method you suggest would be valuable practically?—I think it would. Might I mention one typical case of a dipsomaniac? I have had a good many similar cases, but I just picked out this one as an illustration. It is the case of a young man about 35, suffering from dipsomania, an only son, with spells of sobriety lasting for 12 or 18 months, when he is a pattern of the domestic virtues and a good son, and never touches anything stronger than milk. Then he suddenly becomes restless, stays out at night, and soon becomes a curse to his aged father. He pawns everything he can turn into money, even to his artificial teeth, and borrows from the friends of his family, often with threats, and he stays away for days and returns a wreck. The fit lasts for a few months, and he finally calms down and resumes his quiet life. That is a case in which repeated action has to be taken, and it is a very difficult case to deal with, and that young man is a curse to everybody connected with him. His father is a clergyman, and he is afraid to invoke the law in any way, and you cannot get the sanction of the patient himself to go to a home. So what can one do? He goes about with low company, and gets money from people and drinks with it, and is never sober while the fit lasts. That man ought to be in some way restrained from the beginning. He is as strong as a lion, and we have got men from the homes, and they are wooly men, and he simply takes one under each arm and walks away with them. What can one do in a case like that, a most difficult case, and I have had several of a similar character.

672. (*Chairman.*) You were saying just now that one of the difficulties in the way of the relatives putting the law in force is the fear on their part of scandal?—Yes.

673. But surely an instance such as the one you have given to us must be known to everybody in the neighbourhood and is already a scandal?—Yes, but that is a pronounced case.

674. And his going to a retreat would be practically nothing in the way of scandal to what goes on in his own neighbourhood every day while these fits are upon him?—Yes, and I have said so to his father, but I cannot induce him to agree to it.

675. (*Dr. Bruce Porter.*) If there were a power by which the neighbours could invoke the aid of the law, would that not bring pressure on the father in order to avoid the neighbours taking that course?—Yes.

676. (*Mr. Bramsdon.*) But would the neighbours do it, do you think?—I do not think the neighbours as a rule would do it, but they might.

677. (*Mr. Ryland Adkins.*) Supposing your plan were carried out, and you had a man like this under supervision in his own home with one, or if necessary two, trained nurses to look after him, and he refused to obey those nurses and refused to be coerced; and supposing he is a strong man, do you suggest that he would then bring himself more definitely under the law. One has to think of all the contingencies when a new plan is put forward?—Then it would not be a case for treatment at home; he would have to be removed.

678. (*Chairman.*) He would have to be taken to a retreat?—Yes.

679. (*Mr. Ryland Adkins.*) Should the court have power to vary the order if other circumstances intervened?—Yes, I think that would be the best way.

(*Chairman.*) The court being the Secretary of State or a magistrate?

(*Mr. Ryland Adkins.*) A magistrate, surely.

(*Mr. Bramsdon.*) It could be done on an application to vary the order.

680. (*Mr. Ryland Adkins.*) I take it that you suggest that the authority there should be a magistrate?—Yes.

681. You would not suggest that the relatives should have the right to remove a man from his home to a retreat without a magistrate's order?—No, it should be part of the judicial order.

682. (*Dr. Mercier.*) Would it not be possible in such a case, or in many cases, to allow the magistrate to make an order and then to suspend the operation of the order in order to give the inebriate an opportunity of showing whether the mere threat of it hanging over him would not be enough to induce reformation without bringing it actually into force for a certain time?—Yes.

683. It would be proceeding step by step and not imposing too much coercion to begin with?—Yes.

684. I gather that the order of the magistrate once made would authorise the detention of a patient either in his own home or, if that were found impracticable, in any other place that might be appropriate?—Yes. I also think that the order might be suspended at any time.

685. On application to the magistrate?—On application to the magistrate either at the commencement or during the order. In the case that I have just mentioned a standing order say for three years might be made, or for a certain space of time, and when this man recovers during his lucid intervals the order might be temporarily suspended and then the moment he was taken bad again it could be resumed; they would have perfect power over him in that case.

686. I think you mentioned the necessity of the evidence before the magistrates being medical. Do you think that is necessary in all cases?—I think it is English, somehow; it is fair play, and is useful in diagnosis.

686a. Is it not usual?—Yes, I believe so, but it would be a mere form in many cases, because when the man is intoxicated he is incapable of questioning the medical witness in a lucid way.

687. Yes, but surely almost anyone familiar with the facts is capable of giving evidence of habitual

drunkenness, and it need not necessarily be medical evidence, need it?—There are cases where medical evidence is necessary: thus, there is one point that I have noted in my *précis* with reference to child birth. I am quite sure that inebriety of mothers is a fertile cause of still-born births, and also of degeneracy in the children who are born alive, to an extent that does not seem to me to be realised, and I think they specially want supervision.

688. (*Dr. Bruce Porter.*) In that case I take it you would want to get them very early in their pregnancy, because otherwise it would be rather a mercy if the child were still-born—if you only got them at the end?—Yes.

689. You would have to watch them right through? Yes. I consider it a very important case to supervise.

690. (*Dr. Donkin.*) Such a case of dipsomania as you have described to us just now you would not say was a very common specimen, would you?—It is a little exaggerated—it is more pronounced than most of them.

691. Such a pronounced case as that would not be very common?—No.

692. Therefore, a case like that is not one of the most important points in your opinion, I suppose, to legislate for?—The case is rather pronounced, but still it is similar to all of them—they are all more or less like that.

693. Where they are so pronounced with long periods of sobriety and periodical outbreaks?—Yes, I have seen a good many cases like that, but not perhaps so bad as that.

694. In most of the cases I think you said they should have the same power of appeal that lunatics have. Did you mean that generally speaking, or did you mean by that that the majority of the people you have been speaking about could be certified as lunatics?—I referred to the lunacy laws as I think that similar procedure might be tried in the case of drunkards.

695. I thought you said the man was practically a lunatic and therefore could not appeal, but if he was a lunatic he would come under the lunacy laws. Are the cases that you have dealt with practically lunatics?—They are lunatics temporarily, due to drink. They are mad for the time being, and there ought to be some power of shutting them up and preventing them from doing harm if only for a week or for a month.

696. They would not be certified as lunatics when they were not under the influence of drink?—No, but a previous order might extend into a period of sobriety.

697. I should like to know whether compulsory detention in your opinion is necessary for the cure or for the reform of an inebriate person?—Yes, for the reform and in the hope that a cure will be effected.

698. Would you think it was necessary with the class of cases that is now treated under the 1898 Inebriates Act?—I do not quite know what that is.

699. The police court cases?—The convicted cases, yes.

700. Would you say, medically speaking, that a bad case of chronic inebriety could be successfully treated without power of restraint from getting drunk?—Yes, in some of them, if the environment is suitable, it might. In the case of people whose wills can be kept in check, chiefly in the case of females, I think the environment of a woman is very important because she seems to take on the colour of her environment more than men do.

701. You think a certain number of cases could be reformed without any power of compulsory detention?—Yes.

702. Have you anything to say about the use of any special drugs in the treatment of inebriety?—Of course, I have used drugs like atropine and digitalis, and bromide of potassium, but I cannot see how producing temporary sedative effects can do any good, and I have not seen them do any good. I have also had patients who have gone through the gold cure, and as far as I can gather the only point in such cases is that they keep them so busy during their attendance at those places, coming and going backwards and forwards so often to have something done to them, that they have really not got time to get intoxicated. That is one instance. In other cases they nauseate the patient by adding apomorphine so that he acquires a disgust for alcohol. That is the principle of the Keeley treatment, I believe; but I have not much experience of treating drunkenness by drugs, and another thing is you cannot get inebriates to take drugs. I have treated them by injections of morphine and induced deep sleep, and made them innocuous for a time in that way, but you cannot carry that on for any length of time.

703. Generally speaking, you have no experience of cases where, with full freedom of action and without any moral or other influences brought to bear, any medical treatment purely by drugs can effect a cure?—I do not believe medical treatment without supervision can do any good.

704. (*Dr. Mercier.*) When you speak of environment being of so much service without compulsion, I suppose you mean moral suasion?—Yes; that is one of the uses of Christian Science, I believe.

705. (*Dr. Bruce Porter.*) To suggest that there is no such thing as drink?—Yes, or a necessity for it.

The witness withdrew.

After a short adjournment.

Dr. G P. BATE, called and examined.

706. (Chairman.) You are the medical officer of health for the Borough of Bethnal Green?—Yes, and I may say I am Justice of the Peace for the County of London and Divisional Surgeon of Police.

707. In that capacity the question of inebriety comes before you, does it not?—Partly in that capacity. I am in private practice as well.

708. The problem of inebriety comes before you in your professional capacity?—Yes, it has done a good deal.

709. We are anxious to get information as regards this problem, and we should like to have from you what has been your experience in the matter?—My experience is that given a person is an habitual drunkard, and is such an one as ought to be put under control, there is the greatest difficulty in getting such persons' consent to go into a place where he will be treated. Habitual drunkards are persons of such feeble mind, as a rule, that though they may make up their minds one day to go into a place of that kind, the next day they are perhaps quite of the opposite opinion, and will have nothing to do with it. I can call to mind the last case that I had to deal with, the wife of a publican in Bethnal Green. She had got into such a state from drink that she used to get periodical attacks of erysipelas. I believe her condition was due to her drinking habits, and then she would be kept in bed for two or three days, and of course kept from alcohol, as she was not able to get it. She was then in a state in which I could talk to her, and I would talk to her and get her to make up her mind to go into a home, and she would consent to go; but when the time came and the papers were all prepared, she would have nothing to do with it. The last time I had her under treatment the husband made up his mind that he would take her before a magistrate and get a separation. That rather frightened her. I am bound to say that I acted as magistrate as well as doctor on that occasion—I do not know whether I was justified in doing it,

but I did it—and she consented, and we got her away to a home. That is the only case where I have been able to get a patient away.

710. She went into a retreat?—She went into a retreat, and she is there now, I believe.

711. You are dealing now with the trading and artisan classes?—Yes; my practice is chiefly amongst those classes of people.

712. The difficulty that you have found in imposing any restraint on these people is because of the reluctance on the part of the persons themselves to give their liberty up?—Yes, they will not do it.

713. Is there any reluctance on the part of the relatives?—No, the reluctance is on the part of the patient himself or herself.

714. The relatives are anxious, are they?—Yes, the relatives are usually anxious to get the patient to submit.

715. Would you favour an alteration of the law according to the Act of 1879?—Certainly; I do not think that Act is of any use at all—or very little.

716. Could you suggest an alteration in it?—What I would suggest would be something on the French plan of a family council which should meet and decide whether a certain person is in such a condition as to her want of control in respect to alcoholic stimulants that she should be declared by them to be a habitual drunkard. Upon that, action might be taken by bringing that patient before a Justice of the Peace or a Stipendiary Magistrate with any precautions you choose to take, and I would have her certified by two medical men just as you treat a lunatic, only instead of being committed to a lunatic asylum she would be committed to an inebriates' home. I would let the family take the first step, however.

717. Your object being that he or she should be put under restraint?—Exactly.

718. But not necessarily to be sent to a retreat?—The class that I have to deal with would certainly be sent to a retreat. I have no experience of a class where anything else could be afforded. To treat an inebriate at home you would want at least two nurses a day and a night nurse—and I do not suppose they would be able to stand the expense. Though habitual inebriates in a lucid interval may make all sorts of promises of reform, and all that kind of thing, they have entirely lost their power of control, and they cannot keep a promise no matter how much they may mean to do it; they have not the mental fibre to carry it out.

719. Do you find that these cases are prevalent in the district in which you work?—I should not say that they are prevalent; I should say that they are fairly common.

720. No action has ever been able to be taken without the condition of consent being complied with?—Not without the condition of consent, apart from the power that I believe a police magistrate may have. There is another aspect in which to look at this sort of thing: a man or woman may be suffering from a form of disease which is induced by alcohol and which can only be cured by abstention from it, and unless you get the patient under control he will kill himself; and apart from the nuisance and bother that they cause, they ought to be under control for medical reasons.

721. Assuming that the law enabled the family after due precaution to put them under restraint, would they be able to afford to pay the necessary sum for their accommodation in a retreat?—Tradespeople possibly would. I take it that it would be about the same expense to keep a person in a retreat as it would to keep a person in a lunatic asylum, and at present the large proportion of the lunatics certified pass through the hands of the relieving officers—that is so in my district at least—and their friends contribute towards their support if they cannot pay the whole. The guardians consider how much they ought to pay, and they make an order.

722. (*Dr. Branthwaite.*) You are of opinion, I take it, that the majority of the cases you have in mind could not afford the full cost of detention in an inebriate institution?—I do not really know what the amount of the payment is at an inebriate institution.

723. Say 15s. a week?—I think tradespeople at all events could afford that.

724. There are poorer classes still. Would you recommend any contribution at all towards the maintenance of any member of the poorer classes out of local funds?—For myself, I would put it exactly on all fours with ordinary lunacy cases; they are removed to a county asylum.

725. They are contributed to by guardians, are they not?—The amount is paid by the guardians, and if the friends are in a position to assist in that payment, the relieving officer inquires into their financial position and the guardians, I believe, decide how much they shall contribute. I think that is about the price, about 15s. to 16s. a week, and certainly small tradesmen would be able or should be able to pay that.

726. Would you recommend that that payment should be made from public funds because the inebriate is a nuisance to the community, or because his habits are injurious to himself?—I should say that his habits are injurious to himself. I do not know that an inebriate is so much a nuisance to the community as he is a nuisance to his own family—a man, for instance, who goes home drunk and knocks his wife about. I have a case in my mind now.

727. That man is a nuisance to his wife?—Yes. If they become a nuisance to the public the police take action. If a man is drunk and incapable the police take him up and he gets fined, if he is in charge of a vehicle or in charge of a child they also take action, but they are very loth to take action if they can get a drinker to go home in preference to charging him. The case I have in my mind now is that of a man. It occurred some years ago. He was a mahogany merchant and he used to get in this condition, and when he was like that he always took a special spite against his wife, and on one occasion he attacked her with a pair of scissors and covered her body with small wounds. He used to get attacks of delirum tremens, and I used to get talking with him and he promised to reform and all sorts of things, but he never did.

728. (*Chairman.*) A case like that would come under the 1898 Act, would it not?—If he were charged, it would; but then you see nobody charged him.

729. So that in all those sort of cases you would suggest that the procedure should be compulsory power to restrain?—Compulsory power when the thing is set in action by the wife or the husband or the friends as the case might be.

730. Would you suggest the inebriate having power of appeal in a case like that?—I do not see why he should not. He might be brought before a magistrate. I do not see why it should not be put exactly on all fours with lunacy. A private patient requires two medical certificates.

731. The magistrate should hold full inquiry into the case?—It would be on two medical certificates, and it would be brought before a magistrate and he might take evidence if he thought fit. It might be brought before a stipendiary magistrate if it was thought fit, only as a rule people do not like the exposure of that kind of thing in a public court.

732. What is your opinion with regard to the duration of the detention that should be imposed?—I do not think anything less than two years is any good. I should say that three years would be better, but that is a thing that I think might fairly be left to the superintendent of the asylum or the home.

733. You do not believe that any cure can be effected in a period of less than two years?—No, I do not think a patient would recover his self-control in less.

734. (*Dr. Branthwaite.*) Do you think it possible that any treatment to which a patient might be subjected would be of any value without preliminary control over the individual?—Any medical treatment?

735. Yes?—I do not think medical treatment is the faintest use. All these drink cures, I think, are pure frauds. The only thing in my opinion that is of any

use at all is suggestion. I believe Dr. Woods has done some very good work in that direction, but that again is not lasting.

736. (*Chairman.*) You really believe in the discipline of the patient and compulsory detention?—Yes, and the shutting off the alcohol. By that you allow a patient to recover his mental control which he has lost.

737. Have you had instances before you of people who have been through some of these treatments?—Do you mean the medical treatments?

738. The medical treatments?—Yes, I know of cases, and my son who is in practice in Newington Green has had several patients who have undergone these treatments, and they have all relapsed, so he had told me.

739. They have never been permanently cured?—No; injection of atropine, and so on.

740. So that you do not believe in them?—No, I do not believe in them at all; I believe the first step is to stop the alcohol; that is everything in my opinion.

741. And alter the whole atmosphere surrounding the patient?—To alter the whole atmosphere entirely; and you cannot do that if the patient is kept at his own home, it is impossible. Of course, if a patient is in such a position that he could afford to pay for, as I say, a day nurse and a night nurse, two men, that is another matter; but that is very expensive you know.

742. That, of course, would only apply to cases amongst a superior class in the event of one of them being habitually addicted to drink?—Yes, but that class I have no experience of at all.

743. (*Dr. Donkin.*) You mean, of course, that there should be power to control?—Absolutely; it is no use without.

744. (*Mr. Bramsdon.*) I wish you would tell us more about this plan that you mentioned of the French family council?—I do not know very much about it, except that if a patient is spending his money in a very lavish way, I believe a family council can be convened, and he can be put on an allowance and controlled.

745. Supposing there is no family property, how does it operate?—In that event, I suppose, there would be no heirs. If a man is wasting his property which is to go to his heirs they would have a right to take action, I suppose.

746. Is there anything similar to that in England—in the way of relatives taking action, for instance?—I do not know.

747. (*Mr. Bramsdon.*) Can you tell us how many inebriate cases you have under your care or in your mind at the present moment?—I believe I sent notes of five cases to Mr. Henderson.

748. You suggest that they should be treated similar to lunacy cases?—Yes.

749. Can you give us any figures as to the relative value of the treatment of each class?—I am afraid I could not. I have seen a good deal of lunacy in conjunction with the magistrates for the Tower Division. Before I was a Justice of the Peace myself I certified nearly all the lunatics for Hackney and Bethnal Green for some years.

750. Are there as many inebriates committed as lunatics?—No, not nearly.

751. So that it would not be so serious a matter to deal with as one might think?—I do not think it would.

752. (*Chairman.*) In many of these cases that you have got in your mind, the nuisance that arises need not always be confined, I take it, to the family; the neighbours may complain, for instance?—I think it usually is confined to his family, because a man generally makes for his home in a case like that. He has sufficient sense to know that if he remains about the streets he will get run in; so he makes for home.

753. But there are instances of block buildings where they make a disturbance and annoy their neighbours?—Yes, that does happen.

754. (*Mr. Rose.*) Or where there are many tenements in one house. A very common case of complaint is by lodgers who want rest and say they cannot get it?—Yes.

755. (*Chairman.*) Would you extend the family council to a neighbour's council?—Yes, when it is common knowledge that a man is a nuisance.

756. You suggest that a representation should be made by the family, or the neighbours who are affected by the nuisance?—Yes, but the action taken would have to be very carefully safeguarded in some way; it must not be because a man has got drunk on one occasion that he is to be placed under control. Evidence should have to be produced before a magistrate that for a period of time, for some months, the man had been habitually getting drunk.

757. And was a common nuisance?—And was a common nuisance both to himself, and to his family, and to the neighbours.

758. (*Mr. Bramsdon.*) You are a Divisional Surgeon of Police, you said?—Yes.

759. Do you see many cases of habitual drunkenness in that capacity?—The cases that I see in that capacity, as a rule, are cases of men who have been charged with being drunk when in charge of vehicles. I do not mean absolutely drunk and incapable, but where a man evidently shows signs that he has been drinking, and he has been run in by the police or somebody has called the attention of the police to his condition, and he is taken to the station and charged. It sometimes happens, however, that before I can get hold of him that man has had time to pull himself together, and it is often rather difficult to decide the point.

760. Do you run across many instances of what we may call convivial drinking—those who get drunk for pleasure and excitement?—A man of that kind I put in quite a different category. I should say that he had not lost his power of self-control.

761. No, but do you run across many cases of that kind?—Yes, a good number.

762. There may be many cases of that kind where a man is brought before a magistrate and convicted several times?—Yes.

763. So that those cases might form part of the subject of the three previous convictions during the year, cases under the Act of 1898?—That I do not know.

764. You know that under the Act of 1898 certain drunken offences have to be committed before a man can be convicted?—Yes.

765. Might we assume from what you said just now that many of the charges and consequent convictions might arise from convivial drinking?—I should think it might. Habitual drinking is very often started in that way.

766. In your capacity as Divisional Surgeon of Police you see many of those cases I suppose?—Oh, yes—the class of person who is brought in as drunk and incapable and who is suffering really from acute alcoholic poisoning.

767. Do you agree that in those cases of convivial drinking the persons are more likely to be capable of being reformed than in the besotted criminal cases?—I should think so, but we see nothing of them after they have been dealt with.

768. Still, you are a medical man and you can form an opinion of that kind?—Yes, but we get cases of this kind; we had a medical man, for instance, in our neighbourhood who was repeatedly brought before myself or my son, and we found out that the reason he was brought to us by the Police was because he used to carry a laudanum bottle in his pocket and he would go to a public house and get a drink and have his bottle filled at the same time—a little flat bottle that he used to carry labelled "Laudanum."

769. Is it your opinion that convivial drinking occurs more amongst the younger members of the community?—Yes.

770. And is therefore more likely to be reformable than the other class?—Yes.

771. Do you think in the case of convivial drunkards that if they were sentenced to a reformatory it might bring about lasting results?—I really have not looked

at it at all in that connection, because such an one is not the person that I should put in a home of that kind.

772. Do you think that prison is a proper place for a case of that kind?—For a person who has committed an offence when he was drunk?

773. Yes?—I should not like to express an opinion, because I know nothing about that.

774. His conviction forms one of the three convictions that are required during the year?—What are the exact terms of the Act?

775. He must have been convicted three times during the year and must have committed some offence against the Act of 1898, and been a habitual drunkard?—In the two connections, certainly I think they ought to be put away. I should think that a man who was sufficiently a drunkard to commit three or four offences in the course of a year whilst under the influence of liquor was quite bad enough to be treated as an habitual drunkard under that provision—but not, of course, for one offence.

776. Habitual drunkenness in itself would be sufficient in your opinion to justify his being committed to a reformatory?—If the thing was started in the way I mentioned—if he had made himself a nuisance to his family or to his neighbour.

777. (*Mr. Rose.*) Do you think in the artisan class that the family would be easily induced to contribute to the maintenance of the inebriate if he was sent to a retreat?—I do not think they would; they would get out of it in every possible way. In the first place supposing he was a man who was still able to earn some money, that would, of course, cease if he was sent away, and his family probably would be hard put to it to keep themselves going.

778. Although they are relieved from the nuisance of him and the expense of him?—I do not think they would be able to contribute much.

779. (*Chairman.*) You do not think that these retreats which involve payment are really available to the artisan class?—No, I am sure they are not.

780. They are really only available to the superior class and the superior trading class?—Yes.

781. Given compulsion for those who refuse to be voluntarily detained, do you think that the fact that compulsion lay in the background would have the effect of getting many people to consent to go into a retreat without having to go through the machinery of compulsion?—I am not prepared to say that, because, as I say, these people are so dazed and have so lost their self-control that you cannot reason with them very often, and in many cases they deny that they are drunkards, they will not have it at all. I think very few habitual drunkards realise that they get into that condition.

782. They do not realise it?—No, I do not think they realise it.

783. (*Mr. Bramsdon.*) They can see habitual drunkenness in others, but not in themselves?—Yes.

784. (*Dr. Donkin.*) I do not know quite whether I understood you rightly to say in answer to one question that you thought there might be contributions from the State or from local bodies towards the coercion of habitual drunkards for the sake of themselves—that is to say, for the sake of facilitating medical treatment for them which they at present refuse?—I should deal with them exactly as you attempt to cure lunacy, and you do cure lunacy, and that is done at the expense of the county if the patient is found to be unable to contribute any proportion of the expense himself.

785. You think that habitual drunkenness is a sufficient reason even supposing they are not a public nuisance?—I think so.

786. You think that contributions might be made for the attempted cure of a drunkard who has refused to be coerced?—Yes.

787. And that he should be coerced by means of public funds in order to try to cure him completely?—I think so.

788. I did understand you rightly?—Yes, I think so.

The witness withdrew.

The Committee adjourned till Wednesday next at 11 o'clock.

FIFTH DAY,

Wednesday, 15th July, 1908.

At The Home Office.

PRESENT:

SIR JOHN DICKSON-POYNDER, Bart., M.P. (*Chairman*).

W. RYLAND ADKINS, Esq., M.P.
T. A. BRAMSDON, Esq., M.P.
R. W. BRANTHWAITE, Esq., M.D.
H. E. BRUCE-PORTER, Esq., M.D.
H. B. DONKIN, Esq., M.D.
C. A. MERCIER, Esq., M.D.
J. ROSE, Esq.
J. F. HENDERSON, Esq. (*Secretary*).

Dr. W. C. SULLIVAN,* called and examined.

789. (*Chairman.*) You have been good enough to give us very clear and comprehensive answers to the questions we have put to you on the subject which this Committee is dealing with?—I am glad to hear you say so.

790. And it has occurred to the Committee that there might be further questions that might be put to you by way of elaboration of the answers that you have already given which will assist us in coming to a decision on these somewhat technical points. We have asked you therefore to be good enough to come here this morning for a short time in order to carry out that purpose. I think Dr. Branthwaite has one or two questions to ask you first?—Certainly.

791. (*Dr. Branthwaite.*) In your evidence in chief you make a distinction between congenitally feeble minded recidivist drunkards and the alcoholic recidivist proper?—That is so.

792. From a pure standpoint of reformation I understand you to agree that, if allowed to go on for years as recidivist drunkards both classes become practically irreformable?—Quite so.

* *See too*, pp. 86–182 and p. 206 below.

793. Notwithstanding irreformability you are decidedly of opinion that the detention of such cases is justifiable in the public interest?—Decidedly.

794. And that when incurability is fully proven the detention should be practically continuous until sufficient improvement warrants release?—That is so.

795. Are you of opinion that such continuous detention imposed primarily for the benefit of the community might also be considered the best course to take in the interests of the incurable inebriate?—Decidedly the most humane.

796. (*Chairman.*) Have you formed any opinion as to the period of detention from the point of view of cure?—I think in the cases that Dr. Branthwaite refers to the detention would have to be practically indefinite; I regard those as practically incurable cases.

797. You are talking, of course, of the very lowest and worst cases—cases which are quite irreformable?—Yes.

798. I was rather thinking of the better cases in the earlier stages?—In the earlier stages, of course, each individual case would probably vary, but I think most of the benefit in reformable cases is done within a short time—within a year or even six months.

799. Would you go so far as to say that detention beyond a year would probably detract from the benefit?—No, I should not go so far as that, but I think that the benefit is done at the end of a year.

800. (*Dr. Branthwaite.*) Referring again to the incurable cases when incurability is proved, and long detention indicated, might such cases, in your opinion, be safely left in the hands of local authorities and philanthropic persons, or should they be controlled by the State?—I think they should be controlled by the State.

801. Would you make any distinction there between reformable cases and irreformable cases?—I do not think so, because in many ways the question of reformability must be found out by time.

802. During detention?—Yes.

803. Would you favour both classes being dealt with by the State?—Yes.

804. In prisons, or in other specially established colonies?—In specially established colonies or in annexes to prisons.

805. As little like a prison as possible?—Well, I was rather thinking of a relaxed system of discipline and a more economical one from the point of view of structure.

806. Have you anything to say about separate cell confinement?—I do not think that that would be necessary in the better and more reformable cases. That is one of the elements that I had in mind in regard to the subject of the more reformable cases.

807. Would you favour the dormitory system?—Yes.

808. (*Chairman.*) Thereby effecting economy?—Yes.

809. (*Dr Branthwaite.*) Have you met with many cases of attempted suicide in habitual drunkards in prison?—Yes, a very large number.

810. Do attempted suicides occur more often in the confirmed degraded class or in persons who are not recidivists?—I think on the whole more often in the cases of those who are not recidivists.

811. Just so. Many of these cases might therefore be benefited if more facilities were afforded to magistrates for dealing with them earlier?—Decidedly.

812. (*Chairman.*) You think that there are a great many cases that go to jail for the less serious offences which would be better treated in some other institution than that of a jail?—Yes, or at all events for a longer period. I think it is more a question of the length of detention than anything else.

813. You think it more a question of the length of the period than of the nature of the atmosphere in which they live?—I do. I do not attach very much importance to the difference between the surroundings of a jail and the surroundings of a reformatory.

814. (*Mr. Rose.*) Do you think jail is equivalent to a reformatory?—No, not an equivalent, but I think the difference is due to the lesser duration in the jail rather than anything in the jail as distinct from a reformatory.

815. (*Chairman.*) You do not think the general surroundings of a jail might contribute towards reform?—I do not think they would impede it.

816. (*Mr. Rose.*) Or the special irksomeness of a jail?—No, I hardly think so.

817. (*Mr. Bramsdon.*) Do I understand that your experience is principally gained in connection with your prison duties?—That is so, and asylum duties.

818. Have you ever been in private practice?—No.

819. May I take it that you have no experience of what I may call private cases?—Practically none.

820. (*Chairman.*) Have you any experience of the certified reformatory or the retreat? No. I have some experience of a State reformatory.

821. You said just now that you set very little store on the distinction of surroundings between jail and reformatory?—What I had in mind was the State reformatory, not a certified reformatory.

822. You have no experience of the certified reformatory or the retreat?—No.

823. (*Mr. Bramsdon.*) May I ask you what experience you have had at all of the working of reformatories and retreats?—None, except that of the State reformatory, and, of course, I have known lots of inebriates who have been in reformatories and retreats, and have come back to prison.

824. Has it occurred to you that perhaps there might be some considerable relaxation of the prison-like nature of reformatories?—In which class of cases?

825. In cases at present committed to reformatories?—In some of them possibly.

826. Would you always bear in mind in these cases that there should be some hope given to the person detained?—Decidedly.

827. You would always bear in mind the question of hope?—Yes.

828. In that event, would not anything in the nature of a prison or series of reformatory rather militate against that hope?—I do not think so.

829. What I mean is, if the very prison-like nature of the present reformatories were relaxed so as to make them less prison-like, do you think that would be to the benefit of the cases confined?—Speaking of the cases from prisons—police-court drunkards—I do not think very much relaxation would be possible.

830. That is because the cases you run across are the worst cases of all?—It is not only the cases that may be committed, but all the regular drunkards who come to the reformatory from the police-courts; we get not only the worst cases but all the cases that can be committed under the law at present.

831. Those are what we call the criminal cases?—Yes.

832. Apart from criminal cases, as you said just now, you have no experience?—No.

833. (*Dr. Branthwaite.*) Do you agree that the continuous appearance in prison of these cases does or does not tend to ultimate degradation?—The continual short time imprisonment I think does—not by the effect of the imprisonment but by the nature of the intermittent character of the detention. Longer cases do not. I should like to mention in that connection that a very large number of the cases that are sent to prison under the Licensing Act of 1902, committed in default of finding securities for six months, recover in prison.

834. (*Chairman.*) You look upon Holloway Jail as a reformatory in disguise?—Yes; at least I hardly admit the disguise.

835. (*Dr. Donkin.*) Perhaps it is almost a repetition of what has just been said; but, with regard to the three years' sentence, which is the maximum, do you think that three years is too long for the drunkard about whom there is hope, who is presumably reformable?—I think it is longer than is necessary, but the possibility of being allowed out on probation is an advantage.

836. In ordinary reformable cases, would you say that the essence of the treatment is the test given

early in the course of the detention to show whether he can withstand alcohol when he comes out?—Yes.

837. But you say that the definite three years' sentence is quite inadequate for the irreformable—for those who come back after the three years?—Yes.

838. You would want a renewable short sentence for the reformable?—Exactly.

839. And something in the nature of an indeterminate sentence for those who prove not to be reformable?—Exactly.

The witness withdrew.

[N.B.—*The Witness subsequently sent in the following addendum to his evidence.*]

It has occurred to me that some figures regarding *delirium tremens* in prison might be of service to the Committee as illustrating one point which I tried to bring out in my first *précis*, namely, the failure of the three conviction test to reach cases which, from a medical aspect, are unquestionably alcoholic, and alcoholic in a degree which makes the individuals highly dangerous to the community. I accordingly submit for the information of the Committee a summary of the observations which Dr. Herbert Smalley, the Medical Inspector of Prisons, has kindly allowed me to quote. Their chief significance, I think, is in regard to previous prison history, or rather the absence of previous convictions for drunkenness; more than 60 per cent. of the males and nearly 30 per cent. of the females being first offenders.

Particulars of 247 cases of *delirium tremens* occurring in the local prisons of England and Wales during the year ended 31st March, 1907:—

Age.	Males.	Females.	Total.
21–30	13	18	31
30–40	64	23	87
40–50	66	20	86
50–60	21	1	22
60 and over	17	4	21
	181	66	247

Offences for which prisoners were committed:—

	Males.	Females.	Total.
Drunkenness	58	36	94
Acquisitiveness	31	3	34
Carried forward	89	39	128
Brought forward	89	39	128
Violence	16	3	19
Attempted suicide	6	—	6
Wilful damage	6	1	7
Sexual offences	2	—	2
Prostitution	—	16	16
Vagrancy offences	20	1	21
Neglect children	3	4	7
Other offences	15	2	17
Debtors, etc.	24	—	24
	181	66	247

Previous convictions:—

	Males.	Females.	Total.
None	110	18	128
1	21	10	31
2	13	4	17
3–6	11	9	20
7–10	7	7	14
Over 10	17	18	35
No information	2	—	2
	181	66	247

Occupation.—Fifty-seven male prisoners described themselves as "labourers," the only other groups of numerical importance being the costers, hawkers, and general dealers, comprising 21 individuals, and the metal workers, who numbered 19. Of the women 13 were avowed prostitutes, and 24 others were entered as "no occupation." Hawkers, servants, laundry workers, flower sellers, charwomen, and dressmakers made up the balance.

Sir GEORGE O'FARRELL,* called and examined.

840. (*Chairman.*) You are Inspector of Lunatic Asylums in Ireland?—Yes.

841. In addition to that, you are Inspector of Inebriate Retreats and Certified Inebriate Reformatories under the Inebriates Acts, 1879 to 1900?—Yes.

842. You have sent us in answers to the questions that have been put to you under these two Acts—the 1879 Act and the 1898 Act—but there are one or two more points on which the Committee would be grateful to you if you would give us the benefit of your information. Can you tell us generally how the 1898 Act has operated in Ireland, and whether you have found in the course of it that the necessity to have three previous convictions before committing an inebriate to a reformatory has stood to any considerable extent in the way of your having been able to put the Act into operation?—I should like to say, first, that our experience in Ireland is very limited; there is only one certified reformatory, which has been open for two years. At the present time it contains, I think, 21 men.

843. Where is that?—At Waterford. It is very unfortunately situated, however; it is in the city and there is no land round it, and altogether the site is very objectionable.

844. Has that been built by the local authority?—No. If I may go back a little, when the Act came into operation in Ireland there was great anxiety, naturally, to put its provisions into operation, but owing to want of funds it could not be done. Then after many years it was proposed to start an inebriate reformatory near Dublin, but the Executive did not think the site proper and refused to sanction it. There was a public outcry on that account, and then some time afterwards, almost I might say at the solicitation of the Government, a religious community from Blackburn, in Lancashire, came to Ireland and started in these premises in Waterford. It was a disused convent, I think, this certified reformatory. It was felt at the time that the site and the surroundings were very unsuitable, but it was sanctioned. I was not officially connected with the sanctioning, but I understand it was sanctioned on the ground that it was to be regarded as an experiment—that it should be treated as a jumping-off ground, if I may use the expression. That is the only certified reformatory in Ireland, and owing to the lack of means in the country I see no prospect at present of a proper certified reformatory being established.

845. How is that maintained at present?—It is maintained by the Government grant which, after a great deal of difficulty we have succeeded in getting increased from 7s. to 10s. 6d. a week. They get 10s. 6d. a week, as was given in England from the beginning, and with the addition of a contribution from the local authority there is quite enough for maintenance; but the building itself is objectionable, the surroundings are so unsuitable, and, as I have already said, there is no land. That is the position as regards certified inebriate reformatories. Then there is one retreat in Belfast under the 1879 Act.

846. Does that certified reformatory receive inebriates from all parts of Ireland?—It receives a capitation allowance in respect of each patient sent from certain counties; some counties will not contribute.

847. It is open to the admission of inebriates from any part of Ireland?—Yes, and they are willing to receive them, but they are not willing to take them from countries that will not contribute.

848. They have to pay something for their patients?—Yes.

* *See too*, pp. 86–182, and 198 below.

849. What is the amount over and above the 10s. 6d. you receive from Government necessary for the maintenance of a patient?—5s. 6d. is the maximum, but in some cases it goes down as low as 2s. 6d. In some cases they limit the number of patients to a few from each district. You see it is a question of money, and these institutions never will be founded unless the State comes in and helps.

850. You were going to say something about the retreats?—Yes, there is one retreat in Belfast under the 1879 Act, a very small retreat started by an association in the north of Ireland for Protestant women, and it certainly has given some excellent results.

851. Is this reformatory that you were speaking of denominational in its character at all?—Yes, it is for Catholic men.

852. Protestants are not admitted?—There has been no Protestant there. I would not like to say that they would not be admitted. It is a Roman Catholic religious body who conduct it. The one at Belfast is a retreat, and that is confined exclusively to Protestant women; they will not receive any Roman Catholics there. There is only one other institution in Ireland, that is the State Reformatory at Ennis, corresponding to Aylesbury and Warwick in this country. That institution is managed entirely by the Prisons Board. That was opened some years further back; it was compulsory on the Government to establish it. It was opened in 1899, and it is most certainly an excellent institution, and has also given very good results.

853. Is that a separate institution or is it joined to a State prison?—It was a closed prison; a disused prison; they have converted it with accommodation for two sexes into a State reformatory.

854. How many inmates are there there?—I am not connected with it, but I know it very well and I know its results. In round numbers there are about 50.

855. That comes directly under the Prison Commission?—It is under the Prisons Board. They have had very excellent results up to the present, and certainly everything I have seen of it has been very good. They have perhaps certain advantages over corresponding institutions in England, the character of the patients, especially the women patients, being quieter.

856. You have no official connection with it?—No. I am inspector of retreats and certified reformatories, and the Prisons Board deal entirely with the State Institution as they do in England.

857. (*Dr. Donkin.*) I should like to ask you what is the character of the inmates who are sent to the State inebriate reformatory that you mentioned in Ireland?—The same exactly as in England, criminals, where their criminality has been shown to be connected with inebriety, or who have committed an offence while under the influence of drink.

858. Are they sent under Section 1 of the Act?—Yes, they are sent under Section 1 of the Act exactly the same as in England; the law in Ireland is exactly the same as in England, except that your Licensing Act of 1902 does not apply to Ireland.

859. I understand the law is the same, but the practice in England, as you probably may be aware now, is to use the State reformatories for the refractory or reported refractory inmates in certified reformatories?—In Ireland you must remember that you are dealing with a very few people; the numbers are so small that they are almost negligible, but refractory patients have been sent from Waterford to Ennis, as they are sent here under the same procedure and under the same law.

860. Do you think that the majority of the inmates in the State Reformatory are those committed under Section 1 of the Act?—Yes, certainly—who have been indicted and sent there by a superior Court.

861. So that the State Reformatory in Ireland deals with a few of the prison recidivists and does not specially deal with persons who are found to be by the superintendents of certified reformatories rather a nuisance?—No. As I tell you, there is only one certified reformatory in Ireland, and only 21 people in it.

862. (*Chairman.*) That is due to the fact that the only certified reformatory you have in Ireland has not got the means available for admitting the ordinary patients like they have in England?—Yes. I feel that these Acts in Ireland—speaking within very narrow limits of experience—certainly promise a great deal of good, but there is no way of bringing them into operation. It is a mockery to say, "This Act applies to Ireland," because there are no means of bringing the Act into operation there.

863. As long as you have to depend on other means than that of State money, it is no use trying to put it into operation in Ireland?—Yes, you cannot get the money in Ireland. That was fully recognised by Mr. Gladstone at the time of the passing of the Irish Church Act, and it was intended to deal with such cases, but unfortunately Mr. Gladstone's intention was not carried out, and the money was diverted to different purposes. When he first introduced the Bill, the money was all ear-marked money to different charities, but not a shilling of it has ever touched any one of these objects.

864. What is your opinion with regard to the three years' detention?—That is the maximum, you must remember, and as a matter of fact in Ireland, after nine months or a year, many patients are licensed, and if they are not licensed at the end of a year they have to report the reason why, so that it is simply a maximum.

865. Do you suggest by that, that the detention in Ireland is in practice detention for a year rather than for three years?—That would be the usual practice; they would be licensed after a year.

866. In an ordinary case, if a man behaves himself, he gets out at the end of a year?—Yes.

867. And at the end of each year his case comes up for revision?—It is in the rules of the reformatory that after a year the case is to be considered, and if he cannot be discharged then, there is to be a special report explaining the reason.

868. Do I gather from that answer that you have just given that it is the exception and not the rule for an inebriate to be detained for three years?—Yes, it is, and the majority are not sentenced for so long a period as three years.

869. To that extent the whole practice is different in Ireland from what it is in England?—Yes.

870. (*Mr. Rose.*) You say the character of the women there is more favourable to reformation than is the case in England?—I think, if I may say so, that they are more open to religious influence, and there is less sexual immorality among the country people.

871. (*Chairman.*) What would you say should be the period of detention for a normal case?—I think each case must be dealt with by itself. I should think in some cases three years is not long enough, and in other cases it is unnecessarily long.

872. For the bad cases I suppose no period is long enough really?—No.

873. But for those who are taken in the more or less early stages, and who are more likely to be reformable, what should you say?—I think, speaking from a very limited experience, as I said before, that a year or 18 months seems to me to be quite long enough to fulfil ordinary purposes.

874. Do you find it difficult to deal with people in what is termed the early stages owing to the three previous convictions condition?—Certainly.

875. Do you suggest an alteration?—Yes, I have stated that in my answers to the questions.

876. We have only had the answers this morning, and we have not had time to read them, so that we may be asking you to give us the same answer over again. Have you any alternative suggestion to make with regard to that?—If the Court or the judicial body is satisfied that the man is an habitual drunkard I do not see why, whether he has been up three times, or four times, or twice, it makes any difference. In my opinion it should be irrespective of the number of times he has been convicted.

877. You would leave it to the discretion of the magistrate?—Yes.

878. Would you suggest to the magistrate any more clear definition of what an habitual drunkard is to guide him in his decision?—I think the definition in

the 1879 Act is satisfactory, although perhaps it is a little complicated by the reference to the jurisdiction in lunacy. If it were put more shortly—"a person who had not been insane"—I do not know whether it might not be an improvement.

879. You have no particular suggestion to make as regards that?—No.

880. (*Dr. Branthwaite.*) Is there a demand for more accommodation in Ireland for committed cases. Do the magistrates want to send their cases to these institutions?—No, I cannot say that they do. The Act has been brought very little before them, and in some cases they seem very loth to put it into operation. There are many influences in Ireland at work that are perhaps not in operation here, and I think myself it would be better perhaps if the administration of the Act, the general part of it, were left to the County Court Judge at Quarter Sessions, if it could be done in all cases. There is an enormous number of cases in Ireland eligible for and requiring treatment in these institutions, but unfortunately it is very difficult to get at them.

881. The chief difficulty being what?—I think the principal difficulty is that the magistrates are not very willing to send them. The friends of the patient appeal to them not to do so. The wife will say if her husband is a patient that she loses her means of livelihood, and so on; and the magistrates are moved by feelings of compassion in many cases.

882. (*Chairman.*) Do you suggest that all cases of petty crime, if proved to be due to drink, should be referred to the County Court Judge?—I do not know if that would be possible, but I certainly think they should be dealt with by a resident magistrate. The County Court Judge only sits at stated times, and is not always available; whereas the resident magistrate is always on the spot.

883. So that the County Court Judge would not be a very suitable tribunal?—No, I am afraid not.

884. (*Mr. Bramsdon.*) Do I understand correctly that in Ireland you have one certified reformatory and one retreat?—Yes.

885. Is that all?—That is all.

886. You have no State Reformatory?—Yes, I said so; we have one at Ennis. That is a State Institution.

887. There are three institutions altogether?—Yes, there are three institutions. One was opened in 1899, the State Reformatory; the retreat was opened in 1902, and the certified reformatory was opened two years ago, in March, 1906.

888. Can you give me the numbers in each?—There are about 50 in the Ennis State Reformatory. I am not connected with Ennis, but I know a good deal about it, and I can give you the figures. There are about 21 at Waterford and, I think, about 11 at the retreat.

889. Is that the Belfast Retreat?—Yes. The limit at Waterford is 40, and the number of patients resident on the 1st July was 21; at Belfast Retreat on the 1st July there were 11.

890. There are three places; you have only spoken of two?—The other I can only speak of indirectly; it is under the Prisons Board, but there are about 50 of both classes in that institution, viz., the State Reformatory.

891. You say in your statement that there seems to be a need for bringing the Act into operation in Ireland?—The very greatest need.

892. I do not quite understand. Are the institutions in Ireland similar to those in England?—They are under the same law as in England, except that the Licensing Act of 1902 does not apply.

893. You have seen reformatories and retreats in England?—I have.

894. Is the construction of the establishment and the use that is made of it in Ireland similar to those in England?—There is only one in Ireland, and as I have said, that is very unhappily placed in a town without any land, and in my opinion it is quite unsuitable as regards site; but the difficulty is to find the money to get another.

895. Can you tell us anything about the industrial occupation of the inmates?—I think the industrial occupation is very much the same as in England: wood chopping, and carpentry, and stone breaking, and that sort of thing. They have a little patch of garden, and of course the most desirable employment that you can give these people is an out of door occupation; but they have no land at Waterford, as I have said, and they cannot put their drunkards on the land.

896. Is there any difference in the industrial occupation of the inmates from that carried on by prisoners?—No, they are practically the same.

897. What is the difference between these reformatories and prisons?—They are treated differently in the reformatory; they have much more freedom and much more association, and their dietary is supposed to be liberal and varied, and they are not under prison conditions or prison discipline.

898. They have more generous treatment?—They should have more generous treatment.

899. Otherwise it is the same?—I would not say exactly the same, but it is on the same lines—more or less, of course.

900. I do not quite understand from you what the position with regard to Section 2 of the Act of 1898 is in Ireland?—That is with reference to the certified reformatories?

901. Yes. Are the committals similar from magistrates in Ireland, or what is the position?—Exactly the same as in England.

902. You have committals from magistrates there?—Yes; committals from magistrates who send those people who have been found drunk on four occasions—on the fourth occasion they can be sent, under the Act, to the certified reformatory.

903. And some are?—Some are, but as I told you, we have only altogether 21 patients in the certified reformatory. There is one thing more I should like to say before I leave, and that is that our limited experience is altogether favourable to the operation of these Acts.

904. (*Chairman.*) And, given that the reformatories are in suitable places, you think many cases might be admitted with benefit?—With the very greatest benefit. I could give you particular cases from the little retreat in Belfast, which has been remarkably successful. I can think at the moment of the daughter of an Irish rector who went into that particular retreat most reluctantly and unwillingly, and, after remaining there about a year, she went out to Africa, and I get letters from her now blessing me and blessing the institution and everything connected with it.

905. She is quite cured?—Yes.

906. Have you had any experience of those drugs that are now in use with regard to curing the effects of drink?—No; I have no experience of such institutions. My mind is quite open on that subject.

907. Apart from any expression of opinion, are there any attempts made that you know of in Ireland to cure drink through the medium of drugs?—Yes; there are some attempts made, and some of the patients come over to England for treatment. As you know, there is a large place at Manchester, and there are some in London, and several people practice that kind of treatment in Ireland.

The witness withdrew.

Dr. H. W. Pooler, called and examined.

908. (*Chairman.*) You have been good enough to come here from Birmingham to give us information on the question of your experience with regard to inebriates?—Yes.

909. Could you give the Committee your qualifications?—I am a Bachelor of Medicine and Bachelor of Surgery of Birmingham, and a Member of the Royal College of Surgeons, Licentiate of the Royal College of Physicians, and a Licentiate of the Society of Apothecaries.

910. You have a large general practice?—Yes.

911. What is the character of your practice?—It extends from fairly-well-to-do shopkeepers down to about the lowest possible of the population—the poorest of the pauper class. Amongst other things, I am parish doctor of one of the worst districts of Birmingham.

912. In the course of your practice, you see a great many patients of the poorer classes?—Yes.

913. You give the figures in your *précis*?—I cannot give you the figures absolutely accurately, but I estimate in the last twelve months that I saw about 2,800 different cases.

914. Have you come across many inebriates?—I have gone through my books and I find mention in the books for the last twelve months of about sixteen that I should class as chronic inebriates.

915. What class did they come from?—Six of them were private cases, that is to say, they came to me as a private practitioner.

916. Better class people?—Yes, and ten were pauper cases. When I say private cases, I do not think any one of the six would be in a position to pay any great amount for confinement in an inebriates' home; I think, if it were possible to do so, they would all have come under the parish for maintenance in the long run—as they would do under the Lunacy Laws—I mean the same class of individual who could be certified as a lunatic would go in as a parish patient.

917. The reason why they have not been able to go to a retreat is because they have not the means available?—Yes, that is so; even in the case of the six whom I have put down as private patients—I do not think they would be able to pay to go to a retreat.

918. Would these patients avail themselves of the opportunity of going to a retreat if they had the money at their disposal?—I do not think they would.

919. Would their friends or relations have liked them to go to a retreat?—Yes, certainly, most of them—certainly all those that I have classed as private patients would.

920. (*Mr. Rose.*) Would they subscribe together to help them to go?—Certainly.

921. (*Chairman.*) But you do not think they would obtain the sanction of the inebriate to enter a retreat?—No, I am sure they would not.

922. What are your views on that?—My views are that these cases, many of them at any rate, should be certified in the same way as lunatics are certified—that they should be compulsorily detained for a certain length of time.

923. These cases that you are alluding to now are, I take it, chronic cases of inebriety?—Yes, every one of them.

924. Which cannot be cured in their own homes?—No; quite hopeless.

925. Without coming under some special treatment?—That is so.

926. You would suggest that there should be an alteration of the law which would enable, under proper safeguards, these people to be put under special treatment?—Some compulsory special treatment, yes.

927. Would you suggest that it should be on the application of the parents, or relations, or friends?—Yes.

928. (*Mr. Rose.*) Is it easy to discriminate between the occasional drunkard and the man who has taken to drink?—Who has taken habitually to drink, do you mean?

929. Yes?—I think it is, only they would want watching for some time when they are just on the borderland, but I think in every one of these cases I should have no hesitation in certifying if I had the opportunity.

930. (*Chairman.*) They cause a great disturbance in their own neighbourhood?—Yes, they are a great nuisance to everybody, and to themselves, too—some of them.

931. You think if they could have been taken in an earlier stage that retreat treatment might have had beneficial effects?—I think it would, most decidedly.

932. (*Mr. Rose.*) Can you, as a doctor, discern from a man's physical condition whether he has begun to be a habitual drunkard, or whether he merely gets drunk on Bank holidays, say?—I do not think I would like to commit myself to saying I could discern it at first, but I think later on there would certainly be definite physical signs. In the case of many people, although they may be in the habit of drinking a very great deal, it would take a considerable time before they showed it physically.

933. (*Chairman.*) I suppose, apart from these cases which you are giving, which are very few in number, there are many people in Birmingham who have been under your care, but who have, under the influence of drink, committed crime, and come before the magistrates and been dealt with?—Yes.

934. The cases that you have given us are cases that have not come before the magistrates?—That is so.

935. But who were habitual drunkards?—Yes.

936. In addition to those, do you know of many cases that have come under your professional care who have committed crime and therefore have been dealt with by the magistrates?—I know of cases that have committed crime when they have been drunk, but I should hardly have classed them as habitual drunkards—at any rate, they have not been under my care. Of course, as a mere citizen, I know of other cases in my immediate neighbourhood of a similar character to these that I have classified, but I have selected these cases as cases that have been under my own professional eye in the last twelve months.

937. (*Dr. Branthwaite.*) When you call these cases chronic inebriates I suppose you mean confirmed cases—more or less hopeless cases?—Hopeless, at any rate, so long as they are outside an institution.

938. In the course of your practice have you seen any persons in addition to this number who drink and cause distress to their family without being what you would call chronic or confirmed inebriates?—Yes, certainly.

939. Roughly speaking, what number would you add to the sixteen that you have given us?—I think I might safely double it, any way.

940. How would you differentiate between your chronic confirmed cases and the cases we are now talking about?—I should say the cases that we are now talking about are cases that get drunk occasionally, and that may lose his or her occupation for that reason—people who spend a good deal of their money on Saturday nights getting drunk, but who are not habitually drunk all the week round.

941. (*Chairman.*) You have given us several cases here, I see?—I have given a note on each of the sixteen cases.

942. It would not be necessary to give the whole sixteen cases, but for the benefit of the Committee you might give us one or two of a typical character?—Case No. 1: This is the wife of a railway servant. The man is a most respectable man who cannot trust his wife with money. He cannot get his meals cooked because she is out drinking or is drunk. She is breaking down in health now. On his initiative I got her into the workhouse, but she was deprived of alcohol, of course, there, and she came out in a week; she is now worse than ever, practically drunk every day of the week, and pawning the household goods to get drink.

943. (*Mr. Rose.*) Has she been brought up before the magistrates?—No, she has never been before the magistrates. Then, No. 3, I think, is a very bad

case. She is the wife of a very respectable man, a works manager. The children, who are growing up now, have been driven from home because they cannot stand their mother's habits. I remember this woman as a most intelligent and intellectual woman, but now, as I have said in my note, she is simply a disgrace to the neighbourhood, wandering about with filthy, dirty, ragged clothes, boots down at heel, and hair unkempt; an absolute disgrace to any neighbourhood.

944. (*Chairman.*) The children have had to leave home?—Yes. I look upon that case, so far as she herself is concerned, as an absolutely hopeless one. I do not think she will ever be any better. I do not think she has sufficient strength of mind now to be improved, but I think she ought to be put away for the sake of the family.

945. Would her case come forward under the Cruelty to Children Class?—No, the children are too old for that.

946. (*Mr. Rose.*) Has she ever been convicted?—No, I have had her in the asylum once, but she is just outside that line now, and I cannot certify her again. Here is another case, No. 4. This man was an official in a good and responsible position. He was a man of very good family indeed. He is eccentric and almost but not quite to the verge of insanity. After a good many warnings, he was forced to leave his employment, as he could not be relied upon to do his work, and would not keep his books properly. He gets fits of violence occasionally, frightens his family very much, and on one occasion he attempted to rape his step-daughter during a drinking bout. They put up with it, however. The wife is of a forgiving nature, and will not prosecute. I believe that man is a highly intellectual man really, a fine musician, and I believe he would have remained a decent citizen if his case could have been dealt with earlier, and he had been detained.

947. (*Chairman.*) I suppose his case has advanced so far now that it would not be capable of improvement?—Yes. I do not think now he would be capable of improvement, but certainly some years ago I think he would have obtained considerable benefit from compulsory detention. He cannot be persuaded to go away. I have tried to persuade him myself.

948. (*Mr. Rose.*) May I ask in this case also, has he escaped the magistrates?—He has.

949. (*Chairman.*) Therefore you suggest in his own interest, and in the interest of the family, that there should be some machinery to put that man under control?—I do. No. 5 is the case of a man who has a very good business, but he is totally incapable of managing it, and it is now managed by his daughters mostly. I have seen that man drunk at six o'clock in the morning when I have been out on professional business, and I have wondered then whether he was ever sober. Probably he is not. I have seen him drunk at all times; at ten o'clock in the morning; and you will constantly see him about the streets drunk. He has never been in the hands of the police, though I am quite sure he ought to have been long ago. I am afraid that that also is quite a hopeless case now. He is an absolute nuisance to himself and his family, and his neighbours, and he should be detained for the sake of his friends.

950. Do the family ever come to you and ask you whether anything can be done with a view to removing these very troublesome cases?—They do. I have suggested to these people, for instance, that they should get this man to go away, but he will not go. In fact, he is too muddled to ever think it out now.

951. (*Dr. Branthwaite.*) These cases should be detained for the benefit of their families, without much hope of benefiting themselves, you think?—Some of them I think might very well be detained from the point of view of their own benefit.

952. A short time ago you told us of some milder cases, not drunk every day, but drunk, say, for a week-end when they get their wages and so on?—Yes.

953. You do not call those inebriates?—I do, but I should want them to be willing, I think, to go away before they were actually put away in that early stage.

954. Do you think there would be more advantage in treating those cases whilst in a curable condition, rather than waiting until they become as incurable as these cases you are now telling us about?—Yes, of course, the earlier you can get them the better.

955. Do I understand that you do not advocate any compulsory treatment upon cases other than the severe ones you are describing?—I think I might perhaps put in in this way, that I think they should be compulsorily detained if one can say that they are a nuisance and a drawback to their family.

956. Would you make that the sole cause for compulsory detention?—I do not think I would begin compulsory detention from the very earliest stage of a man getting drunk possibly on Saturday nights, even if it was every Saturday night, else we should have a good proportion of our present population in the big cities in reformatories.

957. (*Chairman.*) You go so far as to say that, do you?—Yes; at least, a great many of them round me are drunk every Saturday night, and are very respectable citizens all the rest of the week.

958. (*Dr. Mercier.*) And earn good money?—And earn very fair money.

959. (*Chairman.*) Do they get into advanced stages of drunkenness?—They are quarrelsome or merry, as it may affect them individually.

960. (*Mr. Bramsdon.*) Is that a form of drunkenness that you would call convivial drunkenness?—I would not call a quarrelsome state convivial, but the other cases I should.

961. (*Dr. Donkin.*) In those cases the family would resent the notion of petitioning to have them sent away?—Decidedly.

962. (*Chairman.*) Because they are perfectly useful citizens during the week, and are wage earners?—Yes, many of them.

963. But they go on a weekly bout?—Yes.

964. (*Mr. Bramsdon.*) When they get their wages, I suppose?—When they get their wages.

965. (*Dr. Branthwaite.*) If on the Saturday nights when they are drunk they commit crime of any sort, you would then modify your opinion with regard to compulsory detention in their cases?—Yes, I should say they were then becoming a nuisance to themselves and to their families.

966. (*Chairman.*) Public opinion looks leniently on the Saturday drinking bout; is that it?—Yes, I am afraid a great many of them take it as their weekly pleasure.

967. (*Mr. Bramsdon.*) Is that peculiar to Birmingham?—No, I am afraid not.

968. (*Dr. Branthwaite.*) Do you know many cases of these weekly drunkards who ultimately become confirmed cases similar to those you have mentioned to us?—Some of them undoubtedly do, but many of them go on with their periodical drunk, and never get much worse.

969. Do you think those cases sooner or later become chargeable on the Poor Law?—The kind we are speaking of now?

970. Yes?—Some proportion of them.

971. They do not save money, of course?—They do not.

972. So that in old age they have to be cared for?—That is so.

973. (*Chairman.*) They do not save money, and I suppose this bout becomes a more or less chronic necessity to them?—Yes.

974. (*Dr. Branthwaite.*) Do the families of those cases often need poor relief?—They do.

975. In fact, more or less constantly, because they drink a great portion of their wages?—Yes, it is a matter more or less of how much they spend in drink.

976. Do you think those cases should be left untouched notwithstanding the fact that we have to pay for their families, and so on, by reason of their drink-

ing habits?—I do not quite see how you are going to compulsorily detain them; that is a very large order.

977. (*Chairman.*) You would really rather take as your standard the usefulness of the man?—I would.

978. If he drinks periodically, and is a useful wage earner for his family meantimes, you would not interfere with him?—Not unless he gets into trouble.

979. Then he goes before the magistrate and is dealt with?—Yes.

980. When we are speaking of those who get drunk but do not go before the magistrate, that is the criterion you take?—Yes.

981. (*Dr. Branthwaite.*) Do you consider it any use in a man being a wage earner if he spends what he earns in drink?—I am not speaking now of the man who spends all his wages in drink.

982. (*Chairman.*) You are assuming that he is a wage earner, and that he provides his family with the result of his wages, but at the end of the week he goes on a drinking bout?—That is so.

983. (*Mr. Rose.*) Is that number diminishing amongst the artisan classes—the week-end drinking man in your experience?—I think it would be hard to prove it, but I am under the impression that it is diminishing.

984. (*Chairman.*) But you say it is very considerable?—It is.

985. In all the working class districts of Birmingham do you find that?—It certainly is so in my district. You can hardly go down a street on a Saturday night without seeing two or three drunken men.

986. And women?—And women, too; but my experience is that the women are more apt to drink all the week round than the men, because the men are at work.

987. They have more time?—They have more time, or at least they take more time.

988. (*Mr. Bramsdon.*) Have you any suggestion as to the treatment of these habitual drunkards other than detention?—I have not. I do not see what we can do.

989. Have you any experience of the treatment by drugs?—No, no personal experience.

990. I take it that you have certified in cases of lunatics?—Many times. As parish doctor it is my duty to do so in my district.

991. Can you give us any idea of the proportion of the number of cases of lunatics certified to the number of cases of inebriates certified? Would there be any more cases of one than the other. I am speaking of certified inebriates. Let me put it in another way: Take the number of habitual inebriates known to you, and the number of lunatics who are certified and known to you, have you any idea as to the proportion between them?—I have hardly thought that out, but on the spur of the moment I should say there would be very little difference.

992. Then you think the number of cases of habitual inebriates, and the number of cases of lunatics who ought to go, and do go, probably, to the asylums, is about the same?—Very much the same I should think.

993. Can you tell me anything as to the ages of the 16 cases you mentioned to us?—The youngest I have down here would be about 35 or 36, and the eldest would be about 70.

994-5. Thirty-six is the youngest case?—Amongst this lot.

996. Is that your experience generally, or does it only apply to those 16 cases?—It only applies to these cases; these are the ones that I have looked out in the last 12 months.

997. Might not you get cases earlier than that?—Yes.

998. You have known of them?—Yes.

999. I take it there is much more chance of reforming the young than the old?—Yes.

1000. In some of the cases that you have referred to, I take it, there is some hope of reform?—In several cases. In the case that I mentioned of the wife of the manager of the timber yard, for instance, who has degenerated to such an extent, I do not think there is the slightest hope for her anywhere.

1001. How old would she be?—About 50.

1002. How many out of the 16 do you think there is no hope for?—Five or six would be quite hopeless cases.

1003. There is hope in all the other cases?—I believe so from what I know of the people personally.

1004. Do you think in those remaining cases that you have spoken of that short sentences might meet with successful results?—In the case of the ones that I have described as hopeless?

1005. No, where there is hope—say a term of three or six months?—I doubt it; I do not think that is long enough to keep them away from the drink.

1006. Are you in favour of indeterminate sentences?—No.

1007. You know what I mean by that—the same as a lunatic receives?—I am in favour of that; that would be the kind of commitment that I should advocate.

1008. You would put them on the same basis as a lunatic?—I should.

1009. Have you any experience of the committal of cases to reformatories or retreats?—No, no personal experience.

1010. Are any of the cases that you have given us what we may call cases of secret drunkards, men and women who drink secretly and remain indoors whilst drunk?—There are one or two of them that I do not think the neighbours knew much about, but I think their own household friends knew all about it in every one of these cases.

1011. Those cases you would recommend should be detained?—Yes.

1012. On the ground that they are a nuisance and an annoyance to their relatives and friends?—Yes, not only that, but in many cases I believe they would personally benefit by detention. Speaking of secret drinking, there is a case here, for instance, No. 7, the wife of a club manager. She has had delirium tremens and she is now rapidly becoming a chronic soaker. I do not think her husband had the faintest idea that she was drinking.

1013. Yet she was an habitual drunkard?—She was muddled most evenings, and she at last developed a violent attack of delirium tremens.

1014. You call her an habitual drunkard?—I do, and by and by she will be drunk in the streets.

1015. Is that a case that you would call a case of secret drinking?—Her husband was the only other inhabitant of the house, and he had not the slightest idea that she was taking too much.

1016. Do you find secret drinking more among women than among men?—Yes.

1017. Is it on the increase or not?—I hardly think so—in my district anyway.

1018. Then these are not habitués to public-houses?—No, some of them are—the case I mentioned was not; she was getting it at the club.

1019. (*Dr. Mercier.*) With regard to these sixteen cases that you have seen in a year, I suppose they did not all come under your notice for the first time within the last twelve months?—No, some of them I have had under observation for probably ten or twelve years.

1020. So that the number coming under your observation in any one year would be much less than sixteen?—It would be less than sixteen.

1021. Probably only one or two?—Probably more than that because I am parish doctor, and I do get the dregs of them. If I may look down my list, I think I can tell you in a minute how many of these cases I have seen this year for the first time. That might help you.

1022. If you would?—I saw eight of these for the first time in the last twelve months, but seven of them were paupers, and probably, of course, they had been under the observation of another medical man previously.

1023. In making a comparison between inebriates and lunatics, the lunatics who come under your notice for the first time would all have been certified and sent to an asylum?—The majority would only come under my notice when the friends wished to send them away—if that is what you mean.

1024. In making the comparison of the number of inebriates who come under your notice every year, and the number of lunatics who come under your notice every year, the lunatics would all be certified and sent to asylums?—Yes.

1025. But the inebriates would go on accumulating from year to year?—That is so.

1026. So that the number of inebriates that would come under your notice at any one time would always be very much larger to the proportion existing in the population as against the number of lunatics?—Yes.

1027. You have already said I think that when you advocate the compulsory detention of these persons, the ground on which you advocate their compulsory detention is mainly that they are a nuisance to their families?—Yes, I think that is the time when I should begin to detain them.

1028. They are detrimental to their families?—Yes.

1029. I suppose women who are inebriates set a bad example to their children?—Yes.

1030. And neglect them?—Yes.

1031. Have you known cases in which the daughters or the sons have followed suit from the bad example of their parents being constantly drunk?—They have been brought up very badly, and some of them have taken to drink, and some to other forms of evil.

1032. (*Chairman.*) Do you notice in those families where the man goes off every Saturday and drinks that the general condition of the home is inferior to that of their neighbours?—Yes, decidedly.

1033. They have to deny themselves a good deal of what they otherwise need not deny themselves?—Yes.

1034. Do you know cases where a man is earning fair wages, but is drinking to such an extent that he has reduced the family until other members of the family have had to go into the workhouse?—Yes, I have known cases of that kind. Of course, I have known numerous cases where the man is drinking to such an extent that they are reduced to very great poverty.

1035. Almost to penury?—Yes.

1036. Even to having to get help from the parish?—Yes.

1037. (*Dr. Branthwaite.*) Are you still of opinion that we have no right to compulsorily interfere with the drinking habits of such a man notwithstanding that those habits lead to public expense?—I should say that when a man has reduced his family to penury, as the Chairman suggests, that that is the time when, even according to my statement, he may be detained. It is merely a matter, I think, of degree.

1038. (*Chairman.*) That is rather the standard you take?—It is.

1039. You say great care should be taken in any enforcement of the law to prevent the wholesale detention of workmen who may be drinking occasionally, but who are earning wages to provide for their families at other times?—That is my point.

1040. But where a man is drinking to such an extent that he is reducing his family to penury, there you think the law should step in?—Yes, I am emphatically of opinion that we ought to have compulsory detention, but I think we must be most careful how we apply it.

1041. You must be most careful how you apply it because although it would be very beneficial probably to the former cases that you have described to be put under control, still, at the same time, as they are earning wages that has to be taken into consideration before any enforcement is brought about?—I think so. It is a matter of degree only, and careful inquiry into each individual case should be made in order to decide.

1042. (*Mr. Bramsdon.*) You are anxious to preserve the liberty of the subject, I take it?—I do not want to see too large a proportion of the population in reformatories.

1043. My meaning is that every person compulsorily detained you are anxious should only be detained in justifiable circumstances?—That is so.

1044. (*Dr. Mercier.*) Would it be correct to put your position like this, that as long as a man earns sufficient wages to maintain himself and his family without coming upon the parish for assistance, that there is no need to interfere?—No, I do not think that is quite right, because many families are reduced to the most abject poverty, and they do not come upon the parish at all. I would say as long as he earns a sufficient wage to keep his family from penury or abject poverty, anyway; but I would not make coming on the parish the test, because so many of them will starve rather than come on the parish.

1045. (*Chairman.*) Have you had any experience of the effect of the treatment of drugs for drunkenness?—No, I have not had any personal experience, and I would not like to express an opinion.

1046. You have had no experience at all of it?—No.

1047. You have never seen any cases that have gone through the treatment?—No. I have an opinion, but I would rather not express it.

1048. (*Dr. Donkin.*) With regard to control, would you say that in a case where a man or a woman through drink is the cause of distress to the family, and has not come before the Court, that it should be a *sine quâ non* in order to get the detention of that person that the family should apply for the person to be detained?—Yes, I think so.

1049. I mean as a test of the distress of the family. My point rather is, do you think anybody else should step in and say: "You are ruining your family"?—anybody on behalf of the State—or whether it is necessary before the person has become what you call the worst form of drunkard and is a cause of distress to the family, that the family should or should not be the applicants?—I think the family certainly should be the applicants.

1050. If the family are unwilling nobody should step in?—I do not think so.

1051. (*Dr. Branthwaite.*) Do you think the relieving officer might not make the application?—If the family apply for relief and have relief, then I think the relieving officer might be officially entitled to take proceedings, just as in the case of a lunatic; but as long as they are not on the rates I think it should lie with the family to make application.

1052. (*Mr. Bramsdon.*) In your experience do you think anything might be done satisfactorily by appointing a guardian, especially in cases of well-to-do people?—I do not quite follow you yet.

1053. Supposing a person is well-to-do, and there is a danger of his estate being squandered, do you think it would be advisable for the Court to have power to appoint a guardian, so that those persons should not be confined in a retreat, but might be restrained in their own homes?—Do you think that the mere appointment of a guardian would effect much?

1054. With power to restrain the inebriate, I mean?—Yes, I think that might have some good, but I should prefer the detention in a reformatory.

1055. I take it that every drunkard would prefer to be detained in his own home rather than in a retreat?—Yes, most of them would, anyway; otherwise I think they would go in greater numbers than at present.

1056. Might those cases of well-to-do people be met by appointing a guardian who would have power to restrain the inebriate from drinking, and thus enable the inebriate to live at his own home?—I very much question whether any single person would be able to do it.

1057. I do not suggest one person. They might get two persons to restrain him, or three?—I see no objection to that as long as it would be effectual.

1058. It is all a question of pounds, shillings and pence?—Yes, and the effectiveness of the measure.

1059. (*Dr. Mercier.*) Do you think a person might be effectually restrained from taking drink in his own home or her own home?—I am rather doubtful about it, but certainly I do not think one person could do it. Two or three might be capable of doing it by careful watching.

1060. A full staff of nurses might be able to do it?—Yes, but it would be a very difficult proceeding.

1061. (*Mr. Bramsdon.*) There is a stigma considered by the relatives to attach in sending the inebriate to a retreat or to a certified home?—There is.

1062. In cases of well-to-do people might that not be met by the appointment of a guardian with sufficient powers to restrain?—Yes, it might. I should look upon it as an experimental procedure, anyway.

1063. (*Dr. Mercier.*) Do you not think that the stigma is in the inebriate getting drunk and not in his going to a retreat?—I do, but that is not how the friends look at it.

1064. The evidence of his being drunk and carrying scandal about the neighbourhood in which he lives is a far greater disgrace than being in a retreat away from home, where people do not know where he is or anything about him, and are not troubled by him?—That is so.

The witness withdrew.

(Adjourned for a short time.)

T. A. BRAMSDON, Esq., in the Chair.

Lady Henry Somerset,* called and examined.

1065. (*Chairman.*) We are very obliged to you, Lady Henry, for coming to give us the benefit of your great experience. I am asked to apologise for the absence of Sir John Dickson Poynder, who is unfortunately compelled to be absent for a little while. I understand you have a retreat and a reformatory at Duxhurst?—Yes.

1066. Are they the same institution?—The cottages stand in one colony, but those licensed for reformatory cases are kept separate from those licensed for the retreat; but all are in the same scheme.

1067. Are those that are committed under the Act of 1879 mixed with those under the Act of 1898?—Not absolutely in the same building, but under the same conditions, in the same place.

1068. How many have you there now?—At this moment we have about seventy to seventy-two.

1069. Is that in the double institution?—Yes.

1070. Are they classified in any way?—We classify them more according to their dispositions, tempers and manners than to monetary payments or possible social distinction. Of course, the reformatory cases are in the cottage licensed for that work, but if it is necessary and there are vacancies we sometimes place other cases in those cottages who would do well with them and perhaps keep the general tone, for that is what I think most of.

1071. Have you any trouble in their detention?—No.

1072. Have you any general observations to suggest to the Committee upon the working of the Acts, apart from your written answers?—I think the thing which seems to me imperative is that detention should be compulsory. On that hinges almost the whole success of any future working of these Acts.

1073. You think compulsory detention is necessary?—Yes.

1074. Do you know of any other remedies?—I know remedies which I should describe as a safe bridge to land individuals from drunkenness into sobriety. When once this is accomplished and they are sober you can influence them to see that it is best to be sober, and in some instances that influence is strong enough to last; but I do not think there are specific remedies which can make drunkards into sober people. I think some remedies are valuable where detention is impossible, and where you have to accomplish quickly, but perhaps not so surely, what would otherwise take a longer time.

1075. Can you give us any idea of what these bridges are?—There are two or three so-called cures that I call bridges that are possible to be used in that way. I know people who have been made sober by several of these advertised cures, but they are only made sober for the time being; they are not cured.

1076. Are you speaking of drug cures?—Yes.

1077. Have you any experience of drug cures?—Yes.

1078. What has been the result?—I think the result is that many that are described as "cures" are described erroneously. There are some that can be described as valuable when you have to deal with the intoxicated person and you desire to make him sober.

1079. They are temporary remedies?—Temporary remedies in many cases, although, of course, there is the chance that the person may remain sober, under powerful influences for good.

1080. You think detention is the only practical remedy?—If I am speaking for women I am quite sure it is.

1081. You only have women in your home?—Yes; I have some experience dealing with men, but not there.

1082. Are there any difficulties that you can suggest in connection with the licensing of retreats?—Yes, the difficulties exist in the fact that they are licensed by people at the present time who are really not aware of the necessities of a retreat. For instance, in the house we have for the detention of ladies we have experienced a great deal of difficulty and have been put to considerable expense. The house is a country house with bedrooms on the first floor and 19 feet from the ground. We have two staircases. The licensing magistrates insisted that we should put an iron staircase on the outside of the house and communicating doors between every room so that all inhabiting that landing could have access to this iron staircase. This was a great expense, but we were willing to do it, although provisions were made for safety and there was no more danger than exists in every ordinary house.

1083. Do you mean as a precaution against fire?—Yes, and after two years we were told that we could not have the licence unless we made all the windows open on to the iron balcony. By this every patient could have means of escape any hour of the night if they choose. So that proves that unless people are aware of the peculiar difficulties of the work you are doing, they cannot judge of the necessities of the place—I am referring to the people who grant the licence.

1084. (*Mr. Ryland Adkins.*) Who are these people you are referring to?—The Surrey County Council—the licensing authority.

1085. (*Chairman.*) Do I understand you are continuing, or are you discontinuing your retreat?—No, not discontinuing it.

1086. (*Dr. Branthwaite.*) Is Duxhurst now licensed?—The cottages are licensed; but, owing to the difficulties at the Manor House, it is not licensed at this moment, and I do not propose to spend the money to put up those means to enable the people to escape, and thought it better to forego the licence rather than run such risks.

1087. (*Chairman.*) As to the class of persons in your retreat, and in your reformatory, what class are they? I mean socially?—They are from quite the very poorest working class, up through the middle classes, the artisan classes, and the educated classes.

* *See too*, pp. 80–182 below.

1088. You have all classes there?—Yes.

1089. Have you any suggestion to make to us as to the character of the reformatories, as to their being like prisons, or nearly like prisons?—It has seemed to me that the character of reformatories should depend on the classification of the inmates. There are some to whom prison conditions up to a certain point are necessary: there are others to whom those conditions are absolutely fatal; they would go out worse than they came in.

1090. You have some suggestions, I take it, to make with regard to the present character of the reformatories?—I think one of the worst features of the present character of reformatories is that the women of the same locality go mainly to the same reformatory; for instance, the London County Council Reformatory at Farmfield takes women from London, mainly women of the same class, and they often know each other. As Dr. Branthwaite knows, we received such women during the first years before the London County Council had any building ready for their reception. Our difficulty was very great, and it was much enhanced by the fact that when you got a women sober and anxious to lead a better life an old companion who had known her perhaps in the same doss-house in London, and knew all about her former life, came down, and this woman would laugh at the idea of her companion's reformation, and could undo in a few days what we had been trying to build up in many weeks.

1091. You would segregate them?—Yes. I would send the women as far from their own locality as possible, and I would keep as few women as possible from the same districts together.

1092. What I meant about the character of the reformatory was with regard to the building itself, and the manner of conducting it, and so on. Have you any suggestion to make in reference to that?—I strongly advocate the principle of making the buildings as much like normal habitations as possible, and of insisting on as much normal life as is possible in order to try and bring before these women an object lesson as to what their life might be and ought to be. I have taken great pains in the cottages at Duxhurst to see that they have only such surroundings and such things as they would have in their own homes if they were living as self-respecting citizens under conditions such as they ought to have. I think it is a help to them when they go out to have lived in homes conducted in this way and to realise that that is what their own homes must be.

1093. Yours is really more in the nature of a house of detention?—Yes, it is in the nature of a house of detention, but it is a reformatory at the same time, because they are bound to stay there, but I lay great stress on surroundings. I think they are very important, and for a certain class of patient it is essential to eliminate prison conditions, to build up self-respect as far as possible, and to make them realise that they can have a new start from a new standpoint.

1094. Is your own institution ideal in your own mind from your present experience?—Well, nothing comes up to our ideal, I suppose.

1095. But as near ideal as possible?—We have to deal, of course, now with a rather better class. We do not have what are usually called the off-scourings of society. We have had such people, and we have had to deal with them, but at this time that is not the class of women we receive.

1096. How long have the premises been erected?—Thirteen years.

1097. Supposing you had to deal with them now, would you make any substantial difference?—No.

1098. You would do it on the same lines?—On the same lines.

1099. Then you are quite satisfied with your methods?—Quite satisfied, and I believe that much larger reformatories carried out in the same way with graded methods, so that you could put certain classes in one department, and promote then to another, would be of great service.

1100. What extent of land have you?—133 acres.

1101. Do you find that sufficient?—Yes, much more than we want.

1102. Do you find you can occupy the inmates?—Yes, we could occupy double the number of people that we have.

1103. What occupations do you follow there?—Gardening, weaving, embroidery, all the ordinary housework of the place, dairy work, poultry, and everything to do with the farm that is not man's work—everything out of doors, as far as possible.

1104. I suppose if anything else occurred that would be an improvement you would probably adopt it?—Yes we should speedily adopt it, but the principle on which we work is, I think, a sound one. We try to put women as far as possible, as regards their occupations, to something entirely new, something that they have never done before, so that it absorbs their whole attention and gives them new ideas.

1105. In that change of thought is the principal remedy?—Yes, it is vitally important. It breaks off old associations, and that, at first, at any rate, is essential.

1106. Do you have any refractory patients at all?—No.

1107. Is there any attempt to restrain them in your home?—No, there is no locked door or gate.

1108. Then you have no complaint to make with regard to their general behaviour?—No, I find them, as a rule, perfectly easy to deal with. They are troublesome sometimes, but nothing that could be called refractory.

1109. You have places in which they could be detained if they proved refractory, I suppose?—No.

1110. Only ordinary rooms?—Yes.

1111. No cells?—No.

1112. With reference to these cases that you have quoted in reply to question 19 [*see p. 109 below*], I observe that out of a total of 112 you speak of 74 as being successful?—Yes.

1113. That is a very high percentage?—Yes.

1114. Is that usual in your institution?—Yes, it was not so high when we had refractory cases sent to us by the London County Council. Many of these people were more or less deficient; indeed, some were semi-imbeciles, and many of them were criminals, and consequently our percentage then was not so good.

1115. (*Dr. Branthwaite.*) Your 112 refers to voluntary cases?—Yes.

1116. Under the first heading of "Voluntary, 112," are those in the retreat?—Yes, those who have stayed one year or more.

1117. That is a very high percentage, is it not, 74 successful?—Yes, I think it is a high percentage.

1118. I see you say: "Out of these, nine failed, but returned and were eventually successful?—Yes.

1119. Do I gather from that that all the others did not fail?—Yes, the others did not fail.

1120. Over what period have you observed their successful nature?—Always two years.

1121. I observe you do have certain after-care observations?—Yes, I think that is extremely important, and I always tell patients that there is a vacant bed if they ever begin to feel any restlessness or desire for stimulants, that they can at once telegraph and ask to come back for a few days, and they do come sometimes, and then again every year we have an old patients' day, and as many as have left us and are doing well, who can, come and spend the day with us, and we have a sort of *fête*.

1122. (*Chairman.*) Are all your remedies set out in your answers to these questions?—Yes, I think so. I may say that we have a large number of correspondents in all parts of the country, and when inmates leave Duxhurst I write to these people and ask them to look up so and so and get them to join a temperance society. I do not necessarily say they have been inmates of Duxhurst, but I ask them to take them under their observation.

1123. You take an interest in them always?—Yes, always.

1124. And they agree to your taking an interest in them, and co-operate?—Yes, unless they are failures.

1125. You have I take it in your retreat many well-to-do people?—Yes, a fair number of well-to-do people.

1126. A suggestion has been made to us that probably a guardian might be appointed in well-to-do cases—people who are rich and well-to-do—and thus obviate their going into a retreat. Do you think anything of that kind would be successful?—I do not, because I think that a large number of well-to-do cases fail from an absolute want of self-control, and I have noticed that the people who are inebriates under fortuitous conditions—I mean people not suffering from want or irregularity of wages and bad conditions—have just as little self-control about other things as they have with regard to drink, and the whole benefit of a home to them to my mind is that they are obliged to be controlled, and that they learn self-control for a year at least.

1127. I take it also you find that the improvement consists in the alteration of their surroundings—the environment?—Yes, and in the fact that they have to conform to somebody else's wishes and to give and take; in fact, generally to put themselves under conditions that they would not necessarily choose.

1128. Do you find any strong objection on the part of well-to-do persons to go into retreats?—Yes, the greatest possible objection, and they cause much difficulty to their relations who are anxious that they should be protected, but after they have once come, they are for the most part very glad indeed to be restrained.

1129. Supposing a person is able to be restrained by a sufficient number of nurses in his own home, do you think that that system would be beneficial?—It might be, but I do not think there would be half the benefit that would be got in a good retreat. I think it is the very snapping of associations and surroundings and the commencement of a new life, and the gradual dawning of the great moral benefit which results to them from this entire change of life, and which affects them powerfully, both physically and mentally.

1130. Do you think some of these cases of habitual inebriates are absolutely beyond all hope of reform?—Of course, it very much depends upon whether the inebriate is a pure and simple inebriate, whether they are semi-imbeciles, and whether they are criminals—it depends on what the contingent circumstances are. A pure and simple case of inebriety ought to be cured, but then there are a great many things in addition to the inebriety which possibly cannot be cured by the same means.

1131. I take it that you always bear in mind the word "hope" in connection with inebriates?—Of course.

1132. Any good principle that was adopted would have to be with the word "hope" always borne in mind?—Always.

1133. Are you in favour of indeterminate sentences, such as a sentence on a lunatic who is committed for an indefinite period?—No, I do not think I am.

1134. Do you think the present term of three years is sufficient?—I think it ought to be.

1135. What about short sentences: do you think they could by any possibility do good or not?—Very rarely with women, I should say.

1136. You think it necessitates a long period with women?—Yes.

1137. Have you any statistics in reference to the ages of the people in your institution?—I have, but I am afraid I have not brought them.

1138. Generally is the greater number young or old?—It very much varies. Some years we have almost entirely middle-aged and old, and some years we have quite young. At this moment the large preponderance of our people are quite young—under 40.

1139. Do I understand there is greater hope in reforming the young than the old?—Undoubtedly.

1140. You would do away I take it with these three convictions under Section 2?—Yes.

1141. Would you leave it to the magistrate to be satisfied only as to the habitual drunkenness of the offender?—Yes. I think that the cases come too late. An enormous quantity of people who are sent to us might be cured far more easily if they could have come to us a year or two years, or three years sooner. I am quite sure that they need not reach the stage in which they are if it did not depend upon their arriving at the last gasp as it were, and then being pushed into a reformatory or a retreat.

1142. Could you give us any suggestion as to the circumstances which should first guide a magistrate in committing—as to the period?—I think anything that was absolutely harming the family, anything that was causing a scandal and making the man's occupation impossible to carry on, as it very often does—anything that harms children, as it does now, and in fact when a woman or man cannot guide their lives or their affairs in any way, and have lost all control.

1143. Supposing you ran across a person who was a secret drinker, and conformed to the suggestions you have made, do you think that case might be dealt with?—Yes.

1144. With great advantage to the individual, and to the family, and to the community?—Yes.

1145. Have you any children in your institution?—I have a few. Of course, I have a large institution for children—but that is apart from our women—for the prevention of cruelty to children cases. I have always felt that I did not like institutions which were entirely penal in character, and that there ought to be something in the place which gave a different tone to it, and lifted them into some other atmosphere directly they get in the midst of us, and I started that simultaneously with the retreat.

1146. Is that at Duxhurst?—Yes.

1147. Are the children who are born in your home taken there?—We have never had any born there; but if there are—and there may be soon—they would be taken there.

1148. In other institutions we have heard of there have been children born in the institution?—Yes.

1149. Do you think anything ought to be done with those children?—I think they ought to be cared for in the institution, most decidedly, until the time the mother's sentence is over, and she is able to take the child with her.

1150. You see no objection to leaving them there at their young age?—No.

1151. Even if the mother is not discharged for three years?—No.

1152. You see no harm to the children?—No, not the slightest. Our children who have nothing to do with these women have never derived the slightest harm from being there.

1153. (*Dr. Bruce Porter.*) You have suggested that one of the most important things in your cure is the complete change in their occupation and association?—Yes.

1154. Have you any suggestion to make as to the preparation these people should undergo before they are thrown back to their original occupations again. A woman who has been doing washing, for example, originally, does weaving in the retreat, and at the end of the cure, when she is thrown back to her old occupation, and has to commence washing again, do you think she can stand the strain?—I think, if she is in good health, she would be perfectly able, and has always been, in my experience, to take up her old occupation again.

1155. There is no risk in going from the occupation of weaving back again to the occupation of washing?—No, I do not think so—of course, there is a certain amount of judgment to be exercised in putting a person to an occupation, as to the conditions she will have to go back to, and if a woman was likely to have to go back to washing I would sooner put her on to work in the garden.

1156. If she had to go back to her manual work, you would not put her on to light work in the home?—No, I should put her on to the harder gardening work, I think. With regard to that, I should like to say

that I feel there is no way at present of training and educating the women who have not only charge of inmates, but who are under-matrons in the reformatories. I think that is one of the greatest secrets of the weakness of the present system.

1157. (*Chairman.*) Are you speaking of the officers at the reformatories?—Yes. I was asked just now about the work that the inmates should be put to, and I say that that demands a certain knowledge of physical conditions and psychology.

1158. It requires a certain amount of training?—Yes, and my observation is, that almost anybody who has failed at any other occupation, is considered quite fit to become a matron at a reformatory, and to carry on what I consider is one of the most difficult works that can be imagined, and I think success would be enormously enhanced by scholarships or training homes for women who intended to earn their livelihood as matrons of these institutions, just as women study and gain scholarships, and enter training establishments to fit them for other occupations.

1159. (*Mr. Ryland Adkins.*) Just as you have special training establishments for asylum nurses and warders?—Exactly.

1160. You say you attach great importance to the classification of patients. On what lines would you classify them?—For instance, I think a great many people are called habitual inebriates who are really habitual criminals with inebriety as an incident, and a great many people are called habitual inebriates who are practically feeble minded, and are lunatics. A number of persons are quite as mad as lunatics when sober, and almost as difficult to deal with, who are sent to you as inebriates, and I think there ought to be a greater possibility of classifying those. At the present moment, you know how difficult it is to get a semi-lunatic certified as a lunatic, and you get them in a retreat, and you do not know what on earth to do with them.

1161. I take it that you desire to have them classified first according to their criminal antecedents, if any?—Exactly.

1162. And, secondly, according to their general mental condition?—That is it.

1163. Do you also consider it advisable to classify them according to their social status and habits?—That is, of course, so very difficult, because many people of good education have drifted down so far that they have to be put in with the others, and then rise again.

1164. So far as possible you would be in favour of that; you would not force people to submit to uncomfortable social surroundings if it could be avoided?—No, but at the same time I am not at all sure that it is not an extraordinary awakening and help to them. There are two sides to that, I think.

1165. I agree. Do you allow visits to these people from their relatives?—Yes, we issue passes, and they can come and see them.

1166. In the case of women with children, do you facilitate short visits from their children?—Yes, and I should like to say that I think it would be of very great importance for the women, as I said in my answer, who have young babies or children, to have the possibility of those children being there, because they are the best years of a woman's life, and the time when she is most likely to do well by her children, and they remember her at her best, whereas they are more like strangers to them after three years.

1167. Do you allow any patients out on parole?—Yes, at the end of six months they go out with their friends, who fetch them, and bring them back.

1168. In the same day?—Yes, and at the end of ten months they go out alone.

1169. During the day?—Yes, and come back at night unless those in the retreat are allowed to stay out for the night.

1170. With regard to those in the reformatory, have you formed an opinion as to whether it would help them or not if they were able to earn a remission of their sentence by good behaviour?—No, I do not think it would, because I am not sure that it is always dependent on good behaviour. We have some very docile people who could not be said to be other than well-behaved, but we know they are not strong enough to be allowed out.

1171. Supposing you have a double safeguard, and you say to everybody who is sentenced for three years, "You can earn a remission of a quarter of this sentence if you behave well—like a criminal can—but, on the other hand, when your time comes to an end, whether you have had a remission or not you are then liable to be secluded for a further period if a magistrate is satisfied that it is for your good and for the good of the community that you should be." Supposing you had that safeguard, subject to that, would you approve of their being able to earn a remission of their sentence?—I would, because in a way they earn a remission at present by being allowed to go out on licence.

1172. We have had certain evidence more with regard to criminals that these people would immensely prize a remission, even more than criminals would. You think that would be valuable?—I do.

1173. Provided you had that safeguard?—Exactly.

1174. (*Dr. Branthwaite.*) I understand you have many applications for admission to the voluntary side of your institution which come to nothing?—Yes.

1175. Will you tell the Committee what the chief cause of that is?—The inability to get the people to come and sign voluntarily.

1176. Inability to obtain the consent of the inebriate?—That is it. Up to the very last moment when everything is ready they will refuse to sign.

1177. Do most of your cases come in quite voluntarily or as the result of pressure from friends?—Mostly as the result of pressure from friends, but some voluntarily.

1178. Not a very large number come absolutely voluntarily?—No, a very small number.

1179. You have very few indeed who come to you of their own free will?—Very few.

1180. Have you ever had any?—Yes, I suppose we must have had about 20 people who write to us and say: "I do not know what to do with myself; if I could come into your retreat will you take me in"?

1181. During how many years is that?—I have had about 20 during the last five years.

1182. How many admissions, roughly, have you had during the last five years?—I suppose approximately 300 or 400.

1183. About 20 of those have come of their own free will?—Yes.

1184. The remainder as the result of pressure from friends?—Yes. Often they have been brought down, but have refused to sign at the very last moment, and have had to be taken away again.

1185. Should you anticipate any great difficulty in dealing with the same class of case if they could be sent to Duxhurst on the order of a magistrate on the petition of friends compulsorily?—Should I find any difficulty with them?

1186. Yes?—No, no more difficulty than at present.

1187. In other words, you think it would make no difference whether they came in as they do now from the pressure of friends or whether they came in by the order of a magistrate?—Not the slightest difference, because it is usually financial pressure that is brought to bear upon them or something by which they are absolutely driven in, but if I may add this it would make an enormous difference as to the time we got them, as to the stage of drunkenness; we should get them earlier if they could be sent compulsorily. For instance, last night I spent the whole night with a woman of 28 with delirium tremens; she had an attack a month ago, and she is as near as possible dead. If we had had her three years ago I think she might have been saved.

1188. Notwithstanding one of your answers to Mr. Bramsdon, you are still of opinion that detention is justifiable in the interests of the community, even if the cases are irreformable?—Certainly.

1189. Do you consider that that detention might justifiably be indeterminate?—In some cases, certainly.

1190. In answer to question 39 [*see p. 165 below*], you advocate the State management of inebriate reformatories, but in answer to question 40 [*see p. 166 below*] you indicate that your opinion would be modified by the reformability or otherwise of the individual. Will you tell us whether you consider the State is more responsible for the control of the reformable or the irreformable?—Of course, I think the State are absolutely responsible for the irreformable, because they are harming the community.

1191. Do you think the reformable would be better in other hands than in the hands of the State?—I think that the authority for them ought to be delegated to other hands. I do not think that they would always be best in homes.

1192. Would you advocate that bad cases should be sent to State institutions and that suitable cases should be transferred into the care of philanthropic persons?—Yes.

1193. That was what you meant to indicate in your answer to question 40?—Yes.

1194. (*Dr. Donkin.*) I was very much interested in what you said with regard to letting your patients out early in their period of detention. May I take it that you consider it would be an essential, or at least a very important part of any regulations made with regard to those who are committed by the courts, to have such an early test of possible improvement?—I think that should be left entirely to the people in charge of them, because I think you never could lay down a rule about that; there are certain people to whom I would never give that permission.

1195. Would you say that it is practically the only test of improvement—the possibility of their going out on probation?—I think it gives them great encouragement, and that it is a certain test, because it does not let them meet their liberty for the very first time when they leave the institution and find themselves entirely on their own account. From that point of view I think it is very valuable.

1196. Without such a test it would be very difficult for you or anyone to say whether they were much improved or not?—I do not say it is an enormous test, but it is a test, because they know perfectly well that if they were to break down we should be able to verify it, and I think it a good moral test, and that it would enable them to meet their liberty and to overcome their difficulties before they are completely free.

1197. In practice it is known generally that it is a three years' sentence?—Yes.

1198. You would think it desirable to have such a test at least, among others, before they were sent out at the end of the three years?—Yes, I think it very desirable, if it is possible, that such a test should be in the hands of those who have care of them.

1199. Do you think, subject to the superintendence of the managers of the institutions, that it would be efficacious supposing the courts now, instead of practically sentencing everybody to three years, were to sentence them to a shorter time with powers, of course, of recapture and return if they broke down on probation?—No, I think the present system of sentencing them to three years, with the possibility of letting them go sooner, is better.

1200. Sentencing them straight off to three years?—Yes, because the power of mitigation then lies in the hands of the people who have the managing of them.

1201. Would you have the sentence determinable on the recommendation of the manager of the institution?—As they are now—let out on licence.

1202. As a matter of practice comparatively few are let out on licence; a very large number are kept for the full three years?—All those that I have I have sent out on licence, and I have found it exceedingly valuable, because even though they have broken down, and some of them have broken down, they have come back again and eventually do well. I do not so much mind their breaking down on licence, because it often gives you the opportunity of showing them how weak they are and why they are apt to fall, and in many cases they do better afterwards.

1203. In the case of private inebriates, do you think it would be better for them to sign for three years, or two years, or one year?—I think one year is quite enough for them, because three years would be an almost impossible sentence. I am not speaking of women who have ill-treated their children or committed some offence against the law. That comes under another head. It is not possible to put the two under the same head.

1204. So far as the women are concerned that you have known who have come under the 1898 Act, you would say that the three years' sentence that is now given is more efficacious than a renewal sentence up to any time?—Yes, I think I should like that better.

1205. (*Chairman.*) In saying that I suppose you lay stress on the point that there should be a remission?—Yes, that they should be allowed to go out on licence; I think that licence is very valuable.

1206. That is the usual practice in your retreat?—Yes.

1207. But not the usual practice in certified reformatories?—No.

1208. (*Dr. Donkin.*) You would leave a great deal to the discretion of the managers as to whether they should be let out on licence or not?—Yes, I think you have to do that because many things go to make up the advisability of leniency or severity.

1209. Would it not be well in the case where legal sentences are pronounced to make that proviso that unless there is strong reason to the contrary they should be tested on licence?—No, because you would put the managers in an almost impossible position if they did not grant the licence because the women would become difficult to manage.

1210. (*Chairman.*) Yours is what may be called a retreat, and a certified reformatory?—Yes, both.

1211. You say that inmates who come under the heading of a certified reformatory can benefit by a remission just as much as those who come under the retreat?—Yes, because a person who has had a three years' sentence can be let out on licence in 18 months.

1212. (*Dr. Branthwaite.*) During the last three years have you not granted a licence in every case?—Except in the case of those who have asked to be kept in for the full time.

1213. But in every case you have granted a licence?—In every case.

1214. (*Dr. Donkin.*) With regard to question 27: "Do you recommend any alteration of the law to make possible the earlier committal to reformatories of persons who now spend many years in drunkenness before they are dealt with under the Inebriates Act"?—*e.g.*, persons who are incapable of managaing their affairs. I should like to know your opinion as to whether in cases of that sort in any class of life—perhaps it is still more important in the lower classes—when a person answers to that description it would be necessary for the application for the control of him to be made by a member of the family, or should any power, the State, step in and say "You are in such a condition that you should be put under control"?—I think where there is available a member of the family who is any way dependent or in any way associated with him, the application ought to be made by the member of the family.

1214*a*. Supposing there is no member of the family who approves of it, and opposition is exercised by the family, you would not say that anybody else should over-ride the apathy of the family and say: "You shall go to a home"?—Yes, I think if it could be proved that the man or the woman was a nuisance to the community and was creating scandal and was in the true sense of the word an habitual inebriate, so that everyone who came in contact with him recognised it.

1215. Quite so, but you would imply that he should be some nuisance to the community outside the immediate members of his or her own family?—Yes, if he is a nuisance outside his family then the community in addition to the family, or in exchange for the family, should make the application.

1216. (*Chairman.*) You mean if he were a nuisance to the community then members of the community might in such a case make application?—Yes, and that would be sufficient if there were no members of the family to do it.

1217. (*Dr. Mercier.*) You have spoken of the difficulty of getting people to come in. You have a very large number of applications that come to nothing?—Yes.

1218. The difficulty is usually, I suppose, on the part of the drunkard himself or herself?—Almost invariably.

1219. Are there cases where there are difficulties on the part of the relatives?—I have not found any. The relatives have for the most part come down again and again to see what should be done. I daily receive letters asking me what power they have and how they can act.

1220. In cases like that, where a person is a source of very great distress to her family, and is a scandal and a terror, and makes her home miserable, and sets a bad example to her children, and so forth, you would be in favour of compulsory powers being exercised on the application of a relative?—Most certainly.

1221. But the power to be imposed only by some judicial authority?—That is so.

1222. Do you think it would be practicable or effectual in many cases to institute by that means such a guardianship that the guardian might have power to prescribe the residence of the inebriate here or there wherever it was found most practicable or most convenient? For instance, do you think any of the patients that you have could be adequately kept from drink in their own homes?—I have known of such cases but I cannot say that they are by any means the rule.

1223. No, I would not expect them to be the rule, but there have been such cases?—There have been such cases.

1224. Supposing that such powers as we speak of were granted, it would be advisable to proceed step by step and to take the mildest step that was likely to be effectual first, and if that was not effectual then to take the more serious step. Would you think it advisable that a guardian should be appointed first in the case of well to do people with power to prescribe the residence of the patient, and with power to keep drugs and drink away from him, and to provide the necessary nurses and attendants, of course, and so forth, in their own homes?—I have known a great many families do that, but without success.

1225. Yes, but suppose they have legal powers to restrain a patient and prevent him going out, for instance?—That might make a very great difference.

1226. Or if not in the inebriate's own home then in some other private house, and not necessarily a retreat. I am taking it for granted that the objection that the inebriate has to place herself under control is partly her unwillingness to be made sober and partly her unwillingness to go into a retreat and be associated with the people she would be likely to meet there?—Yes, that is true.

1227. But if she could be put in a private house by herself, or with only one or two others, she might be more willing or might make less objection; do you think that is so?—I should very much doubt it if the real result was that she was to be kept from drink.

1228. You think the chief objection is the objection to being kept from drink, and not so much to the association with the people she is likely to meet at the retreat?—Yes, but I think the second objection comes afterwards very often.

1229. And not the objection of having the stigma attached to her of having been in a retreat?—My experience is that if they have been very badly addicted the question does not arise at that time at all.

1230. The real objection is that they do not want to be deprived of the drink?—Yes, I think they simply cannot face it

1231. Supposing such a guardianship as I speak of were imposed power might be given to try these milder expedients first with power to prescribe the residence of the patient either in a retreat or anywhere else, but first of all to try the milder expedients, and then put in a retreat those in whose case that treatment had proved not effectual?—Yes.

1232. With regard to the three years' detention, you think that three years is a proper term for a person who is committed to a reformatory?—Yes, I think it is with power to mitigate the sentence.

1233. I think you also expressed a definite opinion that a period of six months would not be very much good?—No, I feel almost sure.

1234. Would you modify that opinion supposing there were power for one reason or another to get the inebriates at an earlier stage. At present we cannot get them until they have fulfilled certain conditions—until they have had four convictions in one year, and are in a very confirmed state of inebriety. Supposing it were possible to deal with offenders earlier in their inebriate career, do you not think that a shorter term might be effectual?—It would have to be in a very early stage, because after they are really inebriate it takes at least three months to get their minds sufficiently balanced to enable them to face anything seriously or even to realise what the past has been, and for the most part my experience is that they do not understand the real importance of what has taken place until at least six months have elapsed. It is after six months that I begin to look for them to be really awake.

1235. I suppose no one would recommend a shorter period than six months for a person who had become an inebriate?—No.

1236. But do you think if the law was so modified that they could be got under control earlier for a first offence that six months might be tried with a period of probation afterwards, so that if they broke down on probation they might be taken back again?—From the knowledge that I have of the way in which families usually act, I think it would be very rare that people would face the difficulty in the first instance.

1237. I am speaking now of the criminally convicted?—Criminally convicted because it had been proved that she was inebriate?

1238. Yes, but not necessarily that she had had three convictions—she need not be so confirmed an inebriate as that?—I do not know many under those conditions to whom six months would be of much use. I think a year is the minimum. Sentence might be reduced to a year, but I do not think six months would be much good.

1239. I have been told by inebriates in reformatories who have been there for two years and two and a-half years that their experience was—I give this for what it is worth, because, as you know, one cannot accept everything that they say—that the first six months did them all the good they were likely to get. You would not believe that?—I have heard them say that very often.

1240. You do not think it is entitled to any weight?—No, I do not think it is.

1241. They have admitted that three months was not enough, and that four months was not enough?—Yes, but I think six months is the moment when they become quite sober, and that before that they are not really able to judge for themselves.

1242. (*Sir John Dickson-Poynder.*) You are in favour of the withdrawal of the three previous convictions, are you not?—Yes.

1243. If that were withdrawn and they were proved to be inebriates, but who had committed no crime, and were sentenced to a reformatory, would that modify your opinion as regards the three years' period of detention?—Who commit a crime, and who are committed?

1244. If they have fulfilled the three previous convictions condition, and they are committed to a reformatory, but have not been guilty of any previous crime, would that have any influence in modifying your views as regards the period of detention of three years?—No, I think it ought to be for three years, with the possibility of remission by those who have charge of them by sending them out on licence.

1245. I put this aspect to you: would not a bench of magistrates be rather reluctant to sentence anyone to three years upon a first offence?—Yes, but surely three years would be a maximum; there would be a possibility of a year or two years. At the present moment they are sent for two years—sometimes it is two, and sometimes three, but not necessarily three years.

1246. Three years is the maximum, with a power to sentence for any less term?—Yes.

1247. (*Chairman.*) But a sentence for three years, even although it may be remitted, is a sentence for a long period?—Yes, but that is not always the sentence. Sometimes they come for two years, and in that case they can go at the end of fourteen months.

1248. I take it you have had some women committed to your reformatory who have been guilty of cruelty to children, and who have been indicted for six months, and so on?—Yes, mainly those.

1249. Is anything done to keep up connection between their homes and themselves during the time?—Yes. We correspond with the husband, and the woman corresponds with him, and if the husband refuses to write we generally look him up and see whether he will not look more favourably upon her. If he does not I send somebody to see the children and bring her news of them. One of our main objects is to keep her in connection with her home all the time. If her husband has obtained a separation under the new Act even so we try to make arrangements for her to hear from the children, and to know of the children and to see them if possible, and if the children cannot come down I send her up with an attendant to see them from time to time.

1250. Do you find that interest which you keep up with the home beneficial?—Yes; it is essential.

1251. So that when they return to their homes they really know all that has been going on during their absence?—Yes.

1252. (*Dr. Donkin.*) With regard to the remarks you made just now about the three years' sentence, may I take it that it refers only to those who have been committed under the 1898 Act who have come under your personal knowledge?—Yes.

1253. You would not wish it to be understood that you apply it to all cases—to men, and so on?—No.

1254. (*Dr. Branthwaite.*) There is a sort of feeling amongst magistrates that a woman who neglects her child through drunkenness should not be sentenced to what is practically three years' imprisonment. It has also been suggested to us that we might get those cases earlier, that is, before they became very confirmed inebriates if the sentence was made shorter with a system of probation and return on relapse. Would you be inclined to modify your opinion with regard to the three years if some such scheme as that was carried into force?—Yes, if there was really such a system that they could return—without there being any question of it.

1255. Supposing an arrangement like this were put in force: committal by a magistrate to a reformatory on condition that release on probation should occur at the end of six months, the probation to last twelve months, and if the inebriate managed to keep sober and all right during that twelve months the period of detention to expire. If he relapses he is to return to the reformatory for another longer period probably, and a further release on probation afterwards?—Yes, I should be very much in favour of that. I think that scheme would work very well.

1256. Notwithstanding the fact that the original release takes place six months after the sentence?—Yes, if you got them a great deal earlier than we get them now.

1257. The inference is that we should get them earlier?—That would make a great difference, because it would not mean that we got them as a last experiment, as in many cases we do now. They would come in an incipient stage.

1258. (*Sir John Dickson-Poynder.*) Those who are sentenced for the first time might well be treated in the way indicated by Dr. Branthwaite, but for those who go up as old offenders you do not consider six months would be much use, and that it should be a longer sentence?—Yes, but I should think some method should be established to ascertain very carefully that it was not an old offence which had been brought to light at the end of that period and was treated as a commencement.

1259. (*Dr. Branthwaite.*) If that information was not forthcoming would there be much harm in giving every inebriate a chance of reformation with six months' detention first. If he or she failed afterwards she has at any rate had her chance of a short detention proving of value?—There is, of course, one thing to be considered, and that is the harm, indeed sometimes almost insurmountable harm, that arises to those who are in the reformatory when women return after breaking down. It has a curiously bad effect on the community.

1260. That would mean classification again?—Yes, but it produces such a great discouragement on those who are there, and in six months there would, of course, be more likelihood of returns.

1261. (*Chairman.*) Do you mean it destroys the hope of those who are in the institution?—Yes, but at the same time it would be so understood that they were offenders in the early stages, that if it was realised that they went out with the strong possibility of returning the effect might be different.

1262. Is your home full?—Yes, always. I refuse about seven or eight cases a week.

1263. (*Dr. Mercier.*) Are those the reformatory cases or the retreat cases?—The retreat cases.

1264. (*Chairman.*) Is your reformatory full?—Yes, it is full, because when there are any vacancies in the reformatory, other cases take their place.

1265. (*Dr. Donkin.*) I suppose personal influence in your opinion is most important?—Yes, it is to my mind by far the most important factor. May I go back to Dr. Branthwaite's question? I see his point now. I think the system he proposes would answer provided cases were sent in a much earlier stage. It would be so changed if they came to us at that point that it might certainly be tried with great advantage.

1266. (*Chairman.*) Then you would not say that six months would be too short with a probationary period of twelve months afterwards?—Not in a very early stage.

The witness withdrew.

Sir JOHN DICKSON-POYNDER in the Chair.

Dr. F. S. D. Hogg,* called and examined.

1267. (*Dr. Branthwaite.*) Do you receive many applications for admission to Rickmansworth which result in nothing?—A large number.

1268. Roughly, of all such applications, what percentage results in the admission of patients?—I should say about 15 per cent., not more.

1269. What is the chief reason why so many refuse to enter?—One reason is, the money question comes in; they want something very cheap, and cannot afford to pay the fees. Another is that patients refuse to sign at the last moment. They change their minds, or the people inquiring about that perhaps simply do so in the anticipation that the patient will sign, and after all he refuses to enter. A third reason is that people write to several retreats at a time in order that they may be able to pick and choose between them. I think those are the three chief reasons.

1270. Do you think the refusal to sign the request for reception is or is not the chief reason why persons refuse to enter?—It is a little difficult to say, because one frequently hears no further from applicants; 29 per cent. change their minds and will not be persuaded

* *See too*, pp. 86–182 below.

to enter; 22 per cent. require cheaper terms; 3 per cent. enter another retreat; 46 per cent. assign no reason for not entering.

1271. Will you give the Committee some idea as to your arrangements for allowing liberty to patients during their period of detention?—After the first three months of the patients' stay he is given a certain amount of liberty. As a rule, two mornings a week or three mornings a week in which he can take a walk provided he takes no alcohol, and if that proceeds quite satisfactorily I gradually increase his leave until he can go out at any time of the day he likes so long as he is in to dinner at night.

1272. It is a system of a gradual increase of liberty?—Yes.

1273. What percentage of your patients are able to stand that liberty test?—More than half of those who go out. I should say perhaps two-thirds of those who go out.

1274. I take it you prefer to stand the chance of some patients drinking when out on parole rather than prevent the good cases from deriving the benefit resulting from modified liberty?—Yes, of course, if I know a man is going to drink I do not let him out. If I know from his talk with other patients and his conduct that he is certain to drink, I alter the rule in his case, but in the ordinary way I give a man his chance. I prefer to do that.

1275. You are quite satisfied that that course is better than locking up all cases for the whole of their period of detention?—Much better.

1276. Although all cases are admitted voluntarily, is it not the case that the majority are practically compelled to enter a retreat?—I should think the majority are, certainly; they have pressure put upon them.

1277. Have you ever had any case come to you of his own free will and accord without the help of friends and say to you: "Will you admit me?"?—Yes.

1278. How many of that kind of case have you had during the last nine years?—Not very many.

1279. Could you give the Committee any idea as to how many?—I am afraid I could not off-hand.

1280. Ten?—More than ten.

1281. Twenty?—Yes, perhaps twenty.

1282. Do you consider that the majority of cases admitted to Rickmansworth are more or less compulsorily admitted?—Yes.

1283. Notwithstanding this really compulsory admission, few of them are unmanageable?—Very few.

1284. Do you think the percentage of unmanageable cases would be materially increased if the compulsion instead of being *sub rosa*, as at present, were made absolute by order of a magistrate, on the petition of friends?—I think there would be a certain amount of increase. A great many people we admit now are admitted on the promise of their friends that they will have help, that they will get their debts paid, and that they will get generally whitewashed and be given another chance, and so on, if they come in, and that will not happen, of course, if people are sent in by magistrates.

1285. No, but the friends might still offer to do a great deal for them if they came out and remained sober?—Yes, of course, and in that case I do not think it would make much difference.

1286. Would you be afraid to receive such cases?—No.

1287. Do you consider the use of drugs valuable in the treatment of your patients?—It is useful in the first place to assist a patient to get over the first effects of excess, and in the withdrawal of liquor, and later on to build up his general health and make him fit, but I do not think beyond that that I have seen any good done by drugs. I do not think it would in any way prevent him drinking later on.

1288. Do you believe that any such drugs have other effects than those for which they are given; in other words, do you attribute to any drug an effect which will lessen the probability of the patient's reversion to drunkenness?—No.

1289. Have you tried any experiments with advertised drug cures, or with the drugs of which you know they are composed?—No. I have used strychnine and atropine, not hypodermically, but by the mouth, and in fairly big doses in some cases. Of course, my patient would not be going out at the time, and so I have not had the opportunity of testing him in that way and contrasting him with those who have not taken anything of the kind, but the result in those cases does not seem to me to be different from those that have been treated in the ordinary way.

1290. The after results have not been any different?—No.

1291. (*Chairman.*) What is the weekly charge?—From two to four guineas a week.

1292. Is there much difference in the treatment between the inmate who pays two guineas and the inmate who pays four guineas?—None at all. The only difference is the size of the room that he has.

1293. He has a room to himself at four guineas?—They all have a room to themselves, but they get a bigger room at four guineas.

1294. Is the diet the same?—The diet is exactly the same; they all feed together.

1295. (*Dr. Donkin.*) Have you had any experience of inebriates other than those who come into your retreat?—Not during the last nine or ten years.

1296. You have had no experience of those committed by the Courts under the Act?—No, none at all.

1297. Would it be your opinion generally, from what you know of inebriates, that the great advisability that you advocate of letting people out for walks or on parole, to give them encouragement and to test them, would be applicable to all classes of inebriates *qua* inebriates I mean, whether or not they were committed by the Courts?—I should apply that method to everybody who came under my charge, provided, as I said before, that the patient did not give obvious signs of wanting liquor.

1298. Whether they had rendered themselves liable to be arrested or not?—However they were committed.

1299. (*Dr. Mercier.*) I suppose one may take it that you would, in treating an inebriate who was not a very confirmed case, begin by the mildest measures that were likely to give a practical result, and go on to more severe measures if the milder ones proved ineffectual?—In the case of drug treatment?

1300. Drunkenness I am thinking of now?—Yes, I would advise a short period in a mild case.

1301. Supposing, for instance, it were possible to take his recognisances first before putting him in a retreat, and see whether he can abstain after taking a kind of legal pledge: do you think that might be useful as a preliminary measure, and give you a better reason for putting him under compulsory control if he failed to observe the pledge?—It could be tried, but I do not think it would have much effect on the class of man that I get.

1302. I suppose you do not get cases unless they are pretty well confirmed?—No.

1303. Supposing such a measure as I speak of were enforced it would apply to persons much earlier?—Yes, and it might be useful, I daresay.

1304. Supposing a man took a pledge before a magistrate undertaking to abstain from alcohol with the knowledge that if he broke that obligation he would render himself liable to compulsory detention in a retreat, what would you say?—That might be useful.

1305. I gather you do not think there is a very large number of cases of men who, being qualified to enter a retreat and being likely to derive benefit from being in a retreat, yet refuse to go voluntarily?—There is a large number who do refuse to go.

1306. I rather gathered from you that you could not say?—I cannot give you the number, but there is certainly a large number who do refuse to go.

1307. Would you recommend compulsory provision for such cases?—I certainly would have some sort of compulsory treatment for them.

1308. Proceeding on the same principle that the measure should be graduated—less severe at first, and more severe afterwards. Do you think it would be practicable supposing a compulsory guardianship were imposed on such persons to treat them with any

success in their own homes supposing they were well-to-do, and you could put in a sufficient number of nurses?—It could be done with a wealthy man.

1309. Do you think it could be done with any probability of success?—I do not see why not, if you can control all the servants.

1310. If not in his own home, perhaps in another home, which is not a retreat?—It does not matter what you call it.

1311. But a place where only one patient was taken, or perhaps two?—That would do if you could control him, and keep liquor from him, and so on.

1312. Supposing the guardian had power to prescribe his residence and say: "You must go to this place and stay there," whether it was a private residence, a doctor's house, or a retreat, and to impose such conditions upon him as would prevent his getting alcohol?—That would not make any difference.

1313. You think it would be desirable to appoint a guardian in such a case for a person who was an habitual drunkard?—I certainly think so.

1314. You say you have not found difficulty with the relatives, but only with the person himself?—Yes.

1315. We have had cases in which the difficulty of getting the person into the retreat is partly because of the unwillingness of the relatives to send him there?—That happens very infrequently in my experience.

1316. Do you know of any cases in which the relatives would be very glad indeed to send him there if they had the power?—There are lots of cases like that.

1317. And in which it would be justifiable to exercise compulsory power?—I think so, certainly.

1318. Your cases are not in any way picked, I gather?—No.

1319. And yet you have no difficulty in enforcing discipline?—No difficulty in a general way.

1320. (*Mr. Bramsdon.*) Are you satisfied with the present powers of arrest which are given by the Acts?—No. May I put in a paper on that point which I sent in, but which has not probably reached you. "Section 26 of the 1897 Act, amended by Section 18 of the 1898 Act, provides that, on the sworn information of the licensee of a retreat, a warrant may be issued for the arrest of a patient who has escaped. A patient who deliberately escapes (a deliberate escape with no intention of returning is very rare) generally does so after dark, *i.e.*, after the office hours of the official who issues warrant forms. Therefore, though the licensee may be well aware of the escape and may know where his patient is, he is unable to take steps for the capture till many hours have elapsed. Should the patient escape on a Saturday afternoon after one o'clock no warrant would be obtainable till 10 a.m. on Monday. Again, the warrant must be signed by a magistrate. In country districts it is frequently impossible to find a magistrate without a long search. Valuable time is thus wasted. The patient is lost sight of, and weeks may elapse before he is recovered. There is also the escape which is not deliberate. A patient is allowed out of the retreat with or without an attendant. He obtains drink or drugs (the attendant is powerless to prevent him from doing this) and then decides to continue his debauch, and proceeds to do so with results similar to those of the deliberate escape. In this case I know some magistrates would hold that there has been no escape since leave to go out of the retreat was given by the licensee. I would suggest that power of arrest should be given to the licensee and to the person who has charge of the inebriate *pro tem.*, similar to the powers given under Section 11 of the 1898 Act, and that these powers should be extended to the arrest of a patient who without having escaped out of a retreat refuses to be restrained from taking any intoxicating liquor or sedative narcotic or stimulant drug or preparation. If it is not held advisable to grant these powers there would be time saved if the licensee were to be allowed to hold warrant forms with a blank left for the patient's name and the magistrate's signature." I have had trouble that way myself. I have known that a patient was in a certain public-house, and yet I could not touch him.

1321. Was that only an isolated case or have you had several?—I have had several cases where I have known of it—where the patient has turned up after a time—and if I could have arrested him then and there I should have been saved a lot of trouble, and the relatives would have been saved trouble and expense.

1322. Do I gather that you want the retreats to be put on the same basis as in the other committal cases?—Yes, there should be a power of arrest.

1323. That they have not got under theAct of 1879?—Yes, a warrant has to be applied for, and when you go for it you may find that the solicitor's office is closed and you cannot get it. It may be required in the evening, and you find you cannot get it until after 10 next morning, and then you have to search for the magistrate.

1324. (*Dr. Mercier.*) Do you know the procedure of recapturing a lunatic who has escaped?—I am afraid I do not.

1325. It is very simple. It may be done by an order in writing from the person who had charge of the lunatic. He may arrest the lunatic himself or he may give an order in writing to any other person to arrest the lunatic and bring him back again?—That would be an excellent arrangement to apply in the case of an escaped inebriate.

1326. (*Dr. Branthwaite.*) That is the power they have in reformatories?—May I add one more point to my evidence with regard to the patient signing under the Act; that he should be allowed sign before a commissioner of oaths instead of before magistrates. There are a lot of people who do not know a magistrate, and there are people who live in towns who shrink from going before a police magistrate, and I have known a fair number of people who would have entered under the Act but for these conditions. These people either drift away or enter as private patients.

1327. (*Dr. Mercier.*) By the time the magistrate is found he may have changed his mind?—Yes, or he gets frightened at the idea of going before a magistrate.

1328. (*Mr. Bramsdon.*) I take it that the signature required of the magistrate is for committal?—No, this is a voluntary admission. If a man wishes to be admitted the magistrate has to sign that this man well understands what he is signing.

1329. Is it not in the nature of an order?—Hardly that; it is more witnessing than anything else.

1330. (*Dr. Branthwaite.*) Attesting the signature; that is all?—Yes.

1331. (*Mr. Bramsdon.*) I take it that you would suggest some safeguard, namely, that the Commissioner would have to certify that he had explained the nature of it to him?—Yes, just as the magistrate has to do now.

1332. (*Dr. Branthwaite.*) The majority of magistrates attesting signatures for persons are laymen and not lawyers, are they not?—It is difficult for me to say.

1333. They may not be lawyers?—They may not be. Commissioners always are lawyers, of course.

1334. And therefore would be more likely to appreciate the responsibility of the position than a retired tradesman, for example?—I think a great deal better than many of the magistrates.

1335. (*Mr. Bramsdon.*) This is a little different, I think, from what you anticipated. It says: "The above-named signed this application in our presence, and at the time of his (or her) so doing, we satisfied ourselves that he (or she) was an habitual drunkard within the meaning of the Habitual Drunkards Act, 1879, and stated to him (or her) the effect of this application, and of his (or her) reception into the retreat, and he (or she) appeared perfectly to understand that you mean a commissioner for oaths should satisfy himself that the person was an habitual drunkard?—That he should satisfy himself that the person understood what he was signing.

1336. That would mean the taking of some evidence, would it not?—There is the statutory declaration which ought to be given at the same time by two persons.

1337. But this is an administrative Act, is it not?—Yes.

1338. It is hardly the duty of a commissioner for oaths to take evidence?—I am not a lawyer.

1339. You know what a commissioner for oaths is?—Yes.

1340. A man who is authorised to take declarations on oath and affidavits?—Yes.

(*Dr. Branthwaite.*) I think that form has been amended.

1341. (*Mr. Bramsdon.*) This is Form No. 3 of the Appendix: "The above-named signed this application in my presence, and at the time of his (or her) doing so satisfied myself that he (or she) was a person to whom the Inebriates Act, 1879, applies, and I stated to him (or her) the effect of this application and of his (or her) reception into the retreat, and he (or she) appeared perfectly to understand the same." Although the words are different, the effect is the same that the magistrate is to satisfy himself that the person is an inebriate. That is a judicial act and hardly the duty of a commissioner for oaths?—Yes, it may be so.

1342. At any rate you make the suggestion?—Yes, I think it would be very handy if it could be done.

1343. (*Chairman.*) What do you do with persistently refractory cases?—I discharge them.

1344. And they go out into the world again?—Yes, I may add that I prefer to transfer them to somebody else if they will receive them, but I get rid of them from the retreat, partly because they are doing no good for themselves, and partly because they are doing harm in affecting the other patients.

1345. What have you got to transfer them to, other than a reformatory?—I cannot transfer them to a reformatory—only to another retreat. Sometimes the mere change from one retreat to another will make a lot of difference to the person.

1346. Then you have to obtain the consent of the person to the exchange?—We are supposed to get that, but as a matter of fact they generally sign what they are told to sign by their relatives.

1347. Do you find reluctance on the part of the authorities of other retreats to take refractory cases?—Some, of course, do not like to take them, but others are prepared to receive them. If I am transferring, I tell them I have had trouble, and tell them what has been happening.

1348. (*Dr. Branthwaite.*) When you speak of transferring, you mean you discharge them absolutely from your retreat, and they have to sign on to another—you know what I mean?—I apply for a leave of absence and put in the licensee of the other retreat, or the person who owns the other retreat, as the person who will take charge of them.

1349. That is more or less shuffling out of the difficulty?—Yes, it is a shuffle.

1350. There is no power of transferring under the present Act from one retreat to another?—No, there is no power to transfer.

1351. Do you recommend that the Secretary of State or some tribunal should have power to transfer from one retreat to another?—If I were an inebriate I should not like it. I should object to being sent to another retreat. I should say, "I have chosen this retreat, and it is not fair to send me somewhere else."

1352. (*Chairman.*) Still, they would only be sent in the case of their being very troublesome and refractory?—Yes, of course. At present, a man, if he knows enough, can make himself so objectionable that he will get his discharge.

1353. (*Dr. Branthwaite.*) You have power at present to issue a summons against any person who is refractory in a retreat?—Yes, you can deal with him in that way.

1354. Why do you not do it?—I do not know, really. I have not thought of it. It would not make matters any better, probably. The patient would still be a source of trouble in the place, and he would be upsetting the others.

1355. (*Chairman.*) I suppose there are other reasons, too, are there not?—I think that would be the chief reason. As a matter of fact, I have had so very few that I have had trouble with, that I could count them on my fingers.

The witness withdrew.

(The Committee adjourned till Friday, 24th instant, at 11 o'clock.)

SIXTH DAY.

Friday, 24th July, 1908.

At The Home Office.

PRESENT:

SIR J. DICKSON-POYNDER, Bart., M.P. (*Chairman*).

T. A. BRAMSDON, Esq., M.P.
R. W. BRANTHWAITE, Esq., M.D.
H. E. BRUCE-PORTER, Esq., M.D.
H. B. DONKIN, Esq., M.D.
J. ROSE, Esq.

Mr. JOHN MULVANY, called and examined.

1356. (*Chairman.*) You are Superintendent of Police of the Whitechapel Division?—Yes.

1357. (*Dr. Branthwaite.*) You have had some experience of the committal of inebriates to reformatories under the Act of 1898?—Yes.

1358. You have had certain difficulties in the working of that Act?—Yes.

1359. One of your difficulties has been the necessity of proving three previous convictions, has it not?—I cannot say that that has been a difficulty. The system which we have is this: all records of convictions are compiled at the Commissioner's office and sent to the various divisions, and at the Thames Police Court, which is my district, the practice every morning is when the charge sheets come to the Court to examine them and compare the names of the prisoners with the alphabetical list of persons previously convicted, and if any appear there and they are identified, the magistrate's attention is called to them.

1360. You find some difficulty in identification, do you not?—Yes.

1361. You are not of opinion that the necessity for proving three previous convictions has very much hindered the working of the Act?—No; I do not think so; these people generally admit that they are the person if we find them in the list of habitual drunkards.

1362. (*Chairman.*) Do you attribute the comparatively few people who have been committed to a reformatory during the past six years to that fact that it is necessary to prove three previous convictions?—No, not actually that.

1363. To what do you attribute the comparatively small number of persons sent to an inebriate reformatory since 1903—14 males and 52 females?—That is for the Thames Police Court district alone—I am only speaking of my own district.

1364. That is not a very formidable number over six years in one district?—No. Personally I should attribute that to the limited powers, if I might so term it, of the magistrates.

1365. What do you mean by the limited powers?—To go away from the Thames Police Court, take the Old Street Police Court, where I take a part of the district, the magistrates there will rarely commit to an inebriate home; they rarely exercise the power; they require the inebriates to find substantial sureties for good behaviour, failing that, they send them to prison under the Licensing Act.

1366. Why do they do that; do you know what influences them in doing that?—It is a fact that there is some difficulty—that the managers have some power of refusing to have the inebriates in their homes; that is one factor.

1367. Would another factor be the fact that it necessitates a three-years' sentence?—I should not think so, because the managers have powers under the Act to liberate these persons on licence.

1368. Do they exercise that power?—Yes, that power has been exercised by the managers; they let them out at six months, twelve months, eighteen months, and so on.

1369. Can you quote any figures showing the number that are let out on licence?—No, I have not come prepared with that.

1370. You know that a great many have come back to the Court who were originally sentenced for three years, but who have had their sentences remitted?—Yes, numbers have come back.

1371. So you do not consider that the three-years' sentence has proved an obstacle in the way of magistrates sending these cases to reformatories in preference to gaol?—No, I do not think that.

1372. It is more due to the fact that there has never been any reliability on their securing the admission of the person to a reformatory after he has been sentenced?—Exactly.

1373. (*Dr. Branthwaite.*) Do you think that the necessary remand for making arrangements, and so on, with the reformatory managers, has any influence in preventing magistrates using the Act?—No, because invariably a person is remanded for that purpose, and I have understood that from time to time there have been difficulties in getting the persons into a home or a reformatory.

1374. Do you not think that the necessity for remand rather sets magistrates against the use of the Act?—Personally, I am of that opinion. I rather think that that influences the magistrates at Worship Street Police Court because they rarely put the Act in force there.

1375. (*Dr. Bruce-Porter.*) It sounds rather as if the magistrates had got disgusted with the difficulty of getting accommodation and had dropped the Act, practically?—I think that quite represents the view of the magistrates—some of them at all events.

1376. (*Chairman.*) It is not due to any belief on the part of the magistrates that the reformatory system is not a beneficial system?—No, I do not think that.

1377. (*Dr. Branthwaite.*) The general impression is that such a system is a great improvement over the short sentence to prison?—Yes.

1378. (*Chairman.*) You think if they could make certain of the cases being admitted that they would prefer to send them to reformatories?—I believe that to be so.

1379. You say in your minute here that Section 3 of the Act of 1879 in your opinion requires amending in the way that has been adopted in the Act of 1898 in regard to the definition of a habitual drunkard?—Yes.

1380. What difficulty have you found in regard to the application of this term "habitual drunkard"?—That is really not a police point; that would be rather more a magistrate's difficulty; he has to decide whether a person is capable of managing his affairs or not. That is a difficulty that we have realised in the course of the ordinary investigation of cases before the magistrate.

1381. In putting your evidence before the Court, you have realised that that was the difficulty—in defining the term "habitual drunkard"—I simply give an opinion that I think that that is the magistrate's difficulty in deciding—he has to decide that.

1382. The difficulty rests with him, really?—Yes; it is really more a point for the magistrate than for me.

1383. When you have been asked questions bearing on it you have realised that it has been difficult on the evidence that you have been able to give, for the magistrate to apply the term "habitual drunkard"?—Yes. I have heard a magistrate say, "I am unable to say that this person cannot manage his affairs."

1384. It is difficult for the magistrate to decide it, and it is difficult for you to prove that the person is an habitual drunkard or incapable of managing himself or his affairs?—Exactly; it is difficult for us to furnish the magistrates with proof of that.

1385. So that you have really nothing further to say on that point, except that there is a difficulty?—No.

1386. (*Mr. Rose.*) May I put a case to you and ask you if it is a common one in your experience, a case of a Covent Garden market porter, who regularly comes home at eleven o'clock in the morning quite drunk, goes to bed and to sleep and gets to work again at four o'clock in the morning sober. Have you come across such cases as that, viz., of men who, after their day's or night's work, get quite drunk and yet go to work again next day?—I could not speak from personal knowledge of cases of that sort.

1387. I have had that very case?—I think it is quite probable—the men about Spitalfields Market, for instance, drink a good deal.

1388. (*Chairman.*) You do not have much to do with the 1879 Act?—No.

1389. Do you find that a very small percentage of inebriates refuse to consent to be dealt with summarily under section 2 of the 1898 Act?—Yes, a very small percentage.

1390. What would you suggest as regards that? Have you any suggestion to make?—I would suggest that that could be well dispensed with—that it could be very well left to the magistrate.

1391. You would leave the discretion in the hands of the magistrate?—I should.

1392. The consent should be removed?—That is my opinion.

1393. I suppose in your experience you find that the magistrates are faced with the difficulty when these cases come up again that they have to go through the whole business again?—Yes.

1394. That you find is an obstacle?—Yes.

1395. The three convictions previously—they have to start again *ab initio?*—Yes.

1396. You suggest there that the necessity to prove three previous convictions should be removed?—Yes, if a person has been certified to be an inebriate and has again broken loose that that is a matter for the magistrate's discretion if he is satisfied.

1397. Or if a stipendiary magistrate has fully satisfied himself?—Exactly.

1398. (*Dr. Branthwaite.*) Does the police force generally appreciate the desirability of sending these

persons to reformatories instead of sending them backwards and forwards to prison?—Yes, I am of that opinioin.

1399. (*Chairman.*) Therefore, really one of the main points you would like to emphasise to this Committee is that in future reformatories should be obliged to receive these cases when sentenced?—Most certainly.

1400. Do you lay stress on that point?—I do, if the Act is to be effective.

1401. (*Dr. Branthwaite.*) And the procedure should be simpler?—Exactly, because where you have the very fact that the person is an inebriate it is rather idle I should suggest to have to ask his consent.

1402. (*Chairman.*) You say that the magistrate at Old Street Police Court rarely now commits an inebriate to a reformatory, but requires him to find sureties to be of good behaviour, and failing that imprisonment?—Yes.

1403. That is only in the cases of inebriates who have committed some small offence?—Yes, where we have proved the three convictions—proved them to be eligible to be committed.

1404. The point I am on is inebriates who have committed an offence which necessitates them being brought up before a magistrate?—Those, I take it, are cases of simple drunkenness.

1405. With no crime attached?—No. If there was any other offence imported into the case the magistrate would probably deal with it for that offence.

1406. (*Dr. Branthwaite.*) They are just offences under the First Schedule to the Act?—Yes, drunk and disorderly.

1407. (*Chairman.*) Is there much difficulty in these cases to find sureties?—Taking the class of people from this particular district there is.

1408. (*Dr. Branthwaite.*) The majority of them go to prison?—Yes.

1409. (*Chairman.*) What is the amount they have to find sureties for in these cases as a rule?—£5 as a rule.

1410. There would be a difficulty then—it would be almost prohibitive amongst the poorer classes?—Yes, with the low-class women of Whitechapel and Spitalfields, for instance, it is almost impossible.

1411. I understand from your observations to-day that magistrates have come to that practice owing to the fact that there is no reliability on their getting these persons admitted when they pass sentence to a reformatory?—I can only attribute it to that; I do not know it as a fact.

1412. Would you think that they would prefer to send to a reformatory than to continue this practice of sureties?—As this practice has only been adopted of late years, I should say that it is possible they would.

1413. What is your experience of the effect of the practice where the inebriate has been able to find a surety. How many of them come before the Court again?—It has put them to a little difficulty, and I think it has had a somewhat deterrent effect myself.

1414. Has it been effectual?—I think it has acted as a deterrent on some of those persons myself.

1415. You deal with the question of the police authority under Section 6 of the Licensing Act of 1902. You say that the list with photographs and particulars is not of much use?—That is quite useless; I have never found it to be of any use.

1416. You have never known an inebriate to be identified?—No, not by a publican—not by a holder of a licence—and I do not quite see how it is possible for them to do it; the photo is taken when the person is convicted and he may go to another district on his release.

1417. You look upon the system as more or less impracticable in London owing to the migratory condition of the people?—Yes, and the large area covered—for instance, in the case of a publican here in Westminster with the description of some inebriate from Whitechapel the possibility would be very remote of that person being recognised.

1418. The finger-print method is much more reliable?—Exactly. The photo is taken when convicted, and supposing a person is detained for three years the absence from alcohol and the benefit he gets from the detention makes practically a transformation in his appearance.

1419. (*Mr. Rose.*) And there is also the difficulty that a barman in a busy public-house has no time to refer to the lists?—Exactly.

1420. (*Chairman.*) In a large city where there is a considerable aggregation of population you think it is practically useless?—Quite useless.

1421. Have you any alternative suggestion to make to the Committee for identification?—No, unless, if it is to be of any use at all, even in country towns, the photograph should be taken on liberation and not on conviction.

1422. (*Dr. Branthwaite.*) Do you not think that taking a photograph, on liberation, of an inmate who has possibly recovered and who is going out into a situation, might be detrimental to that person?—Not as to the working of the Act, because it would never come into the hands of anybody except police and publicans and persons connected with the working of the Act.

1423. Supposing an inebriate who had been three years in a reformatory, or say two years in a reformatory, was granted a licence to go to any house as a domestic servant—this happens constantly—and at the same time her photograph was sent round to all the publicans in the district round, and to the police, do you think such a proceeding would be desirable?—No, I do not think it would.

1424. Now you think that the photograph, from that point of view, on leaving the reformatory, would be desirable?—No, not from that point of view.

1425. (*Chairman.*) You think the photograph taken on conviction is useless after the sentence has expired, if it is a long one, and you think it would be undesirable to have it taken on liberation?—If you are going to give the person a chance to reform, perhaps it would not be desirable to put the photograph all over the place on liberation.

1426. (*Dr. Branthwaite.*) I would like to put the question very clearly to you; are you not of opinion that the Black List arrangements as now carried out are quite worthless?—Most emphatically so.

1427. So far as London is concerned?—Certainly.

1428. And you could not in any way suggest an improvement which would really have any effect?—No.

1429. (*Chairman.*) You cannot conceive any system of registration, for example, which would be an improvement on this?—I have not thought the thing out.

1430. You have not thought out any idea of a possible system of registration which would make it possible to trace these cases?—The present system of registration without the photographs might be effective.

1431. Provided all centres had the list so that they could easily refer to a case?—Yes, that would only affect the police themselves.

1432. That would be practicable?—Yes.

1433. That does not at present take place, does it?—A register of the convictions is furnished to the Commissioner's office, and that is sent out to the divisions.

1434. Does each division have that?—Yes.

1435. So that you do have a register?—Yes, we have a list; that is kept at the police court.

1436. You have, as it were, a universal system of registration now?—Yes, and that is examined by the gaoler before the prisoner goes before the magistrate in the morning.

1437. (*Dr. Branthwaite.*) Of late a provision has been made with the consent of the Prison Commissioners for the police to be notified from Holloway of persons who have been more than three times convicted in the year?—Yes.

1438. Has that been of assistance to you?—Yes, certainly—as far as the keeping of this register goes.

1439. Of valuable assistance?—Yes.

1440. (*Chairman.*) So that really the keeping of a register in most cases is effective?—Yes.

1441. Although there are cases in which evasion takes place?—Yes.

1442. Your idea is that the addition of a photograph is not of any use?—No, it is not useful.

1443. Do you think it is necessary that some more effective provison should be made for drunkards on their discharge from reformatories than is the present practice?—I do not quite know what the present practice is, but I have heard that situations are found for persons who are willing to go to them, but to take my own district, an inebriate who is discharged from a reformatory if she is without means would naturally go back to her old haunts and associates in order to live.

1444. Do you attribute that to the fact that she comes back rather as a marked person in the eyes of the rest of the community?—No, not so much that as the fact that she must necessarily mix with the people that she probably mixed with before she went to the reformatory, and she would have a tendency to go back again.

1445. Would there be a tendency do you think for other people to keep aloof from her?—No, not in such a district as I am speaking of; they would fraternise with her at once.

1446. The fact that she had been in a reformatory would not be a bad mark against her at all?—Not in the least, and any good resolutions she might have made would be very difficult for her to carry out.

1447. Do you think the finding of employment for those persons coming out of a reformatory would present difficulties?—I cannot quite speak as to that, because I do not know; but the inebriate woman—and they are principally women—who is without means and who comes back to a squalid neighbourhood and mixes with her old companions, would probably lead her old life again.

1448. Would you like to see some sort of association established who would look after them when they come out?—I do not know whether any assistance is given them when they leave the reformatories to live, but if assistance could be given to them to enable them to start life afresh in some other neighbourhood and give them an opportunity of that kind, I think it would be useful, but at present, if they have no means, they must go back to the district in which they formerly lived.

1449. There is no means of helping them in the way you mention in your district?—Not that I know of. Of course, there are charitable ladies and others who take interest in them, but if they come back to their old neighbourhood I think their fate is sealed.

1450. You quote an instance in your particulars which you might give us?—A woman was discharged from a reformatory on the 19th January, 1907, after three years' detention; between the date of discharge and the 23rd March of the same year she was charged five times with drunkenness, and is now again under detention for a period of three years.

1451. That is one instance, among others, I suppose?—One instance among others.

1452. Which is to a certain extent due to the fact that she comes out and goes straight back to her old haunts?—Yes.

1453. And her old temptations?—Yes.

1454. (*Dr. Branthwaite.*) Some of the persons sent to reformatories from your district have not come back?—No, some have not.

1455. Is it not your opinion that the majority of those who have come back and who have again appeared before the police courts, are more or less hopeless cases?—Yes.

1456. Do you not think that if those persons had been sent to situations they would still have come back to their old districts?—Do you think any of those persons would be likely to keep situations, even if they were found for them?—I think not.

1457. You have no means of knowing whether or not those cases that come before your Court after being in reformatories had been in situations?—No, I have no means of knowing that.

1458. (*Mr. Bramsdon.*) Do I gather that your experience is gained only as a police officer in connection with these drunken cases?—Only as a police officer.

1459. You have no other experience except as a police officer?—No.

1460. Do you think you would have any difficulty in detecting and proving when a person was a habitual drunkard without those three previous convictions?—No.

1461. You would not have a difficulty?—No, I do not think there would be any difficulty in proving that.

1462. When a person's habits are such they are generally well known, I suppose?—Yes.

1463. Therefore there would be no difficulty?—No, I do not anticipate any.

1464. Are there many habitual drunkards who are not sent to a reformatory or retreat from your district?—I think there are habitual drunkards whom the Inebriates Act does not touch.

1465. Therefore, there are a number of cases of men and women who are habitual drunkards that are not sent to an inebriate's home?—Yes, women particularly who drink in their homes and never come into the hands of the police at all.

1466. That is so?—Yes.

1467. Can you form any idea as to the proportion?—No, I could not say that.

1468. Supposing the Act were extended so as to admit other cases than those guilty of these offences, do you think there would be many more?—I could not give an opinion on that; I know of some.

1469. Supposing the Act were to apply to cases where a person has caused distress to his or her family, do you think there would be any difficulty in proving that?—No, because that is proved by the persons immediately concerned—by the husband or the wife as the case may be.

1470. I am speaking of your opinion as a police officer?—As a police officer I could not prove that.

1471. You could prove it with the assistance of the family?—Yes. I am speaking of those cases where a husband or a wife applies to the magistrate for a separation order under the Licensing Act on account of the drunken habits of either. I would like to point out to you where the husband applies and the magistrate grants a separation on account of the drunkenness of the wife that that woman is then thrown out upon the world and invariably comes down to the streets.

1472. Can you suggest any other remedy than detention for the cure or reform of a habitual drunkard?—No, I could not.

1473. (*Dr. Bruce-Porter.*) You said the police could not help in a matter of securing a conviction where the inebriate was merely a nuisance to his family and did not come actually into the police court, but the police who move about a great deal in a district and know everybody in it might know that a man or a woman was a nuisance to the family—they would know it by repute and could give very valuable assistance to the magistrates?—Yes, that is so—by repute.

1474. I do not know quite if I make myself clear—but a police officer on the beat gets to know a thing of that sort so well, does he not?—Yes, he believes that a certain man has a drunken wife, but he could not give evidence on oath about it.

1475. It would really be a question for the magistrate in that case?—That is so.

1476. From your answer at first I rather inferred that you could not give any help?—In many instances we hear of these cases—women who live in buildings, for instance—we do not see them, but we know about them; they pawn their children's or husband's clothes, and eventually the man gets a separation, and then that woman, what happens to her—the street.

1477. (*Dr. Donkin.*) To go back to the question of the difficulty of getting three previous convictions proved, which you say is not great——?—No.

1478. Is it the fact or not that in most of the cases where the question of habitual drunkenness comes up, it would be very easy to prove three previous convictions—in other words, are not most of the people with regard to whom the question of habitual drunkenness is raised people who are pretty sure to have been convicted three times previously in the year. I understood you to say that the difficulty of getting three previous convictions was not very great and that it did not hamper the working of the Act?—I do not suggest any difficulty in getting the three previous convictions.

1479. No, I understood you to say that there was no particular difficulty?—No.

1480. Is it not the fact that very few people are charged with habitual drunkenness unless it is pretty certain beforehand that there would be three previous convictions?—As a matter of fact, we do not charge them; we call the magistrate's attention to the fact that they are eligible to be dealt with under the Act.

1481. Where the magistrate's attention is called to that, you are pretty sure beforehand that three previous convictions could be proved?—Yes.

The witness withdrew.

Mr. THOMAS HOLMES,* called and examined.

1482. (*Dr. Branthwaite.*) You have had very large experience as a police court missionary?—Yes, 21 years.

1483. Before you became Secretary of the Howard Association?—Yes.

1484. You took very great interest in inebriates generally and made great efforts in the way of reforming many of them?—For the last 12 years that I was a missionary it was part of my life work.

1485. You quite believe, if cases could be taken in time, that there is a fair hope of reformation of the ordinary inebriate?—You do not get ordinary inebriates under this Act at all.

1486. I was speaking generally?—I want to understand perfectly whether I am to reply about the police court inebriates or inebriates generally.

1487. Say inebriates generally, first?—Of course, it is evident that the sooner a person is treated for inebriety the more hope there is of success.

1488. Now as regards police court inebriates?—The police court inebriates who come under that Act are first immoral. I have watched the lives of hundreds of them. They come on the streets absolutely of their own accord, of purpose aforethought; no other life will suit them; they are not there because of the vice of men; they are not there because of social and industrial conditions. The women who come within this Act and who so frequently appear at the police courts are simply absolutely prostitutes and nothing else—that is, 80 per cent. of them—and even if they were taken young, unless they were treated for what was the real root of the matter, there would not be much prospect of success. Let me mention one or two instances. There was one young woman of between 17 and 18 who was charged; her father and mother occupied a good house for which they paid nearly £70 a year; her father was in business; she was their only child. She was charged first with having sexual intercourse with seven men in London Fields. That was the first time she appeared at the police court. After that she appeared as many as 16 times in one year. I have had young ladies from the West who have come and visited her; I have seen her hundreds of times; I have known her father and mother lock her up and I have known her take the sheets from her bed and let herself down by them into the streets, not for the purpose of drink, but for the purpose absolutely of lust. She is perhaps an exaggerated specimen, but the whole bulk of the young women that are charged in police courts are actuated first by lust.

1489. (*Chairman.*) Charged at the police-courts first because of drink?—Yes, drink brings them into contact with the police. The connection of the two passions makes them very objectionable and makes them interfere with men, in fact, men have to run the gauntlet from these women, and some of them will fight like wild cats for the possession of a man. When they have been going to prison, scores of times I have heard them say: "I shall be ready for it when I come out." That is the prime feature in the great bulk of the women who are charged with drunkenness at the police-courts.

1490. Do you think the reformatory system has any beneficial effect on those people?—They are back on the streets the same night they come out, not for drink but for the other purpose.

1491. (*Dr. Branthwaite.*) All of them?—I would not say all of them, because I have not an infinite knowledge, but I am speaking of those I have known.

1492. You have known a great many cases sent from police-courts?—Yes.

1493. Have you known every one of those cases come back again to the police-courts?—I do not know one just now that has not, but, of course, I have left the police-court now for four years.

1494. During the time you were engaged in police-court work every one of the cases sent to reformatories came back to police-courts again?—I think so.

1495. You are not sure of that?—I am not quite sure.

1496. Therefore you cannot give a definite answer?—No.

1497. (*Chairman.*) From your observations in dealing with women, the reformatory system to the extent of 80 per cent.——These women; I am only speaking of these women.

1498. In the case of 80 per cent. of the women who come under the eye of the magistrate for drunkenness their drunkenness is due to prostitution?—Certainly.

1499. So that 80 per cent. of the women who have come under your observation——No, who come within this Act.

1500. Have reached such a stage that you do not consider shutting them up has any beneficial effect?—If they are young you simply renew their health and you renew the animal passion when they are released.

1501 Have you any alternative proposals to make than those at present practised which might be more beneficial?—Yes, I would certainly have these women taken into detention and kept in detention for a considerable time; it is absolutely not only disgusting, but it is demoralising to the whole of the community that these women should lead the lives that they do, and prostitutes will lead their immoral lives up to 70 years of age. It is no uncommon thing for prostitutes 60 to 70 years of age to be charged with haunting respectable streets and molesting men; it is no uncommon thing for these drunken prostitutes to wait outside institutions, night schools, and the like, and lie in wait for lads of 15 or 16. They get charged, but I think they should be detained in some institution—not an inebriate institution. Call it an inebriate institution if you will, but keep them absolutely apart.

1502. (*Chairman.*) You are laying more stress on the prostitution than you are on the inebriety for the moment?—Certainly.

1503. But that does not come under our powers of investigation quite?—We are speaking now of the failure of the reformatory system with regard to these women, and if the system is a failure it must be recognised, and we must get to the truth of the matter, and the truth is that these women have no other ambition than prostitution.

1504. (*Mr. Rose.*) What about the married women who appear so frequently at police-courts charged with habitual drunkenness?—There are hundreds of these

* *See too*, pp. 86–182 below.

married women who have left their husbands for prostitution.

1505. (*Dr. Branthwaite.*) 350 cases have been sent to reformatories through the agency of the National Society for the Prevention of Cruelty to Children, and in each of those cases the woman was taken from her home living with her husband. You do not assume that they are prostitutes, do you?—No; they get hold of a different class.

1506. But you were speaking of prostitution? Do you think that your figure of 80 per cent. is an exaggerated figure?—I do not say that in the case of the 80 per cent. the prime vice is inebriety, but this I do say that inebriety is the prime cause of 80 per cent. of women getting charged four times in one year—it brings them into contact with the police.

1507. (*Chairman.*) In this particular case that we are discussing they can only be charged for inebriety?—They are charged for drunkenness, it is true.

1508. Not because they are prostitutes, but because they have been drunk?—That is so.

1509. (*Dr. Bruce-Porter.*) You are dealing with a class which is really criminal, and not with the ordinary inebriate of the country, are you not?—That is so.

1510. (*Dr. Branthwaite.*) We do not want it to go down to posterity that we find that 80 per cent. of the inebriety amongst women is due to prostitution?—Oh dear no, far from that.

1511. (*Chairman.*) What you are telling us is this, that in the case of this large proportion of women who become drunkards their drunkenness is a corollary to prostitution, and if they go to reformatories they do not derive any benefit?—I would not say that they became drunkards, but I do say they get drunk enough to get into contact with the police and get locked up. For the drink, as drink, very few of them have any particular passion; it serves their purpose by bringing them into contact with men.

1512. The particular instances that we are inquiring into are of people who have been dealt with under the Act—people who have been convicted three times in one year under the 1898 Act, for no other reason than that they have committed some crime due to the fact that they have been drunk?—Certainly.

1513. Therefore you may say that those are people who are in the habit of becoming drunk?—Yes, I will admit that they get drunk, but I cannot speak of them as drunkards; that is the difference.

1514. Do you not consider that the people who are sentenced to reformatories in all cases are drunkards?—Certainly not; I would give a good deal if I could get real drunkards into the reformatories, but they are excluded by these other people.

1515. (*Dr. Bruce-Porter.*) The point you make is that the bulk of the cases you have come in contact with have been prostitutes who have accidentally got drunk in the exercise of their profession and have so got into the hands of the police—that if they had not been prostitutes they might have taken as much drink and would not have been captured?—That is so.

1516. (*Chairman.*) For those particular cases you would suggest a different treatment from that which is now practised under the reformatory system?—Yes; I would have a separate reformatory for them.

1517. (*Dr. Branthwaite.*) You would lock them up?—I certainly would lock them up ruthlessly.

1518. Do you believe you could cure them?—I do not know about that, but the streets would be cleaner.

1519. You would do it in the public interest?—Certainly. If you will excuse me emphasising this, it is a thing we ought to recognise—it is an awful fact, and I am profoundly sorry for these wretched beings—but that passion is almost a madness with them. I have known one woman, the mother of eight children; her husband had a beautiful house and I believe an income of at least £1,500 a year; when she had borne him eight children she left home absolutely and became the grossest prostitute on the streets. Another young woman—I do not know whether you have had her case—left her husband and two children (they had a beautiful house at Southend) absolutely for the purpose of prostitution. They are absolutely hopeless, these people.

1520. If we cannot lock these people up for their prostitution it is rather an advantage if we can lock them up for their inebriety?—Certainly; I quite agree with that, but we are speaking of the cause of the failure.

1521. (*Chairman.*) You have no fault to find with the reformatory system, have you?—None whatever; I have never known anyone who came away from a reformatory who found any fault with it.

1522. Do you consider the three years' sentence too long?—I do not.

1523. You would lock them up for longer if you had the chance?—When I did let them out they should be arbiters of their own fate, and if they misbehaved themselves again they should go back.

1524. On an indeterminate sentence?—Yes.

1525. (*Dr. Branthwaite.*) You would give them a short sentence first, followed by a longer one if necessary?—I would. Of course, scores of these women have lived with me. Generally I took the older ones, because I have five sons. In one case there was a younger woman who had been very bad and had been in inebriate homes and workhouses and rescue homes and the rest of it, and she was at our house. I got a gentleman who said that a lady would take her into service, and one night when I got home she said to me, "I want to go." I said, "We never lock the door." Her face was burning, and I said: "Mrs. Holmes will get you some nice cooling drink." "Oh," she said, "it is not the drink, Mr. Holmes; by God, I must have a man." It is painful to tell these things, but that is what lies at the root of the failure of these so-called inebriates.

1526. (*Chairman.*) You have dealt almost exclusively in your remarks to us to-day with women?—Yes. Might I say something about the other 20 per cent. A good many of the other 20 per cent. are not responsible beings; a good many of them end their days in the asylum—such as Cakebread and Fay, and two or three others that I know very well. Several of them I have had at my house who have ultimately died in the lunatic asylum. I know by their actions and their speech when at liberty and the way they conduct themselves generally, and the aimlessness of their lives and the inconsequent talk, and all the rest of it, that there is mental trouble before there is drink.

1527. You put the whole of these drunken cases practically under the category of prostitutes and lunatics?—No, I would not say that; I would say there are pathological causes in all of them—mental and physical causes in all of them.

1528. Have you any further point you would like to put before the Committee other than what you have given us in print?—Only this, that I would not like anything I have said to be construed into a reflection on the other women who may fall victims to drink. It is because I feel so sorry for the ordinary victims of drink that I would like to see—and I trust from this Committee will come some hope of it—these people being received into the inebriate reformatories rather than the prostitutes. I would make it easier for them. I have known so many women go to destruction who have become victims to drink because they have been discarded by their husbands—that is, under the Licensing Act of 1902, which enables the husband to get a separation; those are the kind of women we ought to have in our reformatories.

1528*a*. Really the upshot of what you wish to put before us is this, that you lay great stress on classification in reformatories?—That is so.

1529. So that those who come before the courts whose original crime is prostitution should be segregated in one reformatory and kept absolutely distinct from those women who become drunkards merely through weakness or a liking for drink and from other causes than that of prostitution?—Yes, that is the point.

1530. Classification?—Yes, and I do not care very much under what principle you keep them as long as they are detained.

1531. As long as they are not brought under the same roof?—Yes, as long as you give a chance to the

women who are now going to take their places through being discarded by their husbands.

1532. (*Mr. Bramsdon.*) Do I understand that your experience has been amongst the lowest of the low women?—Yes.

1533. Prostitutes of the worst character?—The very worst.

1534. You were principally dealing with them as prostitutes in your remarks?—Certainly.

1535. Do I gather that first of all these women have been led to prostitution and from prostitution to drink?—Not owing to drink but from choice.

1536. First they had been led to prostitution, as I say, and then from prostitution to drink?—Yes.

1537. Let us try and dissect if we can the two. If a woman once becomes a prostitute, I gather from you that she practically never reforms?—No, I do not say that.

1538. Is that not so?—No, I would not say that.

1539. I am glad to hear that. You think there is still hope of reform for a woman who has become a prostitute?—Certainly I do.

1540. If a prostitute becomes a drunkard, do you suggest she is still capable of reform or not?—You have not really got drunkards then, you have got a particular class of prostitute, the woman who is so disorderly that she is in conflict with the police four times a year; she stands not only as a drunkard but as a prostitute, apart from all the others.

1541. This Committee is dealing with the question of inebriety, and we do not want to go off too much into another channel, but do I gather if a prostitute has become a drunkard that in your opinion there is a chance of her reforming as a drunkard?—Certainly there is a chance.

1542. Because there are a great number of cases in which reforms in both events have occurred?—Yes, I have known them.

1543. You still think there is hope in all cases?—No, I do not.

1544. That hardly bears out your answer to the last question?—There is hope in some cases, not hope in all cases.

1545. There is hope in a large number of cases?—I would not say a large number.

1546. In a number of cases?—There is hope in some cases.

1547. You can suggest no other remedy for those cases than detention?—No.

The witness withdrew.

Mr. Harcourt E. Clare, called and examined.

1548. (*Chairman.*) You are Clerk of the Lancashire County Council?—Yes.

1549. The Lancashire County Council, you believe, was one of the first local authorities that put into force the powers given by the Inebriates Act of 1898 for establishing inebriate reformatories?—I think they were.

1550. That Act gave power to the County Council and the councils of county and non-county boroughs were created authorities with powers to carry out the Act as regards establishing or aiding inebriate reformatories?—The conditions of Lancashire were such that I advised the County Council that it was practically impossible to carry out the Act under a scheme such as could be authorised by the general Act, namely, a joint committee. We had 15 county boroughs, 21 non-county boroughs, and the County Council, and any sort of joint committee of so many authorities as that was practically unworkable and not only that, it is absolutely defective with regard to the exercise of borrowing powers. Suppose, for instance, £100,000 had to be borrowed, the consent of every one of those contributing authorities who were parties to the joint arrangement would have to be obtained for their particular share of the capital, and in case one or two of them should turn awkward it would be extremely difficult to enforce the powers, and I believe they have experienced difficulties in the West Riding where they have attempted to carry it out under a joint committee scheme.

1551. How did you get round that difficulty?—I was instructed to draft a Bill, and I went carefully through the Act and corrected the general Act wherever we thought necessary. The way it was done was this: an Inebriates Acts Board was constituted as a corporate body with a common seal and with all the powers of borrowing and raising funds for carrying out their duties as ordinarily given to any municipality or county council, and now all our borrowing powers have been exercised either directly under the Act, where we had a limited borrowing power given but had subsequently to exceed it; or by the sanction of the Local Government Board obtained in the ordinary way.

1552. This Board, analogous to the Asylums Board, was representative of these respective councils?—Yes. The Board consisted of all the county boroughs, excepting one—(Oldham, who would not join), and the County Council, and so far as regards the money they required for what we call establishment expenses, that is, the interest on and repayment of their debts, that is levied by issuing precepts on the contributing authorities. The maintenance expense is levied by a charge on the authority that sends the patient to the reformatory. That is practically the same as it is in the case of asylums.

1553. You were appointed Clerk to this Board?—Yes.

1554. As regards the expenses of the Board you might tell us something about that—they are divided into two classes?—Yes, the Act divides the expenses into two—one establishment expenses and the other detention expenses. As I have said the establishment expenses comprise the expenditure in connection with the capital cost of the building, and the detention expenses covers all other expenses. I perhaps might add that the detention expenses include the salaries of officials and attendants. The salaries of officials are not charged to establishment expenses. The establishment expenses are raised by the issue of precepts by the Board to each contributing authority in accordance with rateable value. The detention expenses are charged to the authority from whose area the inmate is sent. The distinction between the cost of inebriates and lunatics is this: that whereas the lunatics' maintenance expenses are charged to the guardians, the maintenance expenses in the case of an inebriate are charged to the County Borough or the County Council, because in this case the County Council represents the 21 non-county boroughs, who also under the Act are capable if they choose of becoming an authority under the Act. Every inmate sent from the administrative county is charged to the county rate; every inmate sent from a county borough who is a contributing authority is charged to the county borough rate. It adjusts the incidence of burden much more fairly than if charged to the particular union. On that point I might mention that it is obviously fair that that should be done because an inebriate might happen to be sent by an authority who really had not been responsible for his education in wickedness. He may have been an inebriate for years in another area and then moved on to an area where he was ultimately caught and sent to a reformatory, and the latter area has to bear the whole burden. That is one reason why the charge, to my mind, should be extended.

1555. The evil is less pronounced where you take it over the big area of the county, although, of course,

inebriates may come into the county from outside and become a charge on the county?—Yes.

1556. (*Mr. Rose.*) An invading lunatic would be transferred?—The lunatic is transferred to the union in which he has a settlement.

1557. (*Mr. Bramsdon.*) I wanted to ask you if you would let us know a little more fully under what authority are these arrangements made with the different boroughs?—We have a special Act of Parliament relating to Lancashire to authorise it.

1558. (*Chairman.*) Your board, which is constituted as an independent authority, has power, has it not, to buy and hold land?—Yes, and that is one of the defects of the existing Act, where you have a joint committee. If there is a case of a joint committee you have to appoint some persons as trustees to whom the land can be conveyed; there is no authority to whom it can be conveyed.

1559. In all cases where a joint committee is formed it would necessitate a private Bill to secure the powers that you have secured?—I will not go quite so far as that. What I say is, I should imagine, in the majority of cases, a joint committee is inadequate to meet the circumstances of the case, and that a private Bill is desirable. On that point I would add that having had the experience in Lancashire of a private Act, I do not see at all why, if further general legislation is going to take place, there should not be authority given to the Local Government Board by a Provisional Order to create a body with all the powers that we have under the Act so as to save the expense of obtaining an Act.

1560. Giving powers such as you have for the purchase of land and the erection of buildings and to borrow money for such purposes; for the erection of a retreat or a reformatory?—That is so. It is an easy and convenient method of getting the legislation you require.

1561. (*Mr. Rose.*) A mere joint committee might break up at any time?—Yes. I suppose any one of the constituent authorities could give notice to withdraw and practically break the thing up.

1562. (*Chairman.*) I suppose any council can withdraw now from the Board if they desire, as any new one can come on?—They can under the Act withdraw, but that is subject to financial adjustment, and on the other hand a new county borough can come in if it gives notice and desires to join. Out of three new county boroughs that have been created since the Act was passed Warrington has joined, but Blackpool and Southport have not yet decided to do so.

1563. Of course, your county of Lancashire is rather an exceptional one?—It is exceptional, in almost every point of local administration. If it is not out of the way just to mention it, to give you an idea, I may tell you that we have now 18 county boroughs, 19 non-county boroughs, 96 urban districts, and, I think, 26 rural district councils.

1564. Many of those urban district councils are becoming very big towns, I take it?—Yes, 12 or 14 of them consist of over 20,000 inhabitants, and consequently the complications are very great.

1565. Your Board have erected a reformatory for women, have they not?—Yes. They first of all bought a site of 326 acres at Lango, near Whalley, at a cost of £17,000. In considering the class of buildings they should erect, they took the view that, as the work they were undertaking was more or less of an experiment, but which, if successful, would be of great benefit to the whole community, they would give the experiment every chance by erecting a reformatory under conditions which would be most favourable to its success. They therefore directed the architect to prepare a scheme in which light, air, and pleasant surroundings should be considered as necessary concomitants to the reformatory.

1566. Can you describe what the buildings consist of?—For the sake of information I will hand you a block plan showing the design of the buildings. They consist of an administrative block and six other blocks of which one is a receiving block and the other is a hospital. These blocks are separate on what I think they call the pavilion or villa system, but are connected with covered ways, and the buildings themselves cost £65,250; but in addition there has been the cost of erecting farm buildings, doctor's house, lodge, and cottages for workmen; then there is the sewage and waterworks, electric station, furnishing and draining. Altogether the total expenditure on the buildings has amounted to £97,000, the details of which I can hand in if it would be of any interest to the Committee.

1567. The land having cost £17,000?—Yes, those are in addition to the £17,000.

1568. It has been open since 1904?—Yes, the reformatory was opened in April, 1904. If the existing accommodation was fully utilised, I think the cost of establishment charges per week would be reduced perhaps by 6s. per head per week. The establishment charges at the present moment represent about £1 a head on the 138 patients that are in, and if the reformatory were filled up to 185 I think it would work out about 6s. a head less, and then, of course, there is accommodation for another 100, which could be made without enlarging the existing administrative block, and that again would reduce it.

1569. You confine the inmates in this institution exclusively to those sent by the contributing councils?—We do take outside people, assuming there is accommodation.

1570. Which, apparently, there always is?—It is rather curious. In 1905 there were 83 people on an average in the reformatory; in 1906, 130; in 1907 there were 138; so that there was very little increase between 1906 and 1907, but whether we shall have an increase this year or not one cannot say. The establishment expenses represent about £1 per head; the detention expenses are now 13s. 3d. per week net—that is to say, after giving credit for the value of the work done by the inmates which produces so much cash. The £1 a week practically represents the capital expenditure.

1571. (*Dr. Branthwaite.*) Spread over how many years?—Fifty for the land and thirty for buildings. 13s. 3d. at the present moment represents the actual net cost of maintenance.

1572. (*Chairman.*) So that the whole cost per head is 33s. per week?—At the present time.

1573. (*Dr. Bruce Porter.*) Plus the value of their labour?—No, that is after deducting the value of their labour.

1574. Yes; but the value of their labour has to be added on, so as to make up the total cost?—The gross cost is about 35s. The value of their labour is about 2s. per head per week.

1575. Can you give any reason why the value of the labour in the reformatory is so little as to be only 2s. a week?—I understand these women are extremely difficult sometimes to manage. It is one of the peculiar traits in their character that it is very difficult to get them to stick to one job for any length of time, and, consequently, when a woman happens to get proficient in any one thing, and you would like her to follow that up, she will probably take an idea into her head that she would like to do a little farming, or something of that sort, and they will not go on with what they have been previously doing. The laundry, however, has been very successful.

1576. (*Chairman.*) You say, generally speaking, they earn about 2s. a week per head?—At the present time, yes.

1577. In other words, it costs 35s. per head per week?—It would do if it were not for their earnings.

1578. With regard to those expenses the Board receives something from the Government?—Yes, the Board receives 10s. 6d. towards maintenance from the Government, and having regard to the great cost that we find keeping these inebriates runs to, I am strongly of opinion myself that a larger grant ought to be made from the Government instead of having it reduced as has been suggested.

1579. What charge do you make for those who are admitted to the Institution?—The charge we now make against the authority that sends a patient is 7/7, and the Government grant of 10/6 together with the 7/7 is rather more than the net cost of the maintenance charge, but the whole of the £1 per head in relation to capital expenditure falls upon the local purse, and nothing at present is contributed by the Government.

1580. Each of these contributory areas making their share towards it?—Yes. We get no Government grant in respect of the building at all but we get roughly speaking about two-thirds of the cost of maintenance. This being, I maintain a national service although for convenience locally administered, I think the Government grant ought more nearly to approach the total cost than it does at present.

1581. The point being this, that the £1 a week which you told us just now which represents interest on sinking fund on capital outlay is paid exclusively by the contributing councils?—Yes, and the effect of this is that the whole of this capital cost falls on that one class of the taxpayer known as the occupier of rateable hereditaments and none of the remaining taxpayers contribute anything towards it, although I submit that dealing with inebriety and its future effect upon coming generations is just as much a matter for the general taxpayer as it is for the occupier of rateable hereditaments and I think in the adjustment of charge some larger contribution ought to be made by the Government towards this expenditure.

1582. Have you and your Board ever considered what that addition might be—what you would consider a fair apportionment?—The Board have not considered this question themselves at all; I am only expressing my own individual opinion upon the point. I may say that I was a member of the Commission on Local Taxation for several years and we went into all this matter and I think this is one of the purposes, together with the cost of asylums, that ought to be dealt with in any reform that is made with regard to the adjustment of the burden of taxation as between the Imperial purse and the local purse.

1583. Do you suggest that more generous treatment should be accorded by the State or that the State should take over the service with regard to inebriates, lock, stock, and barrel?—I put it in two ways. With regard to a certain class of inebriate I think the State should assume the whole responsibility and the whole expense—those are what I may call the recognised incurable cases, that is to say, where the person is detained more in the interests of the public and the community rather than with the idea of benefiting the individual; I would have removed from our existing reformatories all the patients of that character to a State reformatory.

1584. A reformatory exclusively maintained by the State?—Yes. But where the detention partakes partly of the protection of the public but mainly with a view of reforming the individual, I think that can be better locally administered under proper control but that the cost should be largely borne by the State, although managed by local authorities under State supervision.

1585. Would you anticipate any difficulty in discriminating between these two classes that you have described?—I am afraid I am not sufficiently expert to say. I must leave that to medical men, but I should assume that it is possible to eliminate from a crowd of inmates of a reformatory those who have shown themselves practically past redemption, but who ought to be kept either under detention, or at any rate, supervision, to stop them from being a nuisance and to stop them from breeding.

1586. (*Mr. Rose.*) Do you think it is just that the comparatively sober agricultural tax-payer should contribute towards the keep of the comparatively drunken urban population?—I think everybody in the country ought to contribute to try to stamp out the effects of a disease which affects future generations. The exact proportion is a question of discussion and opinion, but, taking it roughly, I should say that the cost should be thrown upon the State to the extent that it is possible to do so without infringing on the general principle of doing nothing to encourage local expenditure, because the local authority do not have to find the money. There is a point there, to my mind, that you can always throw a sufficient portion of the charge on the local purse to guarantee sufficient economy in administration to prevent waste of public money.

1587. (*Chairman.*) Do you think your proposal might lead to temptation on the part of local authorities to classifying as many cases as possible that might be reformable as irreformable cases?—The ultimate decision would not rest with the local authority. It would, I take it, be a question of a sort of arrangement or transfer, as it may be, in which the Home Office, as representing the State, would have probably the controlling voice.

1588. Your main reason really for suggesting this proposal, which you admit yourself would lead to certain complications, is due to the fact that the irreformable become a public nuisance, and therefore, it is in the interests of the public that the State should pay for them?—Yes.

1589. Whereas the others you would not consider such a nuisance, and therefore you are of opinion that they should come upon the generosity of the ratepayer?—They would be an equal nuisance if they were out, but as long as there is a prospect of reforming the individual, I think that reforming process could be better carried out, I will call it locally, and by local authorities, than it would be by the State for this reason, to my mind, that we ought not to treat these people as criminals and prisoners. According to my view, I should treat them as people suffering from a disease for which, in the interests of the public and in the interests of humanity, they ought to be treated—put in the same category, as lunatics are only treated under a different process, and that the treatment, purely by the State should be confined to those people who are of the criminal and irreformable class.

1590. You set great store on classification of the other cases?—Yes, I should like myself to see our reformatory to a large extent not looked upon as a place for the punishment of crime, but as a hospital for the treatment of disease, and I should like it to be so developed that a person could be sent in the interests of herself, her family, or of the community to one of these places, and if cured could go out without having the odium of it being said that she had served a time in prison.

1591. (*Mr. Bramsdon.*) The Chairman asked you a question in connection with those who would be detained at the expense of the State entirely and those partly at the expense of the State and partly at the expense of the local authorities?—Yes.

1592. Would not that tend to bring about conflicting interests?—I do not think so. I understand now that a certain number of the inmates in the reformatory are transferred to a State reformatory, but as far as I can gather there is not a sufficient provision of State reformatories to deal with the number that they fairly ought to deal with. What I am advocating now is on the assumption that the existing law, which I think is totally inefficient to deal with the subject-matter is altered, and the reform is based on the recognition of the principle that I have suggested, namely, that the thing should be looked upon as a disease rather than as a crime.

1593. (*Chairman.*) You are really anxious to see these institutions, reformatories in their true sense, and not merely places of detention?—Yes, and I believe that in the case of individuals who are possibly reformable, that the surroundings such as they get and the treatment such as they get in a reformatory like that at Langho, may possibly assist their cure; but it is not reasonable, I think, for the public to go to the expense of making that provision and giving that class of treatment to the criminal and irreformable inebriate, and that, therefore, they ought to be kept in State reformatories of a very much cheaper character, yet in a style that is reasonably humane, at the same time, the object being to keep them from being a nuisance to the public.

1594. Of course, you have women of all classes in this institution?—Yes; and I think, probably, although perhaps this is more a medical opinion than one I ought to express, that the efforts to reform those who are reformable might be more successful if some of the worst characters were removed from the reformatory.

1595. Have you any system of classification within the walls of your reformatory now—are any of them kept separate from others.?—I think the Medical Superintendent does separate them, in a way; but I do not think they are physically separated in different buildings.

1596. I suppose there are some of them of a more degraded character than others.—Yes. The only class we get now in the reformatory is a class that for the most part is absolutely beyond reform when they get in. The great majority of them are of the lowest class of street harlots, and of the lowest slum population of our large towns.

1597. Having been convicted four times, they must be in a most advanced stage?—Yes.

1598. (*Dr. Branthwaite.*) You agree that both of those conditions—the three previous convictions and the consent might be removed without detriment to the inebriate?—Yes, the effect of those conditions is that we do not get hold of one in a score of the real inebriates in a town because a woman may be known to the police to be an habitual drunkard and at the same time she may be had up three or four times in the year, but the particular offence for which she is summoned or arrested may not be one of those mentioned in the schedule to the Act, and therefore although she may have been convicted three or four times in the year, they may not be those technical convictions which are necessary for her to be sent to a reformatory. I should like to say before I leave that last point with regard to the additional Government grant, that I think the Government ought at once to make a grant of 5s. a week at least towards the cost of the buildings—the establishment charges. I would not put any fixed proportion of the actual amount spent, because if one authority chooses to spend a great deal more than another it would not be fair. I think 5s. a week would not be sufficient in any case to provide the cost of an asylum, and if you allow the balance to fall on the local purse it is quite sufficient not to encourage extravagance.

1599. If the present system of administration is continued you would prefer to see that to seeing the whole institution taken over by the State?—No, I want the State to establish further State reformatories to take over the worst cases that we have to deal with.

1600. (*Chairman.*) I should like to get on the minutes this: In your statement you say with regard to the amount of earning power of the institution, that in 1907 the inmates earned £1,361?—Yes, gross, but the expense in connection with that earning reduced the net profit to £743, which is equal to 2s. a week per head. That is the cost of soap and materials for laundry and materials for carpet making machinery and so on.

1601. This was chiefly earned at the laundry?—Mainly at the laundry.

1602. What other industries are there?—A few of them make what are called Donegal carpets, rugs, and so on, and a certain amount of wood chopping is done.

1603. Gardening?—Yes. We do not include that in the earnings. The gardens are practically kept up by the women, and hitherto they have helped at the farm, but I think they will stop that now.

1604. You have a considerable farm I take it?—Yes, a very good farm. The farm buildings cost £5,000, I believe.

1605. Have you a dairy school there?—No, we cannot use it as a dairy school. One or two of the inmates have helped the dairy maid to make the butter and cheese, and some of the women have helped to milk the cows, but that is considered inadvisable, and it is going to be stopped, I believe.

1606. Do you farm the whole of the land yourselves?—Yes.

1607. Does the farm show a profit?—No, I cannot say that it does. It requires a very good farmer to make a farm profitable nowadays, and when a farm is governed by a committee it is difficult to make it succeed financially.

1608. What was the idea of establishing a farm in connection with this institution?—First of all it was necessary to get a site with suitable surroundings, and having got the farm we considered it advisable to make the best use of it that we could, and we thought it undesirable to have an outside farmer with strangers round about the institution, and it was also thought that it would work in well in the way of providing the institution with milk and butter and cheese, which it does. In our large asylums with about 2,000 patients in Lancashire the farms, I think, are an economy and do well.

1609. But in this case you cannot quite say that it does?—They have very nearly got to the point of holding their own, of course, without paying any rent.

1610. What is the amount of money required from the contributing authorities for the payment of interest and repayment of debt?—Last year it was £7,500.

1611. That is levied on a rateable value of £23,000,000?—Yes, it is equal to 1-13th of a penny in the £, so that it is not a very serious charge on the ratepayer.

1612. Now to come to your experience in the working of a reformatory system, you say it brings out prominently two defects in the general scheme for the treatment of inebriates?—In answer to your question, I am speaking my individual opinion as an observer and not as an expert.

1613. An individual opinion based on some years' experience?—Yes. I think the two main defects are, first, that the reformatory is not utilised to the extent that it ought to be, and, secondly, that the treatment results in not much benefit to the majority of the persons treated after their discharge.

1614. As regards the first defect, what do you say?—The first is caused mainly by the provision of the statute which requires four convictions before a prisoner can be sent to the reformatory, and also to the individual opinion of justices. Some of the justices seem to have an idea that it is more important to save the local rates than to send inebriates to a reformatory, and they send the case to prison because it will save the local rates. Others do not believe in the scheme at all; they think it is an extravagant wasteful experiment, and they would rather send a woman to prison for a fortnight or a month, whichever it might be, and get rid of her. Then, again, others look upon the reformatory in the light of a prison, and they think a sentence of three years is too much for a drunken bout, the effect being that I do not think we get the number of patients sent in that ought to be sent. It is perfectly absurd the few cases we get from Liverpool and Manchester in the year. It shows that it can only be dealing with the fringe of the inebriates in those two cities.

1615. I suppose there are many instances of cases that have been sentenced for three years whose sentence has been remitted to a shorter period and have been let out before the three years?—They are let out on licence when they show that they can behave themselves. With regard to the result on the inmates, it is impossible to expect that any beneficial result to the individual can be obtained. The majority of the people who come in are either seriously mentally defective or feeble-minded, and the director in his last report, I think, said that about 27 per cent. may be considered as having normal faculties. Out of about 54 discharged last year, 20 of them at present have not relapsed, and some of them are reported to be doing very well and appear to be improved, and of the others we have no information, at any rate, we have not heard that they have relapsed. The reformatory managers do not get hold of the women before the disease has got too great a hold upon them.

1616. For those whom you look upon as incurable you would strengthen the existing law?—Yes.

1617. In the direction of keeping them subject to control for an indeterminate period?—Yes, I should first of all abolish all limitation of sentences, and I should treat them as lunatics to be sent to a reformatory on the order of the justices to be kept until cured and discharged, and if not cured to be kept under control for some long period.

1618. What process would you adopt in order to decide whether they were cured or not?—The same sort of process as is adopted in a lunatic asylum; it must be dependent on the medical superintendent mainly, and on the consent of the managers, and in case any abuse occurred I think it would be corrected at once as a result of the inspection by the visiting justices or the Home Office inspector. There is no more fear, I think, of any abuse in a reformatory than there is in a public asylum. I would treat them

both in the same way. I would abolish all terms of sentences and simply have an inebriate committed on the order of the magistrates on sufficient evidence to a reformatory to be treated until the managers think he ought to be discharged.

1619. Most of the cases of inebriates would find their way under your proposals to a State reformatory?—Yes, as regards the existing habitual inebriates; but it does not necessarily follow that they should be kept under restraint in a State reformatory. I can conceive that it might be possible even in what I call the incurable cases to utilise them to a certain extent and to give them a certain amount of freedom, but abolishing the freedom the moment they relapse.

1620. What would you suggest as regards the three convictions?—I should abolish all question of convictions altogether. If the magistrates on the evidence of the police and of those who know the prisoner, confirmed by some medical testimony, are of opinion that the individual is suffering from want of self-control, and that his moral and nervous system might be improved by care in a reformatory, I would then allow the magistrates to commit him to a reformatory without any period of sentence at all.

1621. You are dealing rather with a case that should find its way properly into a retreat—with cases of those who have taken to drink, but who do not come before a magistrate accused of any offence?—No, I would separate these two. I am dealing now with what I call certified reformatories. They are to deal with cases which for some offence or another are brought up before the magistrates, and if a man or a woman is brought up two or three times before the magistrate for drunkenness, and the friends or the police, confirmed by a doctor, say, "This person has lost moral control," it is no use sending such persons to prison or fining them, and in the interests of themselves and their families, and of the community, I would send them to a reformatory for a period of treatment which may be determined by the managers. By such treatment they may regain their self-control and come back cured, or, at any rate, very much helped. The retreat is another question.

1622. There is no crime there, of course?—No.

1623. You are dealing with cases where the offence is primarily connected with drink?—Yes.

1624. For an offence for which, whether drunk or not, the person must be punished in some shape or form?—Yes; you must either fine them or send them to prison.

1625. Or else treat them in the way you suggest, send them to a reformatory?—Yes.

1626. You would not determine the sentence in that case; you would leave that to the authorities at the reformatories?—The medical officer of health has power to send a person suffering from an infectious disease to an isolation hospital, mainly for the benefit of the public and partly for the benefit of the individual, where the individual has not himself means of providing for his own isolation and care. In principle I do not see much difference between the two.

1627. In those cases the procedure would be that the magistrates would sentence to a reformatory, but he would sentence for no definite period?—No.

1628. The period of detention would rest in the hands of the management of the reformatory?—Yes; of course that would involve that the consent of the individual to be dealt with summarily, which is now required by the Act, should be also abolished.

1629. You would leave entire discretion in the hands of the magistrates to deal with it under these Acts or not, as they liked?—Yes. I would like to make one suggestion with regard to the reformatories, that is in the case of lunatics in the asylums who have gone there with delirium tremens or through excessive drinking. They often have to be discharged from an asylum although the superintendent is perfectly confident that that man will be back in the prison for drunkenness probably in a very short time, and although he may not be in a state in which they would be justified in keeping him in the asylum as a lunatic, I am strongly of opinion myself that great advantage would accrue if in those cases under proper supervision and control there was power to order a discharged lunatic to be transferred to a reformatory or to a retreat according to the character of the person, where he would have a chance of further treatment for his special disease.

1630. Then you get to the point of what you suggest with regard to children born in reformatories?—As regards children born in a reformatory there ought to be some law to deal with them. They naturally, I should think, will have a tendency to partake of their parents' weakness, and the only remedy, so far as I can see, is that either the reformatory manager or some other authority should have power to be placed *in loco parentis* to the child until it gets to an age at which it will be absolutely free from the control of the parents. It is better to save the child than to send it back to the parents and make it another possible inmate for a reformatory. I would keep the child until it was 18 years of age if necessary at the public expense.

1631. You would also put a check on the sale of bad spirits, would you not?—Yes, that is only my own opinion. I think there is more evil done by drinking bad spirits—I mean more good could be done by preventing bad spirits being consumed than comes from the benefit of sending inebriates to reformatories.

1632. I do not know that that comes within the scope of our inquiry?—No. Might I mention with regard to retreats that local authorities have no power under the Act to borrow money to help in the building of retreats. They have only power to contribute annual sums. I think the development of retreats by local authorities would be a very good thing for those cases who have not committed an offence, who are not criminals, but who are undoubtedly suffering from the disease of alcoholism. If retreats could be established by local authorities, where what I call paying patients could be taken in in some cases, and in other cases where the person or the authority sending the patient could pay for their keep it would be a very good thing indeed, and would prevent many cases waiting until they become fit cases for a reformatory.

1633. In giving your views with regard to the apportionment of charge between local authorities and the State you do not confine those remarks merely to your individual institution with its particular circumstances?—No.

1634. You would suggest that as the method for the whole country?—Yes.

1635. You would prefer to see these institutions retained, as regards administration, in the hands of local authorities rather than have them handed over to State management and State maintenance?—I should prefer to see the two classes of reformatory running together—the State reformatory and the local reformatory—and in that way, I think, the matter can be more economically dealt with than if either body undertook the whole.

1636. You do not think that a single administration under one Act would lead to economy and efficiency of treatment?—I do not think so. Where there is any economy in Government management it is where they do not do as much as other people do. Given the same capital expenditure, and so on, local administration is just as economical and as good as Government administration; the difference in cost is the way in which they approach the subject.

1637. (*Dr. Branthwaite.*) You agree if magistrates continue to have power to commit cases, that some authority should be required to provide accommodation for those cases?—That must be so.

1638. Therefore, in your own county, if local authorities are to take any part in it those two local authorities should be compelled to come into your board, or be compelled to provide accommodation in some shape or form?—I would not go so far as to say that I would make the establishment of reformatories compulsory; I think myself that if only you can convince people that reformatories are useful, and are going to result in a public benefit, you will not find the local authorities, generally speaking, backward in establishing them.

1639. You have made a very good suggestion, that so far as the irreformable are concerned, or the incurable, they should be maintained wholly by the State, and that so far as persons who are possibly reform-

able are concerned that the local authority might well pay part?—Yes, I think so.

1640. Would you agree that there should be some power to enforce agreements by county councils, so far as that part of the work is concerned?—How do you mean?

1641. I mean this, that we must have accommodation provided for all cases, otherwise the Act will be in the future unworkable, as it has proved in the past—not as regards Lancashire. I want to get away from Lancashire, for the moment?—Yes.

1642. But as regards the whole country. Supposing the irreformable are dealt with by the State, then there will be ample accommodation made for them?—Yes.

1643. But I do not see how you are to declare them irreformable until you have tried them in a reformatory?—That is probably so.

1644. Therefore, all cases must first of all go to a reformable reformatory?—Excepting those who, from the history of the case and the evidence produced before the magistrates, are clearly irreformable criminals.

1645. My point is this, that there should be some place compulsorily provided for all cases, and seeing that we cannot say that the majority of those who first come before the courts are irreformable, therefore the majority will have to go to the institutions provided jointly by the State and the local authority according to your scheme?—Yes, I can see what you are suggesting; but for my own part I believe that if the law was properly altered with regard to the treatment of inebriety in the direction I think it ought to be, and it can be shown to the country that people suffering from the disease of alcoholism can be benefited, and possibly cured, by reformatory treatment, I believe you will find that the local authorities will be quite prepared, in the great majority of cases, to do what is necessary in supplying their share of the reformatories. I think it is a little difficult to suggest that you should force local authorities to carry out a scheme in which they do not believe, and which you cannot at the present moment prove to them will result in the benefits which the expenditure would seem to ask for. I think you ought to amend your laws first of all, and wait and see if the local authorities fail before you put compulsion upon them.

1646. You would see no objection to Langho being used for the reformable cases committed under the 1898 Act and for cases voluntarily entering under the 1879 Act—in other words, you might turn it into a retreat as well?—That is a question that I must leave to medical experience to say as to whether the two could be treated together; but I should have thought myself that you would defeat your object in assisting the reformation of those who are not criminals if you mixed them up in the same building. I think you ought to treat one set quite distinct from the other, and call one building a retreat and the other a reformatory.

1647. You may or may not know that there are three joint retreats and reformatories at the present time?—I was not aware of that, and if it is so it is a point that I am not capable of expressing an opinion upon; but on that point, if you are going to give power to magistrates, on proper evidence, to commit an inebriate to a retreat, I think you will be required to have retreats which people can say are not mixed up with crime.

1648. You suggest that cases of delirium tremens in asylums should be sent to reformatories. Would you include workhouses in that?—Yes. When I said asylums I meant when a person is committed as a lunatic owing to excessive drinking; then, on the discharge of that person, whether from an asylum or a workhouse, if it is thought fit they might be then transferred to a retreat or a reformatory.

1649. Would you approve of an addition to Schedule 1 of the Act, making it impossible for a magistrate to deal under Section 2 of that Act with any person who makes himself a charge upon the poor-law by reason of delirium tremens?—Yes, I would leave it to any court of local justices to make these orders to exactly the same extent that they have power to send a lunatic to an asylum.

1650. (*Mr. Rose.*) One question with regard to your view as to indeterminate sentences. If a lunatic is sent to an asylum his state of mind can be ascertained by the expert who has him in charge, and he could say, "He is sane now, and I will discharge him." So if an infectious person is sent to a hospital you can tell when he is cured. How do you suggest you could ascertain when an inebriate is so cured that he could be discharged?—I assume that the medical superintendent should have that special capacity to judge of the condition of a patient's brain; and, in order to test his opinion, supposing that at the end of six months you find a person has behaved very well, and appears to have got into good physical condition, and to have recovered a certain amount of his moral self-control, they might start by saying, "You go out and work at laundry work or something, in the daytime, and come back at night," and so let them out on licence; and if, as a result of letting them out on licence, it is shown that they do not relapse, and that there is every indication of their having improved, then the order of discharge is made

1651. An indeterminate sentence might involve their being kept there for many years, according to the theory or the opinion of the keeper of the institution?—No; I should protect a patient through the medium of the Visiting Justices, to whom they would have the right to make complaint, and hear everything that the inmate has to say; and by the more frequent visit of the Home Office inspector.

1652. After all, they would have a difficulty in judging of the amount of moral resolution of the patient?—But the Visiting Justices have to do it now every time they go to a lunatic asylum.

1653. You can ascertain by cross-examination whether a man is sane or not; but you cannot ascertain the amount of his moral resolution?—You could test it by allowing them out on licence or probation, or whatever it is. If, say, at the end of twelve months or two years, whatever it may be, the person has shown that he or she has recovered self-control, then, on an application being made to two justices, and after hearing what everyone had to say, there would be an order for discharge.

1654. Would not your view be met by a determinate sentence, for example, three years, but reducible—with power to the person in charge to let the patient out on licence or to keep him the full length of the term, if necessary?—My object in desiring the abolition of the period of detention is to get rid of a punitive sentence altogether; and I think the superintendent of the reformatory, together with the managers, under the inspection of the Home Office inspector, are more likely to form a right opinion as to when the person can be safely let out and relieved of control than a magistrate could, in the first instance, in dealing with a case when a drunk and inebriate case is brought before him.

1655. But you think the objection is to the magistrate pronouncing a determinate sentence, because it has a sort of penal sound?—Yes; I want to get rid of the idea of punishing a person for being an inebriate person suffering from a disease.

1656. Would there not be the same objection if he is sent to a reformatory, where he may be kept for years?—Yes, and perhaps they may come out again in three months, if they behave well, and show that they should be allowed out. It is a question for the discretion of the medical man as to how far he thinks they should be trusted or not. At Langho they have started a system of allowing the well-behaved women to go out in the neighbourhood as laundry-women and servants, and so on, and out of ten that have been going out for several weeks or months in that way only one has relapsed. They find by doing this that it strengthens the power of self-control, which they gradually regain after being under what I call direction for a long period, and which it is absolutely essential they should regain before they go out into the world again.

1657. That seems admirable, but would you entrust the keeper of the institution with power to detain persons as long as he chooses?—It would be

the medical superintendent who would advise the managers and the managers themselves would exercise discretion to a certain extent, and there would be the further periodical visiting justices, who would hear any complaint made by an inmate. I do not think myself that there is the slightest fear of the thing being abused. I think it would be more likely in the other direction that in order to save expense they would let out rather sooner than perhaps they ought to do.

1658. (*Dr. Donkin.*) I assume you base all the recommendations that you have made on the theory that inebriety is a disease; that is the fundamental theory with which you start with regard to reformatory treatment as apart from State treatment and apart from prisons?—I do not say all drunkenness; there is a disease of drunkenness as distinguished from convivial drunkenness.

1659. The class of people you are speaking of are in your opinion the subjects of a disease?—Yes, and the great majority of them are born with a disease in this sense that they are mentally deficient.

1660. I do not want to go into that question. You are aware that the point has been strongly debated, that there are many differences of opinion with regard to it, and that the question is by no means settled yet?—I believe that is so.

1661. Therefore I do not want to debate it. If that is your view generally speaking, and you feel it so strongly that you would object even to the suspicion of penalty in a reformatory sentence are you of opinion that most of these people are curable or not. I do not ask you to give any proportion, but do you consider the majority are curable or not from experience?—I could not say excepting from the observations I have made by attending board meetings and committee meetings of the Lancashire Asylums Board, and undoubtedly from the experience of our reformatory the class of inmates that are sent there are such that the medical superintendent has reported, I think, that about 60 to 70 per cent. of them are practically incurable.

1662. I did not quite catch Dr. Branthwaite's first question, and I may be repeating it. In the present state of things if a similar class of people are sent with similar proportions of possible cures and very probable incurability, it would be the case that a large number would be sent to a reformatory who would ultimately prove irreformable and have to be sent to State reformatories. Before they prove irreformable you suggest that they should be sent to a reformatory to be managed by local authorities?—Yes; in the case of the class of people you are referring to, the local reformatory would, after a period, become a sort of clearing house.

1663. Yes, but would not the net result of it all be that a very large number of those who ultimately prove to be irreformable would be sent on the possibility of their being reformable to the local authorities' reformatories?—In the first instance, they would be sent to the local authority reformatories and transferred from there to a State reformatory after they had been found to be irreformable. But supposing a person has been discharged from the local reformatory and then relapses again, and the magistrates think this is a person who has become irreformable, they would be able to commit him direct to the State reformatory and not send him to the local authority reformatory a second time.

1664. Have you any definite idea as to what would be the average period that would be required before such authorities as you mention—the superintendent or the medical officer or anybody else—would decide that they were irreformable?—I could not say that, and I think it would have to be the result of experience before they could arrive at it.

1665. Supposing a view were taken that the State should take over the whole treatment of inebriates whether reformable or irreformable, is there any reason why the State should not be able to reform them as well as local authorities?—No, if the State wished to do it by all means let them do it, but I do not think they would do it so well.

1666. Do you mean that you do not think the same interest would be taken in it?—Yes. I really do not think the same interest would be taken in it by the State. I think the development of local administration in the direction of all social reforms is most desirable to encourage, and it is a great pity to try to centralise everything in a sort of nebulous body, to the ordinary individual, sitting up in London.

1667. Whether it is done by local funds or by State funds you think the work the public ought to perform with regard to inebriety is much more for the sake of curing inebriates than of preventing them from harming the rest of the community?—No, I think the two run together; it is absolutely essential to my mind that in the case of all these inebriates for the protection of the public they should be incarcerated and under control until they are capable of exercising proper self control, and that is in the interests of the public because we want to stop them from being a nuisance or a danger, and as long as they have this disease on them I think we ought to stop them from breeding.

1668. There are no two opinions about habitual drunkards being a great nuisance to the State and to their families and to everybody, but when you come to the breeding question there are many opinions, therefore you would not have the State spend money on a theory?—Yes, I would spend money on keeping these people from breeding.

1669. That is your view?—Yes.

1670. Would you be prepared, if you were Chancellor of the Exchequer, to recommend that—is there enough evidence with regard to it, I mean?—I think public money might as well be spent in trying to produce a better generation 20 years hence than in doing what we do now—build up expensive institutions to patch up the useless.

1671-2. It would require a great amount of public opinion in favour of it before public money could be spent upn it?—It seems to me that the experience of our administration of the last 50 years shows that it has not done very much to improve the breeding of children, and I think it is better to try to improve the rising generation than to reform the existing generation who have gone too far.

1673. (*Mr. Bramsdon.*) Is that a matter that we could deal with by legislation?—I admit it is a strong measure, but I should like to see everybody who has been an inmate of a lunatic asylum, or who is an habitual drunkard, prevented from breeding.

1674. (*Mr. Rose.*) I have seen many instances of respectable sober children horrified at the intoxication of their parents? I think it often occurs that you get an absolutely teetotal family brought up as the result of drunken parents, but I believe also that it comes out sometimes in the next generation.

1675. (*Mr. Bramsdon.*) Do I understand that your buildings at Langho are very palatial?—No, they are well built and substantial, and will last and cost very little in maintenance.

1676. I gathered that roughly you thought they cost over £600 per bed as far as you could work it out?—If you divide £110,000 by 185 you will get at the figure.

1677. That is, roughly, £600?—Yes, they are extremely well built, light and airy and clean, and built in a manner which will reduce the cost of repairs and maintenance considerably, and you must remember that the climate in Lancashire is not the same as you get in the south of England, where a much cheaper construction of building might be as adaptable and might last.

1678. Of course, you know that some reformatories have been built at a very much less cost than that?—Yes. As I mentioned at first, this was done as an experiment; they thought if any county could afford to try the experiment and give it a fair chance it was Lancashire, and they have done it, and I should say myself that they would not go back upon what they have done. If they had to add on enlargements for another 100 or 150 patients, it would be done at a much less cost per head than the existing blocks of buildings.

1679. Do you know that there is a private reformatory at East Harling that only cost £100 per bed, Mr. Burden's?—Yes, I have heard that stated.

1680. I do not want to criticise anything, I am only leading up to a question.

1681. When you talk about £100 a bed, it depends upon whether you are talking about the cost of putting up a ward in addition where there is already exising accommodation, or whether you are building the whole thing completely from the very foundations.

1682. I do not want to criticise, as I say; I am only asking for information?—Quite. As a matter of fact we send patients to Mr. Burden's place.

1683. Your establishment charges at Langho are £1 a week?—Just about that.

1684. And you suggest an additional grant of 5s. a week towards the cost of the establishment?—Yes, having regard to the large cost per bed in Lancashire 5s. a week should be given to us, and if that was given all over the country I think it would be a fair proportion.

1685. Do I gather if your institution cost £600 per bed, that for an institution that cost £150 per bed the establishment charge would be 5s. or one-fourth?—I suppose that would be so.

1686. Therefore, if an institution were established at a cost of £150 per bed and a grant of 5s. a week were made towards the establishment charges, the State would be providing the whole cost of the establishment?—If that is so.

1687. It looks so according to the figures?—I agree arithmetically it is correct, but may I say for a public body erecting a reformatory that it is absolutely impossible to erect one at that figure, even on a barrack system, with the present price of labour and materials.

1688. I am not criticising your building at all, I am simply asking, because we have to advise with regard to the whole country, and not any particular neighbourhood. What is the amount you receive by way of grants?—10s. 6d. a week.

1689. Only 10s. 6d.?—I am not aware of any other; of course, there is the 16s. if we send them to a State inebriate reformatory.

1690. (*Dr. Branthwaite.*) You get 16s. from the State for every Section 1 case you receive?—Yes, but I think there are only two, or something like that, so that it is a very small matter, the theory being that in the 16s. a week case the State are paying the whole cost, and they would be as far as maintenance is concerned.

1691. Are you suggesting an increase on that?—No, excepting that the 5s. a week, of course, would be in addition to that.

1692. Are you suggesting any increase at all upon the maintenance grant?—No, not directly for maintenance, because you already pay about two-thirds, and that is approaching near enough. I think 10s. 6d. a week is enough for maintenance—what we call detention expenses.

1693. (*Dr. Branthwaite.*) I would like that to be clear, because your previous answer would seem to indicate a desire on your part for an increase on that 10s. 6d.?—No, not on the 10s. 6d., but I think the total Government grant should be increased by 5s. a week, which should be made in respect of the cost of the capital spent on the buildings.

1694. May I say definitely that you would be satisfied in future with 10s. 6d. per head for all your cases committed under Section 2—for maintenance only?—Assuming that the maintenance remains at what it is now—about 13s. 6d. per week, I think—10s. 6d. a week is to my mind sufficient for the Government to contribute; if you contribute much more than that there is a tendency to extravagance in dietary and one thing and another which ought not to be encouraged. It is desirable that there should be a sufficient charge on the managers to make them careful and not spend money unnecessarily.

1695. (*Mr. Bramsdon.*) Is not 10s. 6d. even a generous contribution?—I do not think that is quite fair; theoretically, I think the State should bear the whole, but my economic convictions prevent me advocating that.

1696. You are looking at it now in a fair way—you have no prejudice with regard to it?—I am dealing with it as one connected with local administration for a good many years, and as a taxpayer and ratepayer, and I do not believe in advocating, on behalf of a local authority, getting money out of the Government, because you do not wish to levy it yourself. I do not believe in Government grants being too large in proportion to the expenditure.

1697. (*Dr. Branthwaite.*) What is the cost per head, in Lancashire Asylums, for maintenance?—The maintenance at the present moment in the asylum is 9s. 2d. a week.

1698. Do you think it possible if Langho was capable of taking, say, 500 inmates instead of 130, as at present, that that maintenance cost might not come down exactly to the asylum's rate?—I do not see how you could get it down to the asylum rate, because the cost of the staff in proportion to the number of patients is very great. I think you have about one official to every six or seven inmates in the reformatory, and then the style of feeding is very much better in the reformatory than it would be in the asylum, taking it as a whole. In an asylum a large proportion of the inmates are practically nothing else but bed-ridden imbeciles that will never get out of bed until they die, and again, you get very much more work out of the men in a lunatic asylum—valuable work I mean—than you do out of the women in these reformatories.

1699. Would that be so if your scheme was carried out of separating the reformable from the known irreformable?—I think if you took away the known irreformable the tendency would be to rather increase than diminish the cost of our local reformatory, because we should be exercising every endeavour to cure the people and giving them a little bit extra on that account, sometimes.

1700. You would also have to spend some money on after-care arrangements?—That is very important, and that is one of the reasons that I advocate what I call this indefinite committal period, so that the reformatory authorities can have the right to keep a sort of control over these people and to watch them much in the same way as you would do under the system of the Probationary Offenders' Act.

1701. Supposing some system like this could be arrived at—unlimited sentence by the magistrate, detention in, we will call it a local reformatory for, say, 12 months, release on probation; on relapse reentry into the local reformatory for a further period of 12 months, release on probation followed, should a further relapse occur, by a declaration by the magistrate to the effect that such person after a second relapse is an irreformable inebriate to be dealt with by the State. In that way the local reformatory would take the original committal, the first return after relapse, and would weed out the irreformable class, which would subsequently be dealt with altogether by the State for life?—After two relapses he becomes a State inebriate.

1702. What I mean is, let the individual himself proclaim his own irreformability, and not leave it so much to the managers of the reformatory?—I would not like to commit myself to the exact method by which the scheme should be carried out. I simply indicate the general principles on which I think it should be carried out. The exact method should be dealt with by experts, doctors, and so on, who understand the matter best, I think.

1703. (*Dr. Donkin.*) Would you be of opinion, with the views you hold, that the only real test of showing whether a person is reformable or not, is allowing him to go free for a time and seeing whether he can keep himself away from getting drunk—in other words, confronting them with the facility for getting drunk, which is probation or licence, or whatever you like to call it?—Supposing we get a woman into the reformatory now and she is discharged. The week afterwards she is before the magistrates again; she now has to be had up for drunkenness four times in 12 months before she can be sent back again to the reformatory. If the magistrate could send her back for the first offence we would treat her for another three or six months, and then we could say, "We will give you another chance," and if you find her back again, say, in a week, the magistrate would say, "This woman has not benefited by the treatment, she evidently has no self-control and

she had better now be sent away to the State reformatory." If by chance they send some to the State reformatory that do turn out to be curable so much the better, and the State reformatory can discharge them.

1704. You would agree to that method?—That is what I should like to do.

1705. Would you admit that some amount of freedom on probation or licence is the only real test that a doctor or anybody else can really rely on to show whether or not the treatment is successful?—Yes; the only method by which you can gauge self-control is by giving self-control.

1706. You do not suggest that any human being, however proficient he was, or whatever knowledge he had of the human mind, could say that an inebriate was cured within the four walls of the reformatory?—No, he could not say with certainty, because he might not be cured.

1707. Probation and licence is absolutely necessary. Before you can pronounce an inebriate cured, even after he has served a long sentence of three years, he must have had some opportunity of licence or probation first?—Yes, you can only test it by an experience of letting them out on licence, with power to bring them back immediately, they have shown they have lost self-control again, and possibly, after two or three times, they might be able to recover their self-control.

1708. You would encourage release on licence earlier, provided it was, in the opinion of the medical officer or those looking after the institution time to let them out?—Certainly; I would give them full power to let out on licence whenever they thought fit.

The witness withdrew.

The Committee adjourned.

SEVENTH DAY,

Friday, 23rd October, 1908.

At Royal Commissions House, Old Palace Yard, S.W.

PRESENT:

SIR JOHN DICKSON-POYNDER, BART., M.P. (Chairman).

T. A. BRAMSDON, Esq., M.P.
R. W. BRANTHWAITE, Esq., M.D.
W. C. BRIDGEMAN, Esq., M.P.
H. E. BRUCE-PORTER, Esq., M.D.
H. B. DONKIN, Esq., M.D.
C. A. MERCIER, Esq., M.D.
HARTLEY B. N. MOTHERSOLE, Esq. (*Secretary*).

Mr. J. H. LEVY, called and examined.

1709. (*Chairman.*) You represent the Personal Rights Association?—Yes. I am the Honorary Secretary of that association, and have worked for it in a direct capacity for about a quarter of a century.

1710. You are anxious to come before this Committee, representing your association, to put your views before us on the question of the detention of inebriates?—Yes, more especially with regard to giving powers to persons of the same family as the inebriate to quietly get them put away.

1711. Have you any objection to a machinery being established whereby people who are a nuisance to their families through drink should under particular and carefully considered circumstances be consigned to a retreat?—We would have very great objection to persons being put away for the simple reason that they were a nuisance to their families by reason of their being inebriates. I need scarcely tell you that persons are apt to be a nuisance to their families in various ways, not merely by being inebriates, but by sexual misbehaviour, say, and other things; and, until misbehaviour to one's family is constituted a crime, I think that it would be a wrong method of procedure to endeavour to put those persons away simply because they are a nuisance to their families.

1712. If added to their being a nuisance to their families it could be proved that their existing state was definitely injurious to themselves, would that modify your view at all?—No. Perhaps I had better put more fully what I think with regard to that. My own view is that people take in a very lax way the fact that a person is an habitual drunkard. I think that ought to be looked upon far more seriously than it is. If I may put it in a somewhat technical way, I would say this—that liberty is given to people on the condition of responsibility, and can be given on no other ground—that liberty and responsibility must be correlative to one another, and when a person deliberately does that which makes him irresponsible and to some extent a nuisance or a danger to society, then, in my opinion, he forfeits the right of liberty in so far as he does that, and he may be properly dealt with, not *qua* nuisance to his family, but *qua* drunkard, who is a nuisance and a danger to society.

1713. So that in cases where it could be definitely proved that he is a danger to society, as apart from being a nuisance to his family, and his present state being definitely injurious to himself, you would not take the same view against some powers of detention in his interest and in the interests of the community?—I do not think the fact that his conduct is merely injurious to himself gives any right to society to interfere with him at all. Society has no right to take an adult man and say, "We will interfere with you because your conduct is injurious to yourself." I would let him bear the consequences of that. I think it is wholesome and just that all human beings should be allowed to take the consequences, so far as they rest upon themselves, of their own actions.

1714. You prefer to give him a rope to hang himself with sooner than hold out a hand which might possibly obviate that process being carried out?—I

think, in the long run, it is better to take the risk of his hanging himself. If it is only a question of his acting injuriously to himself, society had better take that risk than put out any controlling hand at all. But, in fact, I do not think that that case arises. In all cases where a man is a drunkard, it is proved by our statistics of crime and in other ways that he is a danger to society, and he has no right to put himself into a condition in which he is a danger, any more than a man would have a right to store a number of barrels of gunpowder in his house. Drunkenness is in itself an offence, and it should be regarded as an offence, but I would not take the ground of his being a nuisance to his family or of his being injurious to himself. I think that the far better ground is that he is a danger to society, and that by putting himself in a condition of irresponsibility, of absence of control over his own conduct, he forfeits the right to liberty, and may properly be dealt with in the way of detention.

1715. Then you would not object in those cases to a machinery being established which would forcibly detain him provided that in that machinery there was every safeguard against it being used in an abusive way to him?—I agree.

1716. Have you or your Society ever thought how that machinery could be established with all proper precautions against abuse?—No, I have not thought that out, but very likely it might be found advisable with regard to persons who have become drunkards, but not in a very serious way, to commit them for short terms to State inebriate reformatories.

1717. You would commit them to State inebriate reformatories?—Yes, for a short term; this gives them an opportunity of considering whether they would not put themselves under control.

1718. You are distinguishing between a State reformatory, which is a penal establishment, and a retreat—you appreciate the difference?—Yes, I know the difference.

1719. You are definitely suggesting that he might find his way into a State reformatory?—Yes; it is distinctly a penal offence to get drunk, so as to lose control of one's actions.

1720. Your Association would be prepared, under those circumstances, to sentence him to that extent?—Yes.

1721. The Committee want to be clear on this point—you would recommend that treatment for a drunkard, one who gets drunk in his private capacity, quite irrespective of whether he, as an offender, has committed an offence or not?—Yes.

1722. If it can be proved that he is a nuisance to the community, you are of opinion that a machinery should be erected by which he could be sentenced to a State reformatory?—Yes.

1723. You were talking just now of proper precautions. You would suggest before such a course could be taken that not only the family but some judicial tribunal, in the shape of a magistrate, should have the case placed before them, and that the sentence should be sanctioned by them?—Undoubtedly, there must be a proper judicial tribunal, and whatever is done must be publicly done.

1724. The whole case heard on either side?—Yes. You distinctly interfere with that man's liberty when you confine him in what is really a prison, and before you do that, you must give him the right to have it publicly shown, and you must show him if you can, that you are not making a mistake in doing it.

1725. You implied just now in your answer that it would be in the nature of a public trial—publicly dealt with before a magistrate or some judicial tribunal?—Yes.

1726. Have you considered whether that would not be detrimental to the person concerned and his family, if his case was dealt with in the open, and publicity given to it?—I know those pleas, but I think they cannot be listened to. I think that it must be done in public, and you must have all the guarantees that publicity gives. I look upon publicity as the chief guarantee against any miscarriage of justice, and I think we must have all the guarantees that publicity would give against anything being done against a man's right over his own person in a hole-and-corner way.

1727. Do you suggest that in all cases prior to detention of these people there should be a regular public trial, or that merely the person concerned, having been sentenced, should have the opportunity of appeal, and by that appeal a full public trial taking place?—I mean more than appeal. You can see that a person could, if he chose, voluntarily agree to enter a retreat, and therefore, in that way, prevent a public trial; but he ought not to be sent to a State inebriate reformatory before he has been publicly tried, and that not merely by way of appeal but in its origination.

1728. You have suggested now the more severe sentence of his being committed to a State inebriate reformatory?—Yes.

1729. In the case of a less severe treatment—in the event of his being sentenced to a retreat, would you suggest in that case, with the less rigorous treatment, as you know, of a retreat, that there should be an open trial prior to his being sentenced to the retreat?—Yes, in all cases in which he is deprived of his liberty there should be an open trial. That does not in any way depend upon the fact of more or less rigorous treatment, but upon the fact that he is deprived of his liberty. I do not think that any man should be deprived of his liberty without his first having had something like an open trial—in fact, I would like to see that principle more adopted with regard to the lunacy laws as well as the Inebriates Acts.

1730. In your advocacy of liberty you are not recognising in your answers to-day, I take it, the possible efficacy of a period of detention in a retreat to the drunken person concerned which might enable him to become more sober?—I do recognise that efficacy. It might be very efficacious indeed, but I do not think that that ought to be forced upon a man against his will, without it can be shown in open court that it is necessary.

1731. Would you not allow the inebriate in question even if he desired it personally to have a private trial?—Yes, if he desired it himself; but we must have the amplest public guarantees that he does desire it.

1732. Do you not think that there would be many instances where the inebriate would prefer to have the whole question dealt with in private sooner than have it thrown out to the public?—I do not think so, unless it were forced upon him in some way, and I should look with great suspicion upon anything of that kind. I think that, unless it were forced upon him, he would be very unlikely to choose a private trial, but of course pressure might be brought to bear so as almost to compel him into the acceptance of a private trial. I do not think that pressure should be brought.

1733. Do you not think that you would be running a risk of interfering with a man's own liberty and freedom if you practically prevented him under those circumstances from having a private trial?—I would not prevent a man from having a private trial if it were made quite clear that he wished it himself.

1734. That is the point that I was putting to you?—Provided he wished it without any pressure having been brought to bear upon him, I should have no objection to it; but I would deprecate altogether any pressure being brought to bear upon him to force him to a private trial, and I think it very unlikely that there would be many instances in which he would prefer the private trial. I may say, with regard to the whole of this matter, that I should not look so much for direct good from legislation and State intervention in these cases; the main good that we should get by it would be that the present very low state of morality, as I consider it, with regard to drunkenness, would be raised and benefited. I think it was Bentham who said that an Act of Parliament which might have little direct effect in the way of preventing evil might have a good effect in the way of creating a positive morality

of a higher kind, and I think that would be so here. I consider that at present the state of opinion with regard to responsibility for drunkenness is far too low, and the main thing that we want to do is to create a better public opinion with regard to drunkenness—that would make it be looked upon as a disgrace and a crime for a person to put himself into a state of irresponsibility by drinking alcohol or by taking drugs which virtually deprive him of control over his own conduct and render him liable to commit crime.

1735. Do you put the case of a lunatic and the case of an inebriate on all fours as regards detention?—Yes, provided you understand there is a great difference in degree; there is no difference in kind—I mean to say the ground for the detention of a lunatic and for the detention of an inebriate is the same in kind but different in degree.

1736. Do you consider that there is any abuse under the lunacy system at present as regards detention?—Undoubtedly.

1737. In what way?—I think that persons are put into lunatic asylums who ought never to be put there. I could have brought with me this morning a postcard which I received only a few days ago from a woman who was for six years in a lunatic asylum. Accidentally it got to be known to some friends of our Society and we were asked to inquire into the matter. We did inquire into it and we found that that woman was perfectly sane. Of course, you can see the very great difficulty which we would have had in proving that she was sane at the time she was put there, but we appealed to the medical officer and he told us what we ought to do in order to get her released, and she was released. The woman was a perfectly sane woman, and every year as the date of her release comes round, she sends us a postcard thanking us for our intervention in the matter; and she has expressed the opinion that, if we had not intervened, she might have been in the asylum until the day of her death. I have a case now under consideration by our Society in which I have a very strong suspicion that the father of an alleged lunatic is keeping that young woman in the asylum improperly—but I suppose that does not directly come under our notice.

1738. No, that has nothing to do with us. I only asked you with regard to lunacy because you introduced the analogy just now.—Yes, I did.

1739. (*Dr. Mercier.*) I understand you to say that it would be right to place an inebriate under control merely because he had impaired his responsibility by getting drunk.—Yes; that is to say, if you can show that he is in the habit not merely of impairing his responsibility but of placing himself in an irresponsible position by getting drunk. With our knowledge of how crime results in a large measure from drunkenness we should be perfectly justified in treating his action in that way as a crime and in placing him under detention.

1740 If that is so, would you have any objection to placing him under control when he has not only got drunk but also made himself by becoming drunk a nuisance?—If you mean by a nuisance a nuisance to his family or something like that, that does not appear to me to be relevant.

1741. You would place him under control if he gets drunk?—Yes.

1742. Would it be any objection to placing him under control that, in addition to getting drunk, he made himself a nuisance to other people?—No, of course it would not be any objection—I need scarcely say that—not the slightest.

1743. Whether he made himself a nuisance to the public generally or a nuisance to his family alone?—Yes. All I want to guard against is this—I want to guard against the Committee thinking that I would place that man under detention because he is a nuisance to his family.

1744. I do not think that I need trouble you about that; I have got my answer?—Yes.

1745. You say that if a man is injurious to himself we have no business to interfere with him?—No, not for that reason.

1746. But how, if by injuring himself he also injures those who are dependent upon him and brings them on the rates, for instance?—Then by bringing them upon the rates he has committed an offence.

1747. You would not have any objection to interfere with him then?—I think that it would be quite right to interfere with him in a case like that.

1748. I think you said that every inebriate was a danger to society?—Yes.

1749. Do you not think that if every inebriate is a danger to society it would be just to place every danger to society under control?—Certainly.

1750. With regard to the lunatic, do you know that for the last 50 years there has been no case proved in a court of law of a lunatic being detained improperly?—Yes; I know something like that has been said, and I know also that the lunacy laws are at present so constructed that it is practically impossible to prove anything of the kind.

1751. (*Mr. Bramsdon.*) Will you tell the Committee what the chief objects of your society are?—Our society is a society for the defence of personal rights and for the maintenance of the doctrine of individualism. Individualism, if I may give you a short definition of it, is a theory of State function; it would maintain the action of the State and limit it to the maximising of the liberty of its citizens. That is the object of the society.

1752. Protecting the liberty of the subject, I suppose?—Yes.

1753. (*Chairman.*) Your idea is in the public interest to protect the individual against the State causing any abuse?—Yes, when the State interferes with the individual, and when that interference is not justified by its tendency in the direction of maximising liberty we deprecate every action of that kind. We also deprecate the non-interference of the State when such neglect results in a loss to freedom.

1754. You have no objection to the State interfering where it can be proved to be in the public interest?—That is rather too vague a phrase for us. If you can show that in the interests of freedom the State should interfere we would have the State interfere, but we do not think that it is in the public interest for the State to interfere for any other purpose than that of maximising freedom.

1755. I need scarcely tell you that the State interference is a somewhat unfashionable doctrine just now?—Possibly just the reverse.

1756. Under the broad term freedom you mean law and order and public convenience and public interest?—Of course I do not mean that the freedom of one man should interfere with the freedom of another. I think that a man should have the utmost freedom you can give him provided he does not interfere with the equal liberty of others to the same freedom. That is the object of our society, and I think you will find that to be a formula that would apply to almost all these questions that are arising now, and I am very glad that the Committee has asked me to express an opinion upon it.

1757. Have you any other points that you would like to bring before the Committee on this subject?—I do not think so.

1758. You have practically, I think, gone over the main view that you take on this question of detention?—Yes. I do not think there is any other point that occurs to me now, but if any other question occurs to any member of the Committee, it might be put to me in writing, and I should be very glad to send you a written reply.

1759. Thank you. Summarised, your view as representing your society is this, that you have no objection to the forcible detention of inebriates who can be shown to be a nuisance to the public, but that in all those cases prior to their being detained you hold that there should be a public trial?—Yes. Perhaps there is one point that I ought to put before you. That is this, that when persons are tried for crime it is very often urged in extenuation of the crime that the act was committed while the person was in a state of drunkenness. I hold that that is a most demoralising doctrine, and that a person

should never be excused on the ground of drunkenness; I would be as rigidly severe as possible in those cases.

1760. The punishment should be inflicted solely having regard to the crime, and without any regard to the fact of whether the man was drunk or not when he committed it, that is what you mean?—Quite.

1761. (*Dr. Bruce-Porter.*) Would you hold that every inebriate was responsible for his inebriety. Would you consider that an inebriate should be given no credit in the event of his committing a crime while in a state of inebriety for the fact that inebriety is very often the result of some mental deficiency in the person concerned?—I know that in about two-thirds of the cases (according to the report of the Commission on the Care of Feeble-Minded) it is said that the inebriate becomes an inebriate because he is mentally defective. I would give an inebriate no credit, and I would allow no extenuation of an offence committed by him, on account of his being an inebriate; but if it can be proved that the whole thing originates from a nervous defect, then there is *pro tanto* the same sort of plea in those cases that you have in the case of insanity. But if a man is fully *compos mentis*, and he becomes drunk, and while drunk commits some crime, I would allow no extenuation on account of his mere drunkenness.

1762. Except that you would allow it to be proved in his favour that he had some mental weakness or hereditary defect?—Certainly.

The witness withdrew.

The Committee adjourned.

ANSWERS TO QUESTIONS CIRCULATED BY THE DEPARTMENTAL COMMITTEE ON THE INEBRIATES ACTS

AND

"MEMORANDA" SUPPLIED TO THE COMMITTEE.

LIST OF QUESTIONS.

SECTION B.—*continued.*

ALPHABETICAL LIST OF WITNESSES SUPPLYING ANSWERS TO QUESTIONS ASKED BY THE DEPARTMENTAL COMMITTEE ON THE INEBRIATES ACTS.

Name.	Description.
(1) Atkinson, C. M.	Stipendiary Magistrate for the City of Leeds.
(2) Baggallay, Ernest	Metropolitan Police Magistrate.
(3) Barnett, Frederick W.	Police Court Missionary, Westminster.
(4) Barradaile, William*	Clerk to the Magistrates, Birmingham.
(5) Bennett, Henry Curtis	Metropolitan Police Magistrate.
(6) Broscombe, J. H.	Hon. Secretary Congreave's Hall Retreat, Cradley Heath, Staffs.
(7) Burden, Revd. H. N.	Representative of the National Institutions for Inebriates.
(8) Cary, Mrs. Eleanor	Representative of the Women's Union, London Diocesan Branch, Church of England Temperance Society.
(9) Cavendish, E. L. F.	Governor of H.M. Prison and State Reformatory, Warwick.
(10) Cooper, J. W. Astley, L.R.C.S., L.R.C.P.	Medical Superintendent and Licensee of the Ghyll Retreat, Cockermouth.
(11) Copeland, Gerrard	Clerk to the Justices for the Borough of Birkenhead.
(12) Dunning, Leonard*	Head Constable for Liverpool.
(13) Eugenics Education Society*	—
(14) FitzSimmons, W.	Police Court Missionary, Thames Court, Stepney, E.
(15) Fox, Robert Eyes	Clerk to the Yorkshire Inebriates Acts Joint Committee.
(16) Fuller, Lawrence O., M.R.C.S., L.R.C.P.	Medical Superintendent of the Eastern Counties Inebriate Reformatory.
(17) Gamble, Mrs. S. A.	Representative of the Managing Committee of the Grove Retreat, Fallowfield, Manchester.
(18) Gill, Frank Austin, M.D.	Resident Medical Superintendent Lancashire Certified Inebriate Reformatory.
(19) Gomme, G. L.*	Clerk to the London County Council.
(20) Gordon, Miss M. L., L.R.C.P.	H.M. Inspector of Prisons and Assistant Inspector of State and Certified Inebriate Reformatories.
(21) Halkett, J. G. Hay	Stipendiary Magistrate, Hull.
(22) Hearder, Frederick P., M.D.	Resident Medical Superintendent Yorkshire Certified Inebriate Reformatory.
(23) Hogg, F. S. D., L.R.C.P. (Lond.), M.R.C.S.	Resident Medical Superintendent of Dalrymple House, Rickmansworth.
(24) Holmes, Thomas	Secretary of the Howard Association.
(25) Nelson, George*	Police Court Missionary, Marlborough Street.
(26) Norton, Edward, M.D.	Licensee under the Inebriates Acts, Capel Lodge, Folkestone.
(27) O'Farrell, Sir George, M.D.*	Inspector of Lunatic Asylums and of Certified Inebriate Reformatories and Retreats in Ireland.
(28) Parker, Rev. Canon Charles J.	Representative of the Managers of Brentry Certified Inebriates Reformatory, Bristol.
(29) Pentith, Mrs. Annie S.	Licensee, Albion House, Beverley.
(30) Ramsay, James T. T., M.D.*	Chairman of the Lancashire Inebriates Acts Board.
(31) Reynolds, Sir Alfred, J.P.	Visiting Justice to H.M. Prison, Holloway, and Chairman of the Visiting Board to the State Inebriate Reformatory, Aylesbury.
(32) Riley, H. M.	Licensee, Dune Hills Retreat, Leicester.
(33) Sampson, Thomas Edward, J.P.	Coroner for the City of Liverpool.
(34) Short, Samuel E., J.P.	Visiting Justice for the City of Birmingham and Member of the Board of the Brentry Homes.
(35) Sister Superior of Spelthorne St. Mary Retreat, Feltham	—
(36) Smith, G. Melville, M.R.C.S., L.R.C.P.	Licensee of the Retreat, Buntingford.
(37) Solly, Godfrey A.	Clerk to the Justices of the Wirral Petty Sessional Division, Cheshire.
(38) Somerset, Lady Henry	Superintendent of Duxhurst Farm Colony, Retreat, and Reformatory.
(39) Sullivan, W. C., M.D.*	Medical Officer, H.M. Prison, Holloway.
(40) Tibbits, Hubert, M.D.	Medical Officer, H.M. Prison and State Inebriate Reformatory, Warwick.
(41) Vincent, Sir William, Bart., J.P.	Representative of the Inebriates' Reformation and After-Care Association.
(42) Walker, W. F., M.D.	Licensee of Plâs-yn-Dinas Inebriate Home, Dinas Mawddwy, Merionethshire.
(43) Wilmot, F. Eardley, R.N.	Honorary Superintendent, Abbotswood House, Cinderford.
(44) Women's Total Abstinence Union	—
(45) Wright, J.B., B.A., LL.D.	Chief Constable, Newcastle-upon-Tyne.

* See Memoranda pp. 177—197 below.

REPLIES TO QUESTIONS

Asked by the Committee concerning the Working of Existing Acts for the Treatment of Inebriates.

[N.B.—*Each Witness was asked to reply to such questions only as to which he or she had personal knowledge.*]

SECTION A.

Relating to the Habitual Drunkards Act of 1879.

QUESTION I.

1. Upon what experience do you base your remarks concerning the working of this Act?

ANSWERS.

BARNETT (F. W.)

Fifteen years' experience of licensed retreats, and definite knowledge of the class of case which they are intended to benefit.

BENNETT (H. C.)

From occasional cases in which the request for admission has been signed in my presence. These cases are very few—probably not exceeding one or two in a year, as they are generally made privately to the County Justices.

BROSCOMB (J. H.)

Hon. Secretary of the Congreaves Hall for Inebriate Women for nine years.

BURDEN (Rev. H. N.)

For the last 21 years I have been associated with the treatment and control of inebriates under all the varying conditions of their existence. I have attempted to deal with them when at large, have met them in police courts and prisons, and have studied them under detention in special institutions. My experience with inebriates at large was gained in my younger days during years of work in the East-End slums of London, amongst the lowest class in Bristol, and in the towns and backwoods of Canada. My knowledge of these persons in prisons was the result of three years' experience as secretary of a Police-court and Prison Gate Union; and my study of cases under detention has been facilitated by a close association with the management of special institutions for their control during the last 13 years. In 1895 I established, and was resident superintendent of, an institution which was conducted partly as a retreat for inebriates, and partly as a home for the reception of female convicts on transfer from prison for the last few months of sentence. In 1899 I became resident superintendent of Brentry, where I remained for about four years, until that reformatory became fully established. Realising then that Brentry could not be extended to meet the increasing demand for accommodation, I commenced (in 1902) the establishment of the group of reformatories forming the National Institutions. This group now consists of five institutions certified for the detention of more than 600 cases.

Whatever course may be recommended by you as regards the amendment of existing Acts, or the substitution of new legislation, I would strongly urge the retention of powers enabling inebriates to submit themselves voluntarily to control and treatment. Although the number of such persons who are likely to take advantage of voluntary application will probably continue to be comparatively small, it is desirable that the power in question should continue to be available for the advantage of the few. Any influence which will tend to minimise the need for the exercise of compulsory power is to be encouraged.

Whilst the establishment of retreats for persons well able (and willing) to pay for maintenance presents no difficulty, there has been, and is now, a great need for accommodation for poor and destitute persons willing to submit themselves to control. Some provision should be made to encourage the establishment of industrial colony retreats for the latter class, contribution towards establishment and maintenance being forthcoming from public sources.

Feeling assured that you will have ample evidence from others regarding this Act, I only propose to deal with a few of the questions concerning its provisions, and those very lightly, in order that I may be able to deal more fully with matters of greater importance connected with the working of the Act of 1898.

CARY (Mrs. E.)

Upon experience gained in ten years of work among inebriate women, first as police court mission worker and since as diocesan temperance rescue worker under the Church of England Temperance Society.

COOPER (J. W. A.)

The experience of three years as licensee and medical superintendent of a licensed Retreat for Inebriates (The Ghyll Retreat near Cockermouth), and ten years' previous experience in the treatment of inebriety.

[QUESTION 1

1. Upon what experience do you base your remarks concerning the working of this Act?

[*Continued.*

ANSWERS.

GAMBLE (Mrs. S. A.)

The Grove Retreat for Inebriate Women has been in existence since 1890, receives 25 patients of all degrees of social rank, and the Committee base their remarks on the experience gained during that time.

GORDON (Miss M. L.)

Upon about twelve years' study of inebriety and its treatment, during which period I have treated, advised upon, or followed the treatment of a large number of cases. I am the writer of a series of articles which appeared in the "British Medical Journal" (February 1, 8, 15, 1902; February 6, 1904) entitled "Cures for Alcoholism." I am also the writer of "The Drug Treatment of Inebriety," "British Journal of Inebriety," October 9, 1906. I am a late member of the Visiting Board of the State Inebriate Reformatory. I am also an Inspector of Prisons and Assistant Inspector of State and Certified Inebriate Reformatories. In these two capacities I have had, and have a large number of inebriate persons under my supervision.

HEARDER (F. P.)

I am the medical superintendent in charge of the Yorkshire Inebriates Reformatory.

Having no experience in the management of retreats, I am not attempting to answer any question dealing with those institutions except one. With regard to Question 6, however, some 12 years in asylum work previous to my present appointment enables me to speak from experience.

HOGG (F. S. D.)

For the past nine years I have held the post of resident medical superintendent to the Dalrymple Home for Inebriates.

HOLMES (T.)

Twenty-one years' experience as a police court missionary.

NORTON (E.)

I have conducted a home for the treatment of inebriety (male patients) for 25 years, and I have been licensed under the Inebriates Acts for about 15 years. During this period a large number of patients have been under my care and treatment, both for alcoholism and drug abuse.

O'FARRELL (Sir G.)

Experience for some years as inspector under the Inberiates Acts in Ireland.

PARKER (Rev. Canon C. J.)

Although the institution is also licensed as an inebriate retreat, the work is practically confined to that of a certified inebriate reformatory. The managers, therefore, propose to restrict their evidence mainly to the 1898 Act, only referring briefly to a few points in regard to Section A of the Committee's questions.

PENTITH (Mrs. A. S.)

As honorary secretary of the licensed retreat managed by ladies in and around Hull, which was opened at South Cave, July, 1900, transferred to more modern and convenient premises known as Albion House, Beverley, in September, 1905.

RAMSAY (J. T. T.)

(*a*) As a social worker;
(*b*) As a medical practitioner in a large manufacturing town;
(*c*) As chairman of a certified reformatory?—Langho;
(*d*) As deputy medical officer during the Director's absence on leave during the past four years;
(*e*) And as a magistrate.

The term "drunkard" was too strong. Few were found willing to admit before two Justices of the Peace that they were drunkards.

The reluctance on the part of the drunkard was further enhanced by the difficulty of finding two justices with the prescribed jurisdiction at the moment when he or she happened to be willing to go before them.

The failure of the Inebriates Acts, 1879 and 1888, was due in my opinion to:—

1. The want of knowledge of their existence even among magistrates.
2. The absence of proper facilities for the admission of patients.
3. The lack of power of compulsion as applied to the inebriate.
4. The shortness of the period of detention and difficulty of readmission.
5. The difficulty of recovering escaped patients.
6. The want of means to deal with refractory inmates.
7. The difficulty in finding suitable employment, and the want of power to enforce it when found.
8. Too high fees; working men cannot possibly pay where their wives and daughters are concerned, and *vice versâ*.

The Inebriates Acts, 1879 and 1888, together with the governing definitions, seem ample.

Though a "drunkard" is not necessarily an "inebriate," one may cure a drunkard of his "pernicious habits."

A "drunkard," *i.e.*, one who takes alcoholic drink to excess for years, may not become an inebriate; the terms are not convertible.

The "inebriate" suffers from physical disease involving certain parts of the brain substance, the "will centre"; his is a pathological condition.

Drunkenness is a vicious habit which may lead to this result, or it may not. Disease and vice are found close together, but they should not be confounded the one with the other.

RILEY (H. M.)

Forty years' unbroken experience in the treatment of lady inebriates.

QUESTIONS 1 and 2]

1. Upon what experience do you base your remarks concerning the working of this Act?

[Continued.

ANSWERS

SAMPSON (T. E.)

In addition to being coroner for the City of Liverpool, I have, since my appointment as such in 1891, sat daily as a magistrate in what is popularly known in the city as the "Third" or "Drunks" Court, being a Court in which various charges are dealt with principally arising out of drunkenness. Other classes of cases come before me, such as attempted suicides, begging, vagrancy, idle and disorderly persons, prostitution, and such like.

My experience of the working of this Act has been gained by reason of having, in my capacity as magistrate, frequently interviewed and given the certificates necessary for reception into retreats under the provisions of the Act, and as previously stated.

SHORT (S. E.)

My experience as Justice of the Peace and Visiting Justice for the City of Birmingham and as a member of the Board of the Brentry Homes. In the police-court I have taken part in dealing with a considerable number of cases in which habitual drunkenness formed part of the charge or was incidental to it. I have taken an active part in the children's court for the past three years and the question of the inebriety of one or both of the parents is continually arising out of the proceedings; also in the court dealing with defaulters under the Education Acts, in which the same cause is noticeable.

SISTER SUPERIOR, Spelthorne St. Mary.

Fourteen and a half years charge of Spelthorne St. Mary Retreat for gentlewomen and middle-class women.

SMITH (G. M.)

Seven years and one month as medical licensee of a retreat.

SOLLY (G. A.)

My experience is as follows: Twenty years magistrates' clerk in the Wirral Division of Cheshire. Population over 100,000. I have been twenty-five years connected with the Birkenhead Corporation; for fifteen years a member of the Council. I was on the Finance Committee when the arrangement between the Corporation and the Brentry Homes was made. I was Chairman of the Education Committee of the Birkenhead Corporation from its formation in 1902 for five years. Since I grew up I have been practically connected with many forms of mission and social work.

SOMERSET (Lady Henry).

Upon the working of the Homes (Reformatory and Retreat) at Duxhurst, Surrey, of which I have been superintendent for 13 years.

VINCENT (Sir W., Bart.)

As Chairman and Vice-President of the Inebriates Reformation and After-Care Association, also Deputy-Chairman Surrey Quarter Sessions, and Vice-Chairman of the Surrey County Council.

WALKER (W. F.)

For the last 12 years I have been in daily contact with inebriates belonging to the upper classes of society only. First, as proprietor of an inebriate home at Street Court, Kingsland, Herefordshire, from 1896 to 1901. Secondly, as proprietor of an inebriate home at Plâs-yn-Dinas, Dinas Mawddwy, Merioneth, from 1901 up to present day, May 22nd, 1908. During this period 205 patients have passed through my hands. Thirdly, I have been a justice of the peace for 20 years on the County Bench in Hereford shire.

WILMOT (F. E.)

Upon nineteen years' experience as Secretary of the Church of England Temperance Society, and on one year as honorary superintendent of a retreat for male inebriates. During the first period the society had retreats for women, one in 1889, and five at the end of the period, and one retreat for males for the last six and a half years.

QUESTION II.

2. What do you consider that the definition of "habitual drunkard" or "inebriate" should be?

ANSWERS.

BARNETT (F. W.)

The definition of the Act of 1879 appears to me to be quite sufficient, viz: A person who is, by reason of habitual intemperate drinking, dangerous to himself or herself or to others, or incapable of managing himself or herself, and his or her affairs, with the qualification which my answer to Question 3 supplies.

BROSCOMB (J. H.)

I regard the terms "habitual drunkard" and "inebriate" as synonymous, and think that the definition should be "one who is unable or unwilling to abstain from taking alcohol or drug (by injection or otherwise) in excess."

CARY (Mrs. E.)

I am satisfied with the definition given in the Act of 1879, but think it should be interpreted to include such cases as being *at times* perfectly sober, are subject to frequently recurring periods of inebriety.

2. What do you consider that the definition of "habitual drunkard" or "inebriate" should be?

[*Continued.*

ANSWERS.

COOPER (J. W. A.)

I prefer the term habitual inebriate, as including persons taking to excess not only intoxicating liquors, but also all forms of narcotic and sedative drugs.

I should define an habitual inebriate as a person who by reason of hereditary or acquired mental disorder is incapable of using alcohol or other narcotic drugs, without abuse, and who is in consequence either habitually, or at times, dangerous to himself, herself, or to others, and incapable habitually or at times of managing his or her affairs.

GAMBLE (Mrs. S. A.)

A person who has so far lost control of appetite as to be unable to take alcohol—or drugs—in moderation.

GORDON (Miss M. L.)

Inebriate.—An inebriate person is one who is constitutionally unfit to drink alcoholic liquors. He is the subject of an inherent liability to be poisoned by alcohol. He has an inherent defect in resistance to the action of the poison. He is liable to a desire of morbid character and intensity to obtain, not only stimulation, but narcosis by means of alcohol. When poisoned by alcohol he has a peculiar tendency to rapid general mental deterioration. His liability to destruction and death by alcoholic poisoning make him a subject of special care and anxiety to the community. He is always a potential and frequently an actual burden to the community on account of his special inherent defect. An inebriate person is always an inebriate. His inherent liability to poisoning and inherent defect in resistance cannot be taken away. Therefore we know of nothing that can make the taking of alcoholic liquors safe for him. He is, however, not necessarily a drunkard. We know of ways that can help him to be or can keep him sober. *Qua* inebriate who is not a habitual drunkard, he is not a subject for detention in any institution, although he might under special circumstances be a fitting subject for supervision.

Instances of persons inebriates but not drunkards.

Habitual Drunkard.—A man is alcoholic when it is evident that he is taking alcohol in quantities that may induce in him either acute or chronic poisoning. He is *drunk* when he shows symptoms of alcoholic poisoning. He is a *habitual drunkard* when he is frequently or persistently in a state of poisoning by alcohol.

For the purposes of detention.—A habitual drunkard is a person who, by reason of habitual drinking of intoxicating liquor, or of consuming any other stimulant or narcotic substances is rendered at times, or permanently, harmfully neglectful, injurious, or dangerous to himself, herself, or others, or incapable of managing his or her affairs; or who has on four occasions during any two consecutive years been committed for any offence of which drunkenness was a part; or who has been convicted of any crime committed while under the influence of drink; or who, being a young person under the age of 20 years, has been three times committed for any offence of which drunkenness was a part.

HOGG (F. S. D.)

The word "inebriate" should be substituted for "drunkard" because the former term includes those who take drugs to excess in various ways (injection, inhalation, etc.). I include all drug habitués under the definition "habitual inebriate."

There is no object in retaining the words, "not being amenable to any jurisdiction in lunacy." If the inebriate is a lunatic he can be dealt with under the lunacy laws. If he is sane it may be held, and I understand it has been held, that no inebriate can be dealt with under the Inebriates Act unless he is to some extent mentally deficient. The words "at times" has, I am told, been held not to apply to "incapable of managing," etc. To remedy these objections I would suggest the following definition: The expression "habitual inebriate" means a person who habitually indulges to excess in any intoxicating, sedative, narcotic, or stimulant drug or preparation, and as a result is, or is likely to be, dangerous to himself (or herself) or to others, or is, or is likely to be, temporarily or permanently incapable of managing himself (or herself) or his (or her) affairs. I should like to suggest that if the definition of "habitual drunkard" (or "inebriate") is altered so as to include persons who take drugs in various ways other than by drinking, Section 21 of the Act of 1879 should be altered. After the words "restrained from drinking intoxicating liquor," some words such as "or indulging in any sedative, narcotic, or stimulant drug or preparation," should be inserted.

HOLMES (T.)

For those who come within the Act of 1898 three definitions are required, for they include:—

1. Disorderly women;
2. Demented women and men:
3. Inebriates, *i.e.*, victims of drink.

O'FARRELL (Sir G.)

I consider the definition in the Act fairly satisfactory, but that it would be extended to the habitual user of narcotic drugs.

PENTITH (Mrs. A. S.)

One dangerous to self and others.

SAMPSON (T. E.)

I think the present definition of both "habitual drunkard" and "inebriate" is sufficient as defined by the Act, but it should be made perfectly clear that the definition should apply to a person who habitually drinks to excess, and who is at times in consequence thereof, either when sober or drunk, dangerous to himself or herself or to others, or incapable of managing himself or herself and his or her affairs. (See answer 3.)

SHORT (S. E.)

A person who is constantly under the influence of intoxicating liquor from which cause self-restraint is lost, and which in a man shows itself in his continued neglect of those dependent upon him, and often in brutal treatment of his wife and children, and in a woman by her neglect of her home and children and her resorting to surreptitious means to obtain drink when any attempt is made to restrain her from the habit.

SISTER SUPERIOR, Spelthorne St. Mary.

A person who is incapable of self-restraint in regard to the excessive misuse of alcohol and drugs.

QUESTIONS 2 and 3]

2. What do you consider that the definition of "habitual drunkard" or "inebriate" should be? [*Continued.*

ANSWERS.

SMITH (G. M.)

An inebriate is a person who is, by reason of habitual or periodical intemperate use of intoxicating liquor, at times dangerous to himself or herself or to others, or incapable of managing himself or herself or his or her affairs.

SOMERSET (Lady Henry).

The habitual drunkard, anyone who has lost all control over his appetite for alcoholic beverages; the inebriate one who to procure a certain sensation will drink anything which will produce it.

VINCENT (Sir W., Bart.)

A person proved to be frequently intoxicated.

WALKER (W. F.)

They should apply to all persons who have proved themselves incapable of self-restraint in regard to the amount of alcohol they habitually take, and have demonstrated this for a considerable period.

WILMOT (F. E.)

The definition seems sufficiently comprehensive, though there are many intemperate persons who would never be dangerous either to themselves or to others, or who could be said to be incapable of managing themselves or their affairs. It seems there should be some option of evidence of relations as to habitual intemperance, if such could be sufficiently safeguarded to prevent abuse.

WOMEN'S TOTAL ABSTINENCE UNION.

In our opinion it is desirable that the word "inebriate" be substituted for "drunkard," as it is more comprehensive and less opprobrious.

QUESTION III.

3. Would you include persons addicted to the use of drugs, such as morphia, cocaine, chloral, chloroform, ether, etc., in a definition of "habitual inebriate"?

ANSWERS.

BARNETT (F. W.)

Yes, most certainly, granted that this is a question for medical experts. I can at the same time testify that victims of the drug habit are increasing, and that they are of all cases the most difficult to cure.

BROSCOMB (J. H.)

Yes.

BURDEN (Rev. H. N.)

I consider it exceedingly desirable that the Act should be made applicable to persons addicted to the use of drugs.

CARY (Mrs. E.)

Yes, certainly.

COOPER (J. W. A.)

Yes.

GORDON (Miss M. L.)

Certainly I should. All the same arguments apply to the drug-taker. He is the subject of the same defects. I have not personally known any drug-taker who took one drug only. Every drug patient I have known has also taken alcohol to excess at times. Drug-takers often substitute drink for drugs, or use them alternately (*e.g.*, take brandy when they are frightened at the depression they have produced with morphia). Or they will use them alternately, or will give up one and take to the other. The tendency to seek numerous means of narcosis makes drug-takers particularly difficult to treat.

HOGG (F. S. D.)

See Answer to Question 2.

HOLMES (T.)

Certainly.

NORTON (E.)

Yes.

O'FARRELL (Sir G.)

See Answer to Question 2

PENTITH (Mrs. A. S.)

Most certainly so.

3. Would you include persons addicted to the use of drugs, such as morphia, cocaine, chloral, chloroform, ether, etc., in a definition of "habitual inebriate"?

[*Continued.*

ANSWERS.

RILEY (H. M.)

Definition of inebriate should embrace habitual users, as defined by the Act of 1879, not only of alcohol, but also all forms of narcotic and stimulating drugs.

SAMPSON (T. E.)

I would certainly include persons addicted to the use of these drugs in the definition of "habitual drunkard" or "inebriate." I have in my experience come across several cases of the drug habit, and at one time it was considered doubtful whether such a person came within the definition, but upon the question being submitted, which was done at my instance, to the Home Secretary, and in turn by him to the then Law Officers of the Crown, the latter gave it as their opinion that such a person did come within the meaning of the Act, and I have acted upon it since. This should, however, be made perfectly clear in order to avoid any question.

SISTER SUPERIOR, Spelthorne St. Mary.

Yes, most certainly.

SMITH (G. M.)

Yes.

SOMERSET (Lady Henry).

Yes.

TIBBITS (H.)

From experience of such cases, I am of opinion that they ought to have the opportunity of getting cured, and as cure can usually only be obtained by a considerable amount of restraint they should be included in the definition so that they could be included in the Act.

WALKER (W. F.)

Most certainly.

WILMOT (F. E.)

Yes; but I think that drug cases should only be sent to retreats in the charge of a qualified medical man, or which have a resident medical officer.

QUESTION IV.

4. What is your opinion regarding the present method prescribed for the licensing of Retreats? Have you met with any difficulty in existing arrangements, and if so, what remedy do you suggest?

ANSWERS.

BROSCOMB (J. H.)

I regard the present arrangements as unnecessarily cumbrous. The local authority has facilitated matters as far as possible, but I think the licensing should be a matter for the Home Office, and procedure should be as simple as possible. It was felt by my committee as oppressive that stamp charges should be made, as they were for some years: this charge, in respect of Corngreaves Hall, has not been enforced of recent years.

BURDEN (Rev. H. N.)

When I have applied for licences for the retreats with which I have been associated, application has had to be made first to the Home Office for approval of the scheme, then to the county or borough authorities for actual licence, then to the Home Office again in regard to all matters concerning the subsequent conduct of the institutions. The procedure is unnecessarily cumbrous and annoying. I think the licensing of retreats is not a duty which should be imposed upon local authorities, who can have no technical knowledge as to the requirements of such institutions. The licensing, and subsequent control, of all retreats, should be in the hands of the central authority. It is ridiculous to place one power in the hands of a local authority, and the other in the hands of the Secretary of State; and it is detrimental to a high standard of efficiency to expect the Secretary of State to adapt regulations to any kind of institution a local authority choose to license.

COOPER (J. W. A.)

In my opinion the licensing of an inebriates retreat should be in the hands of a central authority (viz., the Home Office), and not in the hands of the County Councils, the members of which are, in my opinion, unqualified to judge as to whether a retreat should or should not be licensed, having no authority with the necessary technical knowledge to guide them in their decisions. I have personally nothing to complain of, but can readily imagine that, under existing arrangements, circumstances might easily arise leading to a loss of licence, which would not occur were the licensing in the hands of the Home Office.

GOMME (G. L.)

The present arrangement, so far as London is concerned, has worked well, but the period of the licence might very well be extended from two years to, say, five years.

QUESTION 4]

4. What is your opinion regarding the present method prescribed for the licensing of Retreats? Have you met with any difficulty in existing arrangements, and if so, what remedy do you suggest?

[Continued.

ANSWERS.

HOGG (F. S. D.)

Retreats should be licensed by the Secretary of State and not by local authorities, the members of which are not for the most part familiar with the requirements and the working of a retreat.

By making application in good time I have experienced no difficulty in renewing a licence, but I can readily understand that serious difficulty might arise, and has arisen, as a result of the infrequent meetings of the local authorities. The establishment of a large retreat means a considerable outlay of capital, and if there should be a slight delay in application for a licence renewal, or if conditions, such as are referred to under Section 8 of the 1879 Act, arise, the retreat may be for months without a licence. Those patients who are under the Act will have to be discharged, to their detriment, and there would be loss of money and a general unnecessary upset which would be entirely avoided if licences were granted by the Secretary of State, to whom application could be made at any time. I further consider that licences should be given for indefinite periods until withdrawn at the request of the licensee, or unless the conditions arise which are referred to under Sections 8, 9, and 23 of the 1879 Act.

Under Section 3 of the 1888 Act a licensee who wishes to absent himself from a retreat may obtain the approval of the local authority for the appointment of a deputy. It is frequently impossible to obtain this approval from a committee which only sits occasionally. For my own part, I have to time my holiday, not at a certain fixed date, but when the condition of my patients admits of my leaving them in other hands; and during nine years I have only once been able to obtain the approval of the local authority at the time when I was able, and wished, to take leave. In this section I would suggest that "the Secretary of State" or "the Inspector of Retreats" should be substituted for "the local authority."

O'FARRELL (Sir G.)

I consider that in Ireland there should be only one authority for the licensing and subsequent control of retreats, and that the Lord-Lieutenant should be that authority.

PARKER (Rev. Canon C. J.)

The managers are of opinion that to remedy the present cumbrous procedure all retreats should be licensed by the Secretary of State for the Home Department, instead of by the local authority.

PENTITH (Mrs. A. S.)

It is not at all satisfactory. In 1900, when the inspector was satisfied with the Hermitage, and the Sanitary Committee of the East Riding County Council passed the house, the owner willing to let it on lease, many annoying letters appeared in the local Press. In 1905, when the lease expired, we desired larger premises. A suitable house at Hessle was found; the owner would lease, the Home Office satisfied. The doctor in house adjoining used his influence and the licence was refused. Albion House, Beverley, was secured. We only took private patients for a time, from September, 1905, to March, 1906, when we applied for a licence, and having no fault to find, we were successful. To obviate this difficulty would suggest that the Home Office grant the licence, and not the local authority, which in Beverley is the Town Council. This body granted us the licence in 1906, and in February, 1907, applied for provisional licence to erect a public-house on the adjoining land, which we opposed successfully.

RILEY (H. M.)

I have had no real difficulty in obtaining a licence, but would suggest that the licence should be given by the Secretary of State to avoid the apparently unnecessary publicity and duplication of trouble arising from the necessity for application to local authorities after approval by the Home Office. It seems absurd also that the granting of the licence and the subsequent supervision of the retreat should be in different hands.

SMITH (G. M.)

In my opinion retreats should be licensed directly from Government only, and such licences should be limited to a fixed number until it is shown that there is not adequate accommodation to meet the demand. I have met with no difficulty.

SOMERSET (Lady Henry).

The difficulty, I consider, lies in the fact that the licensing of retreats rests in the hands of a body who have no experience of the requirements or salient features of such places. I have met with much difficulty in this direction, and I would beg to suggest that such powers of licensing be vested in the authorities at the Home Office.

WALKER (W. F.)

I consider the present method for licensing retreats to be on a false footing altogether, and requires alteration at once. The licence is given by a body of men who know nothing of the work that is done in retreats; who have no knowledge whatever of the disease of inebriety and its kindred ailments. Neither do they possess any power of visiting the places they are allowed to license, and would be, in my opinion, totally unfit to do so if they had the power. I have met with difficulties as to licensing, and have had restrictions forced upon me which I consider detrimental to my work, such as having been obliged to submit to having a clause in my lease abolishing my right to allow any recreation of any sort to be resorted to on a Sunday. The subsequent supervision of licensed houses is under the Home Office, where experts on the subject of inebriety are found, and it is to that body that a proprietor is responsible. The licensing power should also be placed at the headquarters, viz., the Home Office.

WILMOT (F. E.)

The present method seems satisfactory. I have not met with any difficulty in existing arrangements.

QUESTION V.

5. Do you consider that all Retreats and "Inebriate Homes," whether public or private, should be compelled to apply for licence?

ANSWERS.

BARNETT (F. W.)

No; not if they are conducted on philanthropic lines, for the good of the community, and not for private gain. Some of the voluntary "inebriate homes" have performed an excellent work, as I can bear witness.

BROSCOMB (J. H.)

Yes.

BURDEN (Rev. H. N.)

I am strongly of opinion that no institution for the reception of inebriates should be allowed to exist unless it has been duly licensed for the purpose; nor do I think that any person should be allowed to exercise control over inebriates unless they are acknowledged by a competent authority to be capable of carrying on the work.

CARY (Mrs. E.)

I do, and am of opinion that this compulsion should include so-called "nursing homes" where for long or short periods inebriate patients are given specific medical treatment.

COOPER (J. W. A.)

Most certainly. In my opinion *all* institutions to which patients are admitted for the treatment of inebriates should be licensed, and under the direct control of a central authority. And that, moreover, no person should be permitted to receive and detain an uncertified inebriate patient, unless his house be licensed, just as no one is permitted to receive and detain an uncertified lunatic; and that no one should, unless licensed to do so, receive more than one inebriate patient (unless by special permission), just as no one is allowed to receive more than one lunatic (except by special permission) unless his house be licensed for this purpose. In my opinion the nearer the safeguarding of the inebriate can be made to approximate to the safeguarding of the lunatic, the better for the inebriate and for the community at large. No person is allowed to undertake the care and treatment of persons certifiable under the Lunacy Acts, unless under direct control of the Lunacy Commissioners. In my opinion it is equally important in the best interests of the inebriate and his friends, that he should be equally carefully safeguarded, and not allowed to fall into the hands of any person or persons advertising certain "cures," unless those persons have been duly approved by the central authority, and the advertised "cures" investigated and approved, and the person or persons duly licensed by the authority. In my opinion any person or persons undertaking the cure or treatment of certifiable inebriates, or selling or exposing for sale any drugs or combination of drugs for the cure of inebriety, should, unless duly licensed by the central authority, be guilty of an offence under the Inebriates Acts.

GAMBLE (Mrs. S. A.)

Yes, decidedly, this is most desirable.

GOMME (G. L.)

It would appear desirable that all retreats and inebriate homes should be licensed. Where the liberty of the subject is concerned, as it necessarily must be by detention in institutions of this description, such places should be officially inspected and regulated. Moreover, the licensing of these institutions would afford the managers greater powers of control over persons under their charge.

GORDON (Miss M. L.)

Yes. My reasons for this are set out in an article which I wrote for the "British Medical Journal," Saturday, May 3rd, 1902, and which was reprinted in Dr. Branthwaite's Report to the Secretary of State. (Twenty-first Report, Appendix D.).

The arguments were:—

That habitual drunkards are a particularly helpless class.

That they do not excite the pity that the insane do.

That they are often very friendless at the time they enter retreats.

That they are, at any rate, temporarily the subjects of a certain amount of mental defect, or disturbance.

That there are a considerable number of persons with no knowledge of treatment who take them as patients.

That it is very easy to exploit them.

That they are entitled to the inspection and safeguarding found necessary to other defective and captive persons, viz., prisoners and lunatics.

Instances from my own experience.—I knew 19 cases who were at various times under the private care of one person. They were all feeble-minded or perverted, or drunkards or young and troublesome. Six were drink or drug-takers. No proper care was taken of these patients. They were allowed to wander and buy drink. Drink was actually supplied to one of them. None of these people had the protection or treatment their friends supposed they were paying for.

HOGG (F. S. D.)

All retreats and inebriate homes should be licensed and inspected. It should be illegal for a person to keep more than two inebriates in his house as patients or paying guests without a licence. The uninitiated are unable to discriminate between those retreats that are well conducted and those that exist by practically obtaining money under false pretences. I know of several where there is apparently no attempt made to prevent the inebriates from obtaining liquor. Licensing and inspection would sweep away such places, and would improve those institutions which, with the very best intentions, are conducted by inexperienced persons with faulty methods, and on premises which are not fit for the purpose to which they are put.

QUESTIONS 5 and 6]

5. Do you consider that all Retreats and "Inebriate Homes," whether public or private, should be compelled to apply for licence?

[Continued.

ANSWERS.

NORTON (E.)

Yes, except in the case where only a single patient is taken.

O'FARRELL (Sir G.)

Yes, certainly, where two or more persons are detained or treated.

PARKER (Rev. Canon C. J.)

We are of opinion that all institutions for the care of inebriates should be licensed and supervised by inspection and regulation. Any person who receives for the purpose of control and treatment more than one inebriate should be liable to penalty as in the case of lunatics.

PENTITH (Mrs. A. S.)

Yes, and places where the advertised "cures" are used also.

RAMSAY (J. T. T.)

Yes. All retreats and "homes for inebriates" should be licensed and periodically inspected, and further, all licences should be granted by the Secretary of State, not by County or Borough Councils.

RILEY (H. M.)

I consider all persons receiving inebriates should be under Government inspection, on the same lines as lunatic asylums, and should also possess special qualifications for the work.

SAMPSON (T. E.)

I do consider that all "retreats" and "inebriate homes," whether public or private, should be compelled to apply for a licence, and thus come under visitation.

SISTER SUPERIOR, Spelthorne St. Mary.

Yes.

SMITH (G. M.)

Most certainly, no retreat should exist unless really deserving a licence.

SOMERSET (Lady Henry).

Yes.

VINCENT (Sir W., Bart.)

We think that all houses, institutions, and other places into which inebriates are received for care and treatment should be licensed and periodically inspected by the Home Office, and that a penalty be fixed for receiving, on payment, into any house without a licence more than one inebriate for care and treatment as in the case of lunatics. The treatment of inebriates as far as possible should be under the supervision of the Home Office.

WALKER (W. F.)

Yes.

WILMOT (F. E.)

Yes, decidedly.

QUESTION VI.

6. Do you consider that the licensing under the Inebriates Acts of part of an institution for lunatics might be of advantage?

ANSWERS.

BROSCOMB (J. H.)

No.

BURDEN (Rev. H. N.)

I am of opinion that the treatment of inebriates should be entirely disassociated from the treatment of lunatics or prisoners. In other words, it should be impossible for any lunatic asylum to undertake the treatment of inebriates as part of its work, and no inebriate reformatory should be conducted in connection with a prison, or by the Prison Commissioners. Habitual drunkenness should be treated as a definite condition requiring definite treatment, and its victims should not be labelled as either lunatics or criminals.

CARY (Mrs. E.)

Yes.

6. Do you consider that the licensing under the Inebriates Acts of part of an institution for lunatics might be of advantage?

[*Continued.*

ANSWERS.

COOPER (J. W. A.)

By no means. While it is now recognised that inebriety is closely allied to other forms of mental unsoundness, it is in many ways so different as to make, in my opinion, the detention of inebriates in asylums set apart for the care and treatment of insane persons, a by no means satisfactory method of treatment. Moreover, it would, in my opinion, increase instead of diminish the difficulty now experienced of inducing the inebriate to place himself under control and treatment, and to make the friends and relations of such patients shy of advising them to adopt such treatment. Amongst the regulations approved by the Home Office for the proper conduct of retreats is one (Rule 10) relating to inebriate patients being or becoming insane, which makes it incumbent on the licensee of a retreat to send any patient who is insane forthwith to a lunatic asylum. I would suggest that this regulation is a very wise one.

GOMME (G. L.)

The inmates of Farmfield have generally shown some indication of their fear of being classed as lunatics. The detention, therefore, of inebriates in lunatic asylums would in the majority of cases have a detrimental effect, and as regards the mentally weak, it might result even in the complete breakdown of their mental balance.

HEARDER (F. P.)

The licensing of part of an asylum as an inebriate retreat and reformatory would undoubtedly be an advantage on the ground that many cases of acute alcoholism admitted into lunatic asylums recover mentally very quickly and then cannot be detained for a sufficiently long period to lead to reasonable stability.

Such cases might be continuously detained in part of an asylum or transferred on mental recovery from asylums to retreats or reformatories.

Conversely many cases at present committed to reformatories might with great advantage be transferred to special wards in asylums on account of their frequently recurring short insane periods. They cannot be detained in asylums now because at times they cease to be certifiably insane. They might, however, be continuously detained during sentence if detained as inebriates in a part of an asylum certified as a reformatory or retreat.

HOGG (F. S. D.)

Yes. There are a certain number of inebriates who are temporarily insane, others of weak intellect, and others who are borderland cases. A retreat for inebriates is not a suitable place for some of these persons. It is not always advisable to certify those whose insanity is likely to be of short duration. Such a step might injure their prospects. The two latter classes cannot be certified. I think it would be an advantage to be able to place a certain number in an asylum under the care of an expert in lunacy without the stigma of certification. But they should be kept separate from lunatics.

O'FARRELL (Sir G.)

Yes, under certain circumstances, but I think, as a rule, these institutions are better separated.

PARKER (Rev. Canon C. J.)

In reference to this matter the managers consider that work amongst inebriates, especially among those now admitted to inebriate retreats, should be kept absolutely and entirely distinct from lunacy work, and that it is not, therefore, desirable that lunatic asylums should be licensed as retreats.

PENTITH (Mrs. A. S.)

No.

RAMSAY (J. T. T.)

Superintendents of long experience in asylums discourage as far as possible the admission of habitual drunkards. I gathered this fact whilst acting as assistant to Dr. now Sir John, Batty Tuke, M.P., and subsequently to Sir Henry Duncan Littlejohn, and for the following reasons, among others, since confirmed by personal experience:—

(*a*) They are so frequently vicious persons who require reformation rather than treatment.

(*b*) That the arrangements of an hospital for the insane are generally unsuitable, and that the attitude towards an insane person is quite inappropriate towards an ordinary drunkard.

(*c*) They are not the subjects of such a degree of mental unsoundness, as, in the opinion of the medical officers, renders them certifiable in the eye of the law, and they are, therefore, unable to be detained against their will, although they are not of sufficiently sound mind to be able to take care of themselves.

SAMPSON (T. E.)

I do not consider that the licensing under the Inebriates Acts of part of an institution for lunatics would be of advantage. I think that although habitual drunkenness may be considered to be a form of lunacy it would be detrimental to class or bring them into the same environments as certified lunatics.

SISTER SUPERIOR, Spelthorne St. Mary.

I should think it would be very bad for the inebriates.

SMITH (G. M.)

No. Already I consider that many inebriates would enter retreats did they not confuse in their minds retreats, reformatories, homes and asylums. This confusion is due to the Press and advertisements of asylums, etc.

QUESTIONS 6 and 7]

6. Do you consider that the licensing under the Inebriates Acts of part of an Institution for lunatics might be of advantage?

[*Continued.*

ANSWERS.

SOMERSET (Lady Henry).

No, I do not think it an advantage to mix in the same building any apparently hopeless cases with those for whom there is hope of cure.

WALKER (W. F.)

The association *in any way* of inebriates with mental cases severe enough to warrant a certificate of lunacy would, in my opinion, be a very dangerous proceeding and have a disastrous effect on inebriates, who are all of highly strung nervous temperament, and always more or less neurotic.

WILMOT (F. E.)

No. It would, I think, be impossible, at any rate in institutions worked on a philanthropic basis, and I have no experience of any others, because of the increased expenditure which would be necessary for additional attendants, and therefore the increased *per capita* cost of patients.

QUESTION VII.

7. Have you any suggestions to make for the amendment of the present requirements for the voluntary admission of patients into licensed Retreats?

ANSWERS.

BARNETT (F. W.)

On the whole, I consider present arrangements to be satisfactory, but an improvement might be effected if licensed retreats were only to receive patients under the Act. When free patients enter and leave retreats at their own pleasure it certainly creates a sense of injustice, and frequently a feeling of unrest, in the minds of those patients who have given up their freedom, by signing a legal contract which is binding.

BENNETT (H. C.)

As to this, I would observe that in my experience it is necessary to exercise great care in receiving these requests. I have had cases in which an application has been made by an inebriate, and when the definition of the term has been explained to him by me and is fully realised by the applicant, as well as the effect of the application, the applicant has refused to proceed further in the matter.

BROSCOMB (J. H.)

I am of opinion that many women are deterred from entering retreats by being required to sign a "request for reception" in the presence of a justice of the peace, and would suggest that it would be sufficient for a person to admit the fact of being an inebriate verbally in the presence of the person who receives the statutory declaration.

COOPER (J. W. A.)

It seems to me to be a contradiction in terms to call the admission of an inebriate to a licensed retreat under the Inebriates Acts *a voluntary admission*, seeing that in nine cases out of ten such patients have signed the necessary papers under the influence of compulsion in some form or other, used by the relatives, guardians or trustees of such patients. The really voluntary patient being one who is admitted of his own free will, and can go or stay as he thinks fit. It seems to me rather unfair to throw the burden of compelling a patient to thus seek admission into a retreat on the shoulders of his relatives, guardians or trustees, seeing that they are not more responsible for his condition than they would be responsible for the condition of an insane relation or ward. The inebriate is frequently mentally unable to appreciate that such compulsion has been used entirely for his ultimate benefit, and frequently bears a grudge against those responsible for its use, which, should occasion arise, prevents him from allowing such to prevail a second time if it be at all in his power to prevent it. I submit a suggestion that it would be better both for the inebriate and his friends that such compulsion should be exercised by Government rather than by the inebriate's friends, when such compulsion is necessary, to induce him to place himself under control and treatment. (See further remarks on this head under Section D, question 45.)

GAMBLE (Mrs. S. A.)

We think that power should be given under due safeguards to the immediate relatives and friends of an inebriate to commit such a one to a licensed retreat or "inebriate home," a certificate from one or more doctors having been secured. In other words, the treatment of inebriates should be more completely assimilated to the treatment of the insane.

GORDON (Miss M. L.)

As a matter of fact, no patient goes *voluntarily* into a licensed retreat. Every patient goes either under such an amount of pressure or "moral suasion" as amounts to compulsion, or when too ill or destitute to make further resistance. There should be the possibility of real legal compulsion such as exists for the detention of a lunatic. If there were some such legal method of insisting upon treatment friends of patients would use it, whereas under the present state of things they will not take the responsibility of putting the necessary pressure upon the patient. Patients usually realise this, and presume upon it to get their own way and to be extremely troublesome. They often terrorise their friends by threats of suicide, or to expose their bad treatment of them—and so on.

In getting women of the better class into homes, much of my task has often consisted in persuading friends to use the necessary pressure—or compulsion. They very often refuse to act themselves.

In three instances in my experience patients had respectable friends who were only too willing to pay for their detention in retreats, but who could not get them to go there. I took the law into my own hands and made them all three go. If the friends had been backed by proper legal powers they would have acted. Another good result would be that a patient would often be much more easily controlled, less restless and more amenable to discipline if detained under treatment on legal compulsion.

[QUESTION 7

7. Have you any suggestions to make for the amendment of the present requirements for the voluntary admission of patients into licensed Retreats?

[*Continued.*

ANSWERS.

HOGG (F. S. D.)

No alteration required. The present arrangements work well.

O'FARRELL (Sir G.)

I attach little importance to the patient's request or consent; it is often given when the patient is half dazed, while its withholdment limits the application of the Act very frequently and seriously.

PENTITH (Mrs. A. S.)

That the length of time be not fixed by the patient. Some have come to us with papers signed before a magistrate for three months only, which is no use to them, and unsettles others in the institution.

SAMPSON (T. E.)

I think the present requirements for voluntary admission of patients into licensed retreats are satisfactory.

SHORT (S. E.)

My experience is that the condition requiring voluntary consent from the habitual drunkard has failed, the persons most needing the restraint necessary to cure the habit refuse their consent. I suggest that the practice adopted under the Lunacy Acts would be more effective. I am aware that the liberty of the subject is involved in this suggestion, but my experience teaches me that the doctor's certificates are given with the greatest care, and that the magistrates and their clerks also are most careful to obtain satisfactory and sufficient evidence before they consent to a commitment to an asylum. The committal, however, should be for a stated term.

SISTER SUPERIOR, Spelthorne St. Mary.

No.

SMITH (G. M.)

A week is not sufficient time to consider this and other questions, but I would suggest that instead of a J.P. only, a patient should have the alternative of signing "under the Act" before a commissioner of oaths, with his medical attendant as witness.

SOMERSET (Lady Henry).

I think some power should make it compulsory for the habitual inebriate to be detained, if it can be proved that he is unfit to manage his affairs or carry on the ordinary business of life, or by his drunkenness creates scandal.

VINCENT (Sir W., Bart.)

In the case of poor inebriates willing to enter a retreat, there should be some means of providing for their maintenance. We have known of cases where the father of a family would have been willing to enter a retreat and provision might have been made for the support of the family while he was under treatment, but the extra cost of his maintenance in the retreat prevented his use of it. Any inebriate willing to enter a retreat, upon being proved to be without means of providing his maintenance therein, should, at the discretion of the magistrate, be ordered thereto, and the payment of his maintenance should be provided in the same manner as if he had been committed to a reformatory.

WALKER (W. F.)

I consider the present arrangements with regard to voluntary patients most unsatisfactory. My rule is to make them sign a paper on admission giving their word of honour to remain with me the specified time agreed to (six calendar months or one or two years), to abstain entirely from alcohol during residence, and to obey the regulations, which they read before signing the agreement. This is all one has power to do, and it rests with the patient whether he carries out his agreement or not. If not the only means available of meeting a refractory case is to discharge him. If possible, all patients coming into an inebriate home should be under legal restraint and be liable to fine or imprisonment when breaking rules. At present a patient coming voluntary can defy all rules if he chooses to do so.

WILMOT (F. E.)

I think that in the case of "Act" patients, the cost of any legal expenses which may be incurred by the escape or misconduct of one should be placed by law upon the persons responsible for such patients, whether there be an agreement or not to that effect.

QUESTION VIII.

8. In your opinion, is the maximum period for which patients may now sign under the Act too long or too short? If too long, would you favour a statutory requirement that the second year shall be spent on leave of absence unless circumstances make this undesirable?

ANSWERS.

BARNETT (F. W.)

Everything depends upon the history and antecedents of the patient. I have found ten months' detention to be sufficient to effect a cure in some cases, but with others two years at least was necessary to break the yoke of many years of self-indulgence.

In those cases where women have elected to go to a retreat as an alternative to judicial separation for a period of two years, I would favour an arrangement whereby the woman might spend the second year on leave of absence, by returning to her home and family. A probationary test of this sort, as I have seen in many instances, would have a salutary effect. There is another reason for the adoption of this course—a two years' detention is too big a strain on the loyalty and fidelity of the husband.

BROSCOMB (J. H.)

I am of opinion that the period—two years—is not too long. I would not favour a statutory requirement that the second year shall necessarily be spent on leave of absence; I think this should be, as now, at the discretion of the Management Committee, with a recommendation that favourable consideration should be given to an application made by the patient for leave of absence at the end of eighteen months.

CARY (Mrs. E.)

In my opinion, this point can only be decided upon the merits and circumstances of individual cases.

COOPER (J. W. A.)

In my opinion as the Act now stands two years is too long, but if there were a statutory requirement that the time after the first six months be spent on leave of absence unless circumstances made it undesirable, I think, then, that two years would not be too long, and might even be increased to three years. I should go further, and suggest that on the recommendation of the medical superintendent or licensee of a retreat, H.M. Inspector should have power to recommend leave of absence in suitable cases after *six months'* residence. In my opinion residence in a retreat has in *some* cases reached the limit of usefulness in six months; a patient who has been thoroughly amenable, and honestly endeavoured to benefit in every way by his residence, in some cases begins to get restless and affected by a nervous irritability, and if further detained without leave of absence, his physical and mental health are apt to deteriorate, and he will go away at the year or two years in worse condition mentally and physically than he was at the end of six months; a state of things that occasional leave of absence, if merited, would obviate. It is quite impossible and unreasonable to treat every case alike, methods suitable in one case being actually harmful in another.

GAMBLE (Mrs. S. A.)

One year is absolutely essential, and two years are not too many, as a rule.

GORDON (Miss M. L.)

I do not think that patients should be detained in retreats upon any time-limit. To set a time-limit implies that they can be cured by a known definite amount of treatment, which is not the case. Patients or their friends sometimes consider they have been deceived, when, after a full period of detention, there is a relapse. They consider they are entitled to a certain cure in a certain time. Cases ought to be treated upon their merits, and not by time at all. The patient's liberty to appeal at intervals should, of course, be safeguarded, if he is detained beyond a certain time. I see no objection to adding a year to the treatment in order to take it off again—that is—in order to secure a kind of liberty-on-licence to the patient. I think it would be an excellent thing if all patients detained were afterwards liberated on a considerable period of probation. I believe in many cases it would greatly help the patient's recovery.

HOGG (F. S. D.)

Two years is in most cases too long a period, and in almost every instance where a man has signed for two years I have applied, after one year or earlier, for his leave of absence. For leave of absence purpose a longer period than two years would be useful; and it would be an advantage if a clause were inserted into the Act to allow the inebriate, who has still an unexpired period under the Act, to sign for a fresh, but longer, period on leave of absence. This period to commence either from the date of the fresh signature or as an addition to the period for which he has already signed.

I would recommend no alteration in the present maximum period (two years), but I favour a statutory requirement that the second year, with an additional period if considered advisable by the licensee, shall be spent on leave of absence, unless circumstances make this undesirable. I consider that the licensee should not be forced to apply for leave; he should have the option of either applying for leave or for the discharge should the Secretary of State or the Inspector of Retreats decide, against his opinion, that leave is desirable.

NORTON (E.)

For the large majority of cases the maximum period is too long, but for a few cases it is not. Leave of absence for the latter would be a doubtful advantage (for the second year).

O'FARRELL (Sir G.)

Nearly all patients in Ireland are discharged on licence at or before the expiration of the first year.

8. In your opinion, is the maximum period for which patients may now sign under the Act too long or too short? If too long, would you favour a statutory requirement that the second year shall be spent on leave of absence unless circumstances make this undesirable?

[Continued.

ANSWERS.

IENTITH (Mrs. A. S.)

Two years is not too long in most cases, but in some instances the second year might be spent on leave of absence. We would favour this with exceptions.

RILEY (H. M.)

I do not think the maximum period of three years is too long in extreme cases. But after the first year a limited amount of freedom might be granted. With all my patients, both "voluntary" and "under the Act," I make it a rule after twelve months to allow them to go out without supervision on condition that they are in the house for all meals. I have at present two patients who have signed under the Act, and for the last six months they have enjoyed this privilege with the best results to themselves. Should any of them having this privilege relapse, they are placed again under supervision for two or three months before they receive a further trial. This system I have used for the last thirty years, with the most favourable results. I consider the minimum period of twelve months sufficient in early stages of inebriety.

SAMPSON (T. E.)

In my opinion the period is not too long. The period should be for twelve months at least, but I would give liberty for further extension up to one year or even longer, and that a portion of the second period should, if thought desirable, be spent on leave of absence upon licence, a report being made by some person responsible as to how the patient is conducting himself with respect to drink, and if found to have again given way to drink he should be liable to have his leave of absence forfeited, and again taken to the home.

SHORT (S. E.)

If the foregoing practice were adopted, the medical officer of the retreat as the medical officer at the asylum, would have the power of saying from his knowledge of the patient whether it was desirable that he or she should be released on licence before the expiration of the term.

SISTER SUPERIOR, Spelthorne St. Mary.

Two years, with discharge after a shorter detention at the discretion of the licensee, appears to me to meet the need of the large majority of cases. No.

SMITH (G. M.)

The time of two years is not too long for those who sign for that period. I favour no statutory requirement. If precautions are taken in granting licences only to suitable medical men of means, I think suitable medical men would not apply or re-apply for licences if they were not trusted to do their best for their patients under existing arrangements.

SOMERSET (Lady Henry).

I think it desirable that, if, at the end of the first year good hope is entertained of reformation, and the condition to which the patient goes are favourable to recovery, the second year be spent on leave of absence, with obligation to return should he relapse, or should those to whose care he is consigned assert that he has given way to drunkenness, but this must vary according to the condition, mental and physical, of the patient.

WALKER (W. F.)

In my opinion no case, however mild, should be allowed to enter any retreat for a less period than six calendar months. I, personally, have never received one for less, and the majority come to me for a year, and I urge this in view of the fact that I find permanent results for good fifty per cent. higher when this course is adopted than when only six months is allowed to eradicate a disease and vicious habit which has generally been present for years, before a patient seeks aid for it. Patients often stay on voluntarily after being a year or two with me, and I have had one instance where a man stayed for three years. Two years, in my opinion, is hardly sufficient for extremely bad cases, and especially those of narco mania, or where the brain has been affected.

WILMOT (F. E.)

There is much need for discretionary action, as cases differ so greatly, that I consider it would be better to extend the period to three years. In many cases of women three years is absolutely necessary. In some cases of men, that is, men under 30 years of age, nine months is sufficient. In most cases of men I think one or two years is sufficient; after that period it seems to me that independence becomes sapped, and character seems to deteriorate. The officer in charge of the retreat is the best judge of how to deal with special cases. I do not think statutory compulsion to grant leave of absence desirable. If it existed the difficulties of superintendents would be seriously increased, and, as I understand the law, they have the right now, if they think it desirable, to grant leave of absence during the second year. In my idea, the greater the responsibility put on licensees to discriminate and individualise the better the results would be.

QUESTION IX.

9. Do you consider the licence tax a reasonable one, or are you of opinion that it should be abolished? If the latter, please state your reasons.

ANSWERS.

BARNETT (F. W.)

The licence tax is reasonable, where the retreats are established solely for patients paying big fees, but in the case of retreats where the fees are low, and charitable subscriptions necessary for the upkeep of the institution, they ought to be abolished.

BROSCOMB (J. H.)

Having regard to the cost of supervision by the Home Office, I think the licence tax a reasonable one in the case of retreats carried on for private gain. Those carried on from philanthropic motives should be exempt, because it is not just that persons who are trying to do good should have to pay for the privilege of so doing.

BURDEN (Rev. H. N.)

I consider that the licence tax is unnecessary, unjustifiable, and one which should not be levied. Had the Treasury not remitted the tax for Brentry (which is a retreat as well as a reformatory) the amount payable for licence every two years would have been £25. This becomes a serious item for institutions which have to be conducted at a minimum cost.

COOPER (J. W. A.)

I am quite satisfied with the licence tax.

GAMBLE (Mrs. S. A.)

We consider the tax quite reasonable.

HOGG (F. S. D.)

I do not consider the tax a reasonable one. No tax has to be paid on the licence of the retreat with which I am connected, so that the question does not personally affect me.

Retreats may be classed as follows:—

(1) The Philanthropic—these now escape taxation.

(2) The dividend earning, of which

(*a*) The well conducted, for the most part, invite inspection, apply for a licence, and are taxed.

(*b*) The badly conducted, and those where quack nostrums are employed, do not invite Government inspection and escape taxation.

Of course, universal licensing and taxation would equalise matters, but I fail to see why those who try to cure inebriety should be taxed while those who endeavour to cure other diseases should escape taxation.

O'FARRELL (Sir G.)

The difficulty of establishing retreats is increased by the payment of a tax for what is often a meritorious action on the part of the persons who seek the licence.

PARKER (Rev. Canon C. J.)

Brentry being an institution not conducted for profit, the licence fee has of late years been remitted.

PENTITH (Mrs. A. S.)

We have only paid the tax twice, the Lords of the Treasury exempted us afterwards, as we make no profits, instead we take a needy case yearly. Would it be well to make a distinction between those worked on philanthropic lines and others?

RAMSAY (J. T. T.)

Where a retreat is to be conducted in good faith for religious and charitable purposes and without profit to the managers, the fee and stamp duty should be omitted. *Note.*—Drunken persons who are not reached by the Act of 1898 are frequently discharged by magistrates on the understanding that they will consent to enter "homes," which are often only private institutions, the managers of which have no legal power of detention, but when admitted they, in many cases, discharge themselves within a short time of their admission. Therefore, it is desirable that magistrates, whenever possible, should insist upon the "homes" to which such persons are sent, being properly licensed retreats under the Act of 1879, which gives full power of detention, provided the statutory forms required by the Act are duly executed.

RILEY (H. M.)

I consider the tax an unreasonable one, which should be abolished. There seems to be no more reason for taxing me for treating inebriates than there would be for taxing a consumptive hospital for treating their cases.

SISTER SUPERIOR, Spelthorne St. Mary.

It should be abolished because its abolition would, or should, remove any reluctance to apply for a licence.

SMITH (G. M.)

I think the sum should be a fixed one and the same for all.

VINCENT (Sir W., Bart.)

We can see no justification for such a tax. It seems unreasonable to impose a tax upon philanthropic and other efforts, to reclaim persons from the habit of inebriety.

9. Do you consider the licence tax a reasonable one, or are you of opinion that it should be abolished? If the latter, please state your reasons.

[*Continued.*

ANSWERS.

WALKER (W. F.)

I have no objection to the tax.

WILMOT (F. E.)

The licence tax has already been abolished in charitable institutions, but before this was done we found the licence tax a heavy burden upon the homes of the society.

WOMEN'S TOTAL ABSTINENCE UNION.

Our experience has shown the difficulty of securing four convictions in twelve months.

We would suggest that the qualification for admission to licensed retreats be made easier by extending the time limit during which the number of convictions occurs, or by reducing the number of convictions.

QUESTION X.

10. Have you any remarks to make concerning the discharge of patients from Retreats:—

(*a*) By order of a Justice under Section 12.

(*b*) By order of the Secretary of State under Section 15.

(*c*) By order of a Judge in Chambers under Section 18?

Please give instances of discharge by order of a Judge in Chambers.

ANSWERS.

BROSCOMB (J. H.)

No. We have had no cases of discharge under (*b*) or (*c*).

GAMBLE (Mrs. S. A.)

(*a*) By order of a justice under Section 12.

We consider this commendable under proper restrictions.

(*b*) By order of Secretary of State under Section 15.

We consider this also wise.

(*c*) By order of a Judge in Chambers under Section 18.

Our one experience was not satisfactory.

HOGG (F. S. D.)

I have no remarks to make on (*a*) and (*b*). I have heard of a case of a patient being discharged by a Judge in Chambers where the licensee received no notice of the hearing of the case, and was therefore unable to give evidence. The Act should provide that the licensee should receive due notice of proceedings under Section 18 of the 1879 Act.

NORTON (E.)

Where the licensee considers discharge advisable for any reason, increased facilities should be afforded to those now in force.

O'FARRELL (Sir G.)

No.

RILEY (H. M.)

In private retreats it is easy for a patient to obtain her discharge by making herself so objectionable that it would be detrimental to the comfort and happiness of the other patients to retain her. There is no provision made whereby such cases could be transferred to another and more suitable home.

A patient came to me voluntarily some years ago, and she had obtained her release from a licensed home, where she had signed to remain a year, by means of these tactics.

I think it would be a great advantage if the Secretary of State had power to transfer patients from one retreat to another with the consent of the patient and licensee.

SISTER SUPERIOR, Spelthorne St. Mary.

No.

SMITH (G. M.)

(*a*) Quite satisfactory, as it would be intolerable if any and every patient had to be detained. (*b*) No experience. (*c*) No experience.

WALKER (W. F.)

I have no remarks to make on the subject, and have never discharged a patient by order of a Judge in Chambers.

WILMOT (F. E.)

(*a*) This is reasonable and right, as it provides means for dealing with unmanageable cases.

(*b*) This is a protection for the patient and should be retained.

(*c*) I have no experience of this; in no case in C.E.T.S. Homes has a patient been discharged under Section 18.

QUESTION XI.

11. Are you of opinion that leave of absence should be possible for reasons other than "the benefit of health"?

ANSWERS.

BARNETT (F. W.)

Yes. In those cases where a husband and young children have been left leave of absence should be possible in times of domestic trouble and sickness.

BROSCOMB (J. H.)

Leave of absence should be allowed for urgent necessary business, or in case of serious illness of near relatives, the parties desiring leave of absence for the patient being required, as a necessary condition, to make themselves responsible for the patient during absence and for the return at the specified time.

CARY (Mrs. E.)

I think that leave of absence should be possible for reasons such as the transaction of legal or other important business or the dangerous illness or death of relatives. When such reasons can be proved absolutely *bonâ fide*, and when the leave of absence is desired by nearest friends of patient.

COOPER (J. W. A.)

In my opinion leave of absence might reasonably be granted from time to time *in suitable cases*, after three months residence, *in order to test results*, such leave being limited to a week, and not to be repeated more than once in the first six months of residence, the patient to be only allowed to reside when on leave with some person agreeing to be responsible for his welfare, and to notify at once any relapse, the leave to terminate at once on the report to the medical superintendent of such relapse.

HOGG (F. S. D.)

The word "for the benefit of his health" should be deleted. There are many conditions, other than health, under which leave may be considered advisable, and which may outbalance for the time being the question of cure.

NORTON (E.)

Yes, most certainly.

O'FARRELL (Sir G.)

Yes, for "family" or other sufficient reason.

RILEY (H. M.)

I think there are many reasons why leave of absence is desirable other than for the benefit of health. The section would be better if the words benefit of health were excluded.

SAMPSON (T. E.)

I am of opinion that leave of absence should be possible for reasons other than the benefit of health. It is conceivable that many matters may arise affecting the property of the patient, or for family reasons, that there should be periods of liberty given.

SMITH (G. M.)

Yes. I think reasons for leave of absence should be left to the discretion of the medical man.

SISTER SUPERIOR, Spelthorne St. Mary.

Yes.

SOMERSET (Lady Henry).

Yes, the dangerous illness of a relative dependent on the patient's care, or any proved difficulty in the home which is urgent, and which would mar the peace of mind necessary to the patient's recovery.

VINCENT (Sir W., Bart.)

Yes, in exceptional circumstances, *e.g.*, death of relative, or for legal purposes, etc.

WALKER (W. F.)

I have never had to give leave of absence for "the benefit of health," but it is often necessary for "urgent private affairs," and should be granted for that reason when the licensee is assured it is necessary.

WILMOT (F. E.)

Yes; a large discretionary power should be given to the superintendents of retreats, and if necessary there should be some penalty for abuse of power. Sometimes, according to character and temperament of patient, better results can be obtained by leave of absence than by detention. In the case of men "urgent private affairs" is a sufficient reason if the superintendent is satisfied that the statements made by the patients are true. A man may lose his chances of business by absence at certain times, and in some cases a short leave of absence is strengthening to the will power, and helps rather than hinders the possible cure. I am speaking with regard to men, and I am not sure that my remarks would apply equally to women.

QUESTION XII.

12. Have you experienced any difficulty in recovering patients who, after relapse on leave, have refused to return to the Retreat? Please give instances.

ANSWERS.

BROSCOMB (J. H.)

Yes, we have had difficulty in recovering two patients who, after relapse on leave, have refused to return.

COOPER (J. W. A.)

I have found no difficulty whatever in recovering patients who have relapsed on leave and have never had to avail myself of the powers given me under the Acts for their recovery.

HOGG (F. S. D.)

No.

O'FARRELL (Sir G.)

There has been none in Ireland so far as I am aware.

PENTITH (Mrs. A. S.)

Have not had any trouble.

SISTER SUPERIOR, Spelthorne St. Mary.

No.

SMITH (G. M.)

No.

SOMERSET (Lady Henry)

No difficulty.

WALKER (W. F.)

I have never experienced such a thing.

WILMOT (F. E.)

Have had no such case. If such a case had arisen, I should have felt inclined to discharge such a patient at once. It is impossible to cure a man against his will, and he would show he had no desire to be cured. In my own case, here, there is so great a demand upon our space, that we have no room to spare for those who do not desire to be helped.

QUESTION XIII.

13. What courses have you adopted to recover such cases, and what alteration in the law do you suggest to remove the difficulty in future?

ANSWERS.

BROSCOMB (J. H.)

The unexpired period has been so short that it has not been considered advisable to take advantage of power to issue a warrant. If the law were altered, making it lawful to recall a patient and enforce residence for the unexpired period at the time of leave of absence being given, it would, in my opinion, be better.

HOGG (F. S. D.)

If a patient is granted leave under Section 19 (1879 Act), one condition is that he shall abstain from the use of intoxicating liquors. If he refuses to abstain his leave is forfeited and he is supposed to return to the retreat. If he refuses to return the Act obviously indicates the issue of a warrant for his recovery. Although I have had no personal difficulty in that, I have been able to recover such cases without legal procedure, I have heard that some magistrates refuse to grant a warrant under such circumstances on the ground that the patient has made no escape. I think the point should be made clear.

SMITH (G. M.)

No legal course. Persuasion; failing that a threat of a warrant.

SOMERSET (Lady Henry)

I have sent someone to them whom they have known in the home, or seen them myself.

WALKER (W. F.)

I have never had to put any power into use for such a purpose.

WILMOT (F. E.)

As I have said, I have had no such cases. But if the burden of expense is placed by law upon the patient or his friends, and the power of arrest exists, such a patient could be arrested by the police and brought back, for the vindication of the law, but in my estimation, such a case would be hopeless as far as a retreat is concerned, and had better find his way under ordinary course of law to a reformatory.

QUESTION XIV.

14. Are you of opinion that a certain amount of work should be compulsory in Retreats, and if so, do you consider that any regulation to that effect can be enforced in Retreats established for patients paying high fees?

ANSWERS.

BARNETT (F. W.)

Yes; there ought to be a system of well-regulated industry for all patients. A system of enforced idleness ought not to be tolerated, on the principle that the devil tempts all men, but that an idle man tempts the devil.

BROSCOMB (J. H.)

Yes, decidedly. Work should and can be enforced, providing discretion in choice of work and tact in requiring it to be done were used.

BURDEN (Rev. H. N.)

The question for employment in retreats is an important one. I think the power to enforce occupation of some sort or other in all cases, whether wealthy or otherwise, is necessary for the benefit of health, and to stimulate recovery. To this end some degree of power to enforce occupation should be given to licensees even in regard to retreats established for patients paying high fees. Something more, however, is necessary in respect to retreats established for the control of the poor or destitute inebriate. It should be made possible to require a full day's work from persons detained at public or charitable expense, in order that their cost of detention may be reduced by the product of their labour.

CARY (Mrs. E.)

Yes.

COOPER (J. W. A.)

In my opinion no good would be done by making work compulsory to patients in retreats, while believing most thoroughly in occupation as a most important adjunct to treatment, and while encouraging such in every sort of way to the utmost, I am of opinion that to make it compulsory would for the following reasons be a mistake:—

(1) Work done under compulsion is rarely well done, or cheerfully done.

(2) The worker has a more or less reasonable grudge against the person or persons immediately responsible for the compulsion which would be a handicap to the usefulness of the medical superintendent and prevent his gaining the full confidence and friendship of his patients, on which to my mind so much depends.

(3) Such a regulation would tend to discourage rather than encourage patients, who might otherwise sumbit themselves to treatment.

(5) Because, I think, properly approached by a medical superintendent who is the friend and confidant of his patients and not their gaoler, that the greater number of patients can be got to occupy themselves usefully without compulsion.

GAMBLE (Mrs. S. A.)

Yes; we believe that a certain amount of work should be compulsory as part of the cure, no matter what fee is paid, though in a few cases we have found it difficult to enforce.

We think that the less the law interferes with the interior arrangements of retreats the better.

HOGG (F. S. D.)

I should like to be able to compel all patients to work, but I do not see how it would be possible to make a section compelling work (with penalty for non-compliance), which could be made to apply to retreats receiving voluntary patients at high fees. Such a section would surely limit or prevent application.

NORTON (E.)

In my opinion this is the most important and most difficult of all the questions submitted. Work of some kind is very much to be desired for these patients, and all loafing and idling to be avoided. But how can work be enforced in the case of those who have never done any work, and whose only occupation has been imbibing alcohol, smoking tobacco and reading sporting journals, bicycle riding and games. These patients (generally young) are the bane of most retreats. They crave for excitement and stimulation, and all work is abhorrent to them, and they will never do it. They have been badly brought up and their moral tone is low. Outdoor sports, such as golf, tennis, cricket, etc., should always be encouraged; also music and drawing where there is any taste for these.

O'FARRELL (Sir G.)

I think this matter may be left in the hands of the managers.

PENTITH (Mrs. A. S.)

Those who are employed always give the least trouble in the retreat, and do better afterwards. Only advanced age and defective eyesight has prevented our people from being occupied, with two exceptions, during the seven years. We prefer workroom patients at 21s. and occupation, rather than 42s. and idleness. The kitchen people share the housework. We have found no difficulty in this arrangement, and the patients are eager to do some of the beautiful work taught to take home.

RILEY (H. M.)

I do not think that in homes like mine it would be possible to enforce any stringent regulations with regard to compulsory work, for such rules would become a dead letter, and cause a great amount of friction.

SAMPSON (T. E.)

I am certainly of opinion that work should be compulsory in retreats, and I see no reason why a regulation to that effect should not be enforced in retreats established for persons paying high fees. In my opinion it is very essential that the minds of the patients should be occupied by some substantial application to work, whether manual or mental.

14. Are you of opinion that a certain amount of work should be compulsory in Retreats, and if so, do you consider that any regulation to that effect can be enforced in Retreats established for patients paying high fees?

[Continued.

ANSWERS.

SISTER SUPERIOR, Spelthorne St. Mary.

Yes; and for persons paying high fees as well as for all others.

SMITH (G. M.)

I am of the opinion that a certain amount of work is absolutely essential in all retreats, and I experience practically no difficulty whatever in getting patients to work and to see the advantages accruing therefrom, and to recognise that healthy occupation is part of the treatment. I have no experience of retreats of high fees, but, personally, I cannot imagine any difficulty when tact is used.

SOMERSET (Lady Henry)

I am of opinion that work is almost essential to recovery, but should, in the case of patients paying high fees, be enforced medically.

VINCENT (Sir W., Bart.)

Yes, employment should be compulsory in all retreats, as we believe it is an important element in reformatory treatment.

WALKER (W. F.)

Healthy recreation, such as sports and pastimes, should be provided everywhere for patients of the upper classes, but "work," if it means "manual labour," could not be insisted on for them. I often have patients who ask to be employed in various ways on the estate, such as gardening, timber cutting, grass rolling, and helping with poultry and game preserving, and always encourage it where I can, as occupation is a necessity for an inebriate.

WILMOT (F. E.)

Yes; decidedly, as long as the patient is physically fit. There are difficulties, of course, in the enforcement in the case of patients paying high fees, but I think it should be possible if it is one of the rules of the institution. In my experience here, most of my best workers are amongst the higher paying patients.

QUESTION XV.

15. What percentage of cases in the Retreat with which you are acquainted are manageable and unmanageable respectively, and what course do you adopt in regard to the latter?

ANSWERS.

BARNETT (F. W.)

Of 100 cases admitted at my request to retreats, I have only been called upon to remove one, as unfit for retreat discipline; in that case the trouble was mental.

BROSCOMB (J. H.)

Small percentage unmanageable; if influence is bad patient is expelled.

COOPER (J. W. A.)

Ninety-five per cent. are manageable, five per cent. are unmanageable. If a patient after having long consideration given him, and having been punished for insubordination still continues to be unmanageable, to lead others astray, I usually get him discharged as incurably incorrigible. In my opinion, to avail myself of the powers given by the Acts, and prosecute such a patient (except in rare instances) is only to embitter him against authority instead of making him more amenable, moreover, in the interests of his fellow patients, one who is thoroughly vicious and has no desire for reformation is better out of a retreat altogether. While I have usually adopted the above procedure, I do not think that to discharge such a patient, and throw him back on the world to be a nuisance to all who have to do with him, is the proper way of dealing with such a case. I would suggest that power be given to get such a patient not imprisoned or fined, but sentenced to a term of not more than three months (to be repeated if necessary) in a State Inebriate Reformatory, such term not to be deducted from the period for which he was originally admitted to the retreat. I am inclined to think that this would have a most salutary effect on unmanageable patients, and that the mere knowledge that such a punishment was possible would in most cases be sufficient to ensure good behaviour. I would suggest that one of the State reformatories, or a portion of it, should be set apart for the reception of such patients, and that they should pay the same fees to the reformatory during their detention there as they were paying at the retreat.

GAMBLE (Mrs. S. A.)

A very large majority are manageable, and if the refractory ones do not yield to moral suasion, and are a source of evil to the others, we have to discharge them. Such patients are not proper cases for retreats.

HOGG (F. S. D.)

Exceedingly few are unmanageable. I apply for the discharge of the unruly as their detention is not only useless to them, but is detrimental to the welfare of the other patients.

O'FARRELL (Sir G.)

In the Belfast Retreat only a small percentage has been found unmanageable.

QUESTIONS 15 and 16]

15. What percentage of cases in the Retreat with which you are acquainted are manageable and unmanageable respectively, and what course do you adopt with regard to the latter? *[Continued.*

ANSWERS.

PENTITH (Mrs. A. S.)

We find very few unmanageable; a change of occupation or a drink of hot coffee, fruit, or a long walk usually affects the change, it being usually the crave returned.

SISTER SUPERIOR, Spelthorne St. Mary.

Ninety per cent. well-behaved and manageable. Eight per cent. troublesome. Two per cent. unmanageable. I obtain their discharge.

SMITH (G. M.)

Less than 1 per cent. unmanageable. One was discharged who signed for a year at the end of the first month. One came from a reformatory on leave of absence and was moved on. Besides these two, one case, over six years ago, was taken before the local J.P.'s for declining to work, but he was otherwise and afterwards quite manageable.

SOMERSET (Lady Henry).

I have no unmanageable patients in the retreat. I have had cases which were insane, and these have had to be removed to asylums.

WALKER (W. F.)

Four cases of 200 have been unmanageable; one foreigner (morphia case), one other foreigner (alcoholic case), and two Englishmen. All were men who had developed brain mischief by excess. They were kept under strict supervision and special custody till discharged.

WILMOT (F. E.)

Nearly all are manageable. The unmanageable patient is the exception. I expel an undesirable and unmanageable patient at once. The government of the home is largely moral and religious, and I do not think that it is desirable that the comfort of manageable and tractable patients should be interfered with, or their chances of cure imperilled by the detention of a refractory case, which would exercise a bad influence in the home.

QUESTION XVI.

16. What proportion of cases admitted are discharged each year for refractory conduct?

ANSWERS.

BROSCOMB (J. H.)

Very small proportion expelled for refractory conduct.

CARY (Mrs. E.)

In the small, short-period, unlicensed home with which I am most intimately acquainted, and of which therefore I am best qualified to speak, *not more* than two per cent. are discharged yearly for refractory conduct.

COOPER (J. W. A.)

In the last three years I have discharged three patients as unmanageable. As, however, I only resort to this extreme measure in the last extremity, probably in the last three years, out of seventy patients, I should have sent two or three more for a term at a State reformatory if it had been in my power to do so.

GAMBLE (Mrs. S. A.)

Not more than three per cent.

PENTITH (Mrs. A. S.)

Only two since we opened July, 1900.

SISTER SUPERIOR, Spelthorne St. Mary.

One.

SMITH (G. M.)

Two in seven years.

SOMERSET (Lady Henry).

The records of the past four years show about two per cent.

WALKER (W. F.)

Two cases in 12 years.

WILMOT (F. E.)

In this home our full complement is 56, of whom only about 20 are at any time under the Act. During the last year four men have been discharged, two returning after escape, evidently impossible to help, one for refractory conduct, and one for continuous vile and obscene language.

QUESTION XVII.

17. Do you suggest any amendment of the Act to provide greater control over refractory patients?

ANSWERS.

BROSCOMB (J. H.)

No.

HOGG (F. S. D.)

I do not see that any amendment can be made seeing that they are voluntary cases and can hardly be treated like committed cases.

O'FARRELL (Sir G.)

I consider there should be legal authority for the transfer of a distinctly unmanageable patient from a retreat to an inebriate reformatory; or as an alternative repeated contraventions of retreat regulations should be made an offence against the Inebriates Act of 1898.

PENTITH (Mrs. A. S.)

A short time ago a young woman was making herself as awkward as possible. A reformatory was mentioned as being the place for her—the trouble ceased. Could it be made possible in extreme cases to send a patient to the nearest reformatory and finish the term signed for?

SISTER SUPERIOR, Spelthorne St. Mary.

No.

SMITH (G. M.)

No, unnecessary in my experience. The above two cases were really discharged because they were very annoying and harmful to other patients.

SOMERSET (Lady Henry).

Only in the way of better classification.

WALKER (W. F.)

I consider more power should be placed in the licensees' hands, and a patient wilfully breaking regulations should be liable to fine or imprisonment. This would act as a deterrent to those who are forced unwillingly, by outside pressure, to enter retreats, and are always ready to break any regulation, as they know that the only punishment is dismissal, and that no publicity attaches to it.

WILMOT (F. E.)

No. It seems to me the refractory patient has no business to exist under a voluntary system, and if he exists, should be immediately got rid of lest his evil influence should spread.

QUESTION XVIII.

18. What efforts do you make to follow the history of cases after discharge from your care?

ANSWERS.

BROSCOMB (J. H.)

The lady superintendent corresponds with the ex-patients, and a report book is kept, in which the character of replies is entered, satisfactory or unsatisfactory. Individual members of the committee also interest themselves in cases.

CARY (Mrs. E.)

We, if necessary, find situations for and visit and correspond frequently with patients who have left the home, and make every effort which love and interest can suggest for their welfare.

COOPER (J. W. A.)

I endeavour to keep in touch with my patients and their friends by correspondence.

GAMBLE (Mrs. S. A.)

We keep in touch with them by correspondence and visiting those within reach; old patients frequently call and visit us.

HOGG (F. S. D.)

I write every year to some person who has knowledge of the patient; his medical adviser for choice. In addition to this, I keep up a correspondence with some of those discharged.

O'FARRELL (Sir G.)

Through communication with the patient or his friends.

PENTITH (Mrs. A. S.)

By regular correspondence if impossible to visit. If friendless they are not discharged until a suitable place is found. By this I mean that many are not willing to take them home for a time, but we carefully guard them, and find them most grateful.

SISTER SUPERIOR, Spelthorne St. Mary.

Correspondence and visits to and from them.

QUESTIONS 18 and 19]

18. What efforts do you make to follow the history of cases after discharge from your care?

[Continued.

ANSWERS.

SMITH (G. M.)

Writing to and hearing from old patients and their friends and doctors.

SOMERSET (Lady Henry).

I keep the addresses of all patients. They are communicated with three or four times a year. If no answer is received, I send an official to look them up, or if at a distance endeavour to find someone in the neighbourhood who can give me information of them, of course without giving any clue to their history.

WALKER (W. F.)

I always get patients to correspond with me after leaving, *if possible*, and never put down a case as cured unless I know the patient has kept away from alcohol or drug *entirely* for two years after leaving my retreat. I have never yet known a man relapse after that time has expired.

WILMOT (F. E.)

Every effort is made to keep in touch with cases by correspondence; but, considering the class from which the patients are taken, it is exceedingly difficult, and from some we never hear at all. There are, however, many from whom we hear occasionally, and often hear of others through those who write. But the whole question is most difficult, and it makes the statistics somewhat unreliable.

QUESTION XIX.

19. What, approximately, is your percentage of good results, and what do you mean by "good results"?

ANSWERS.

BARNETT (F. W.)

My percentage is 62, chiefly composed of long-standing cases with whom I am in close touch, principally women, who have returned to their homes. A reconciliation having been effected between them and their husbands, they are now living happily and well, free from the snare of intemperance.

BROSCOMB (J. H.)

Results vary from year to year according to the social class, age and condition at admission. From 20 to 30 per cent. is, I believe, an average "good result," by which I mean a condition of total abstinence.

CARY (Mrs. E.)

Our good results are approximately about 75 per cent., of which 20 per cent. keep quite straight after leaving the home, the remainder being kept at a *higher level* than before entering the home or, at the worst, prevented by constant care and friendliness from sinking lower. May I remark here that, in my opinion, *no treatment* in homes, either long or short, can be of *permanent benefit* unless backed up and followed by close *personal interest and care.*

COOPER (J. W. A.)

I think twenty per cent. may be claimed as good results, but it is very difficult to be anything like accurate. By good results I mean that a patient has remained free from inebriety for twelve months after leaving the retreat.

GAMBLE (Mrs. S. A.)

It is impossible to give a percentage of good results, as many deliberately cut themselves off from us when they leave; this applies both to those who are doing well and ill, but we know of very many who are doing their duty in their own homes, and others who are engaged in positions of trust in the homes of others, as well as a large number who are occupied in Christian work, and trying to benefit their fellow creatures. These we consider "good results."

HOGG (F. S. D.)

With regard to good results, I beg to submit figures referring to persons who have been under my care during the last nine years.

In spite, however, of my intimate knowledge of those who have been under my treatment, I am still unable to collect information as to results in many cases. Some have gone abroad, the friends of others have changed their addresses, or are dead, or will not trouble to reply, and so on. The result being a regrettably large percentage of "no news obtainable."

The figures are as follows:—

Class 1.—Doing well	122
,, 2.—Improved	31
,, 3.—Not improved	43
,, 4.—Insane or remaining mentally weak	17
,, 5.—Dead	48
,, 6.—No news obtainable	44
,, 7.—Discharged unsuitable for treatment	12
,, 8.—Continuing treatment elsewhere ...	7
,, 9.—Re-admitted	15
	339

In order to obtain percentages, for obvious reasons, I omit Classes 4, 5, and 6. I omit Classes 7 and 8, as the patients, owing to various causes, did not complete treatment here; I also omit the figures in No. 9 class, as these figures are already included in the first three classes. I therefore take the figures of those who are alive, sane, and about whom I have information, with the following results:—

Doing well	about 62 per cent.
Improved	,, 16 ,,
Not improved	,, 22 ,,

By a good result (doing well) I mean that the patient has either been a total abstainer since he left the retreat or that he has taken alcohol in such moderation as not to interfere with the conduct of his affairs, or to be detrimental to his health, or to the wellbeing and happiness of his family.

I may add that but a small percentage (so small as to be practically non-existent) of those who are discharged from retreats can ever take alcohol in moderation.

O'FARRELL (Sir G.)

The figures in Ireland are so small that a percentage of good results would not be of much, if any, value; so far about three out of ten patients have given a good result.

19. What, approximately, is your percentage of good results, and what do you mean by "good results"?

[Continued.

ANSWERS.

PENTITH (Mrs. A. S.)

We have had 18 women in the retreat from our own town. Of these, 15 are living soberly and doing well. One has been in one situation six years, ten with their own families; the others in responsible positions.

SISTER SUPERIOR, Spelthorne St. Mary.

The average of ten years yields 70 per cent. Permanent cure, *i.e.*, return to a good and useful life; or, after failure, power to recover with or without return to retreat for a time.

SMITH (G. M.)

It is impossible without guessing to give a percentage. "Good results" differ according to each case. What I would call a fair result in one might be a good result in another. A really good result is a total abstainer under all circumstances and difficulties, and of these I have a considerable number. I consider a list of results classified is absolutely unreliable, excepting to the particular licensee who makes it. A list giving only length of time of total abstinence after leaving, with relapses and times mentioned and period of abstinence would be useful and reliable if confined to cases where really definite and reliable information had been obtained. Bad, good, and excellent classifications all mean different, and are so easily cooked.

SOMERSET (Lady Henry).

I mean by "good results" those women who go out to lead a sober and self-controlled life, and who become responsible members of society.

Taking the years 1903-4-5, the total number of cases was:—

Voluntary—112.

Successful	74
(Out of these 9 failed but returned and were eventually successful.)	
Failed	20
Insane	4
Discharged for various reasons	7
Died	1
Absconded	4
Lost trace of	2

Under Section 1 of 1898 Act—34.

Successful	26
(Out of these 5 broke down but returned and were eventually successful.)	
Failed	4
Insane	2
Incorrigible	1
Result unknown	1

WALKER (W. F.)

About one in four of those who come for alcoholism, and remain one or two years; one in eight of those who remain six months; and one in 18 of those who come for drug taking in excess. I never call any case a "good result" until two years has passed.

WILMOT (F. E.)

We have always judged that in the men's home of the society, the percentage of patients who stay nine months or over, under our care, about half of them do well afterwards. In the women's homes, about a quarter of those who stay eighteen months or two years. We recognise that the only safety is that patients who have left remain "abstainers," and "doing well" in our report means "abstaining." The following extract from the report of 1907 will be interesting: "Of 46 patients who left in 1907, 22 were known (when the report was penned, probably in February) to be "doing well"; 14 were known to have relapsed into their former habits, and 10 have not been heard from. Of the 14 who have relapsed, two returned for a further stay, their previous stays having been only two and six months respectively.

QUESTION XX.

20. Have you any other matter, in regard to the Act of 1879, you desire to bring to the notice of the Committee?

ANSWERS.

COOPER (J. W. A.)

I would most strongly urge that it be made an offence under the Inebriates Acts for a publican to serve any patient (voluntary or certified) resident in an inebriate retreat, knowing him to be a patient in such retreat. I would also urge that it be made an offence under the Acts for a chemist to supply narcotic or sedative drugs to such patients, and for a grocer to supply alcohol, the onus of proving that these persons had knowledge of the identity of the purchasers to lie with the superintendent or licensee of the retreat, or with His Majesty's Inspector. Personally I do not suffer much in this respect, as I am on very good terms with the neighbouring publicans, and find them very ready (with one exception) to back me up in my endeavours, but I know that my own case is the exception rather than the rule, and in the interests of the inebriate it has always seemed to me that something should be done for them such as I have suggested. With regard to chemists, I had to report a case to His Majesty's Inspector in May, 1907, where a patient was supplied with *half pints of laudanum* at a time, the chemist being well aware that his customer was resident in this retreat, but pleading ignorance as to knowing him to be a certified inebriate. He was within his rights under the Pharmacy Acts, and could not be touched. I would suggest that if a patient who has signed under the Inebriates Acts relapses within twelve months of being discharged, it should be made possible for his or her relatives, or friends, to apply to a magistrate for an order for his recommitment to the same or some other retreat for a further period of detention, not exceeding the period for which he originally signed, without it being necessary to get the patient's signature as in the original request for admission. The patient to be further safeguarded by two medical certificates stating that he is a fit and proper person for such detention. I make this suggestion not only in the interest of the inebriate, but also in the interest of the community at large.

QUESTION 20]

20. Have you any other matter, in regard to the Act of 1879, you desire to bring to the notice of the Committee?

[Continued.

ANSWERS.

GOMME (G. L.)

Section 14 of the Act of 1898 empowers local authorities to contribute towards the establishment or maintenance of retreats, and it is assumed that the power would cover the establishment of retreats by local authorities themselves. In Section 9 of the Act, however, it is specifically provided that local authorities "may themselves undertake the establishment and maintenance of a reformatory." As there is a slight element of doubt as regards retreats, the present is a favourable opportunity for obtaining its removal.

HOGG (F. S. D.)

No.

RILEY (H. M.)

I desire to bring before the notice of the Committee the fact that the great failing of the present Inebriate Act of 1879 is the absence of a compulsory clause. This voluntary Act has been more or less a failure, but it could be greatly improved by the addition of compulsory powers of committal to inebriate homes, such as are in force in America. In that country these powers have proved of great benefit, though they are not often utilised, because wives know that if they refuse to enter homes voluntarily, their husbands can fall back upon the compulsory powers granted by the Act, and to save exposure they submit to entering a home in the first instance. I might quote a few cases from hundreds that have come under my notice of the disastrous results that have arisen through the absence of such a compulsory clause.

(1) A lady was sent to me, a very bad case, but she could not be induced to remain for more than two months. She wrote to her husband, saying she should come home on a certain day, but on her arrival she found that her husband had committed suicide that morning rather than live with her.

(2) Another lady who had been under my care for several short periods at last refused to leave home again. She ultimately died. A few days before her death, an old patient of mine living in the same town called to see her, and found her ill in bed with a bottle of whiskey by her bedside.

(3) Another case of a young married lady who could not be induced to stay longer than two months. The result was she relapsed, and in a very short time she killed herself. But the husband was quite under the impression that I had power to bring her back, after having once been under treatment, and was utterly astonished when I informed him that she would have to return voluntarily.

(4) A lady patient with me now was approached two years ago by her husband and friends to place herself under my care. She refused, however, to come, and as an alternative her husband took her for a sea voyage and spent the winter in Italy. Towards the termination of their stay she had a very severe attack of delirium tremens, and had to be brought home. On arrival they found that her memory had become almost a blank, and, in these circumstances, she offered no opposition to being placed under my care. This lady's life has been ruined through the absence of a compulsory clause.

These cases will show the Committee that, if a compulsory clause had been in force, hundreds of lives might have been saved, and a great deal of misery and unhappiness prevented. If I have the privilege to appear before the Committee I can quote many other similar cases.

SISTER SUPERIOR, Spelthorne St. Mary.

No.

SMITH (G. M.)

Time is again too short to consider this fully, but I am convinced that the licensee should in every case be a medical man. The medical man should be the actual head. Patients should feel and understand that they are being treated medically and not charitably, or philanthropically, or by similar methods to Christian science. No doubt our work is a higher form of medicine, as we have in addition to mould men's characters, but this can be done without thrusting it forward. They resent being treated as moral perverts, and I think many more patients would enter retreats voluntarily if the disease and medical treatment were prominent instead of the parson and the benefit to society in general. I think advertisements should be supervised by Government. I also am strongly of opinion that when patients relapse while on leave of absence, if it is decided to recall them, their whole time of absence should be cancelled, and not only the period of two months during which they relapse. A patient may be absent for four months and break down in his last two. No company should be allowed to own or manage a retreat.

SOLLY (G. A.)

My experience of cases under this Act is negative, and suggests that it wants amending to make it more practically useful by enabling compulsion to be used in some cases in which now it cannot be used, although every relative would wish it.

WALKER (W. F.)

None not contained in this list of answers.

WILMOT (F. E.)

No.

SECTION B.

Relating to the Inebriates Act of 1898.

QUESTION XXI.

21. Are you of opinion that compulsory detention is essential to the control and treatment of habitual inebriates who qualify for detention under this Act? Please state reasons.

ANSWERS.

ATKINSON (C. M.)

Yes; otherwise adequate supervision, and the deprivation of intoxicants would be impossible during sufficiently lengthy periods.

BARRADAILE (W.)

Yes. If not made compulsory the drunkard would insist upon being discharged.

BENNETT (H. C.)

Compulsory detention is, in my opinion, essential. So many cases coming under this Act are those of men and women, somewhat advanced in years, in whom the habit of excessive drinking has long been established; self-control and self-respect lost; constitution enfeebled; no effort possible to resist temptation to drink, whether arising from their own craving for drink, or from the mistaken kindness of friends.

(Cases which appear altogether hopeless might profitably be dealt with by confinement in some less expensive establishments.)

I think there should be detention in a classified form:—

(1) For persons advanced in years.
(2) For those who have led an immoral life as well.
(3) For those of younger age and not immoral.

BROSCOMB (J. H.)

I am of opinion that compulsory detention is essential. Our medical officer has heard of instances where patients habitually have drink when out, and we have had cases of patients absconding and drinking to excess.

BURDEN (Rev. H. N.)

Most certainly. I cannot conceive the possibility of treating any such case without power of compulsory control. Nearly every case which has come under my notice has previously been subjected to every possible influence short of detention, without accruing benefit, and no one of them would have submitted themselves to a sufficiently long period of treatment unless under compulsion.

CARY (Mrs. E.)

Yes. Because such cases will very rarely consent to voluntary detention, and are almost invariably incapable—either through entire lack of self-control or some mental weakness—of *settling down*, or of living disciplined lives, except under compulsion.

CAVENDISH (E. L. F.)

Yes, for the reason that I gather from the conversation and writings of the inmates of this reformatory that they consider they are most unjustly treated in being placed in any way under detention "for a drop of drink," or "for spending my own money." This idea is so firmly fixed that I am sure only a very small percentage would ever *agree* to enter a reformatory.

I would amend Sections 1 and 2 of the Act so as to make the detention compulsory; for in my experience there are numbers of men and women in prison who would be far more suitably located in an inebriate reformatory.

COPELAND (G.)

There is a certain class of the victims of the drink habit who seem absolutely impervious to the ordinary punitive consequences of Section 12 of the Licensing Act, 1872, whether from constitutional weakness or hereditary disease. For these persons compulsory detention would alone seem to offer the prospect of cure (the real aim of all correction), whilst it would also secure the locality from the debasing exhibitions of their recurrent debauches, and remove their evil example for a lengthened period from the forces of crime.

DUNNING (L.)

Yes, not only for inebriates who qualify for detention under this Act, but for all who are really inebriates, that is, all who have lost the power of will to withstand the temptation to drink.

My reason is that I do not believe in the efficacy of anything else.

EUGENICS EDUCATION SOCIETY.

[*Questions* 21, 22, 23, *are answered together because from the eugenic point of view (with which alone the Society is concerned) they cannot be answered separately.*]

Since every individual man or woman owes duties to the community of which he or she forms part, the compulsory detention of habitual inebriates is, having regard to their parental potentialities, essential as a means of control both in the present and the future interests of that community. Maternal inebriety is obviously more disastrous than paternal; the conditions regarding women at child-bearing ages should therefore be a matter of especial care. Those women to whom the Act of 1898 has become applicable should be detained indeterminately or until the menopause is passed. The mother who is "carrying" her child may ruin it for life, while it is yet in the intra-uterine condition, by drinking to excess, even though the child may have been at conception normal.

The duration of the detention of male inebriates should likewise be indeterminate, and depend on the probability of their being fathers, this probability again depending on their age and temperament.

By "indeterminate" in this answer is meant continuance until, after probation, a cure may be reasonably adjudged to have been effected.

QUESTION 21]

21. Are you of opinion that compulsory detention is essential to the control and treatment of habitual inebriates who qualify for detention under this Act? Please state reasons.

[*Continued.*

ANSWERS.

FITZ-SIMMONS (W.)

Decidedly.

(*a*) Effective control is impossible without detention.

(*b*) Abstinence from intoxicating drink is necessary for effective reformation of habitual drunkards.

(*c*) Opportunity to obtain intoxicating drink must be removed for a period long enough to enable restoration of mental and physical health.

(*d*) Compulsory detention for a time may have a deterrent effect, not only upon the individual but upon others, in the future.

FULLER (L. O.)

I am of opinion that a term of compulsory detention is necessary for all cases who qualify for detention under the Act. The following are my reasons for this opinion:—

(1) Because the histories of the persons who have come under my own observation lead me to the conclusion that none of them are able to abstain from drinking until they have undergone a term of detention and that many of them have abstained practically only during that period.

(2) Because mere persuasion or moral influences are useless without compulsory control, owing to defective mental and physical state. The majority of cases are mentally degenerate, and I am of opinion the degeneracy is inherent. In a large proportion of cases there is a family history of conditions such as alcoholism, epilepsy and insanity, which are so often associated with the production of a degenerate species. Many of the cases present evidence of hereditary syphilis.

Whatever subsequent effects result from chronic alcoholism in these cases they are super-added to a primary congenital defect. All variety of mental condition is met with, from those who are merely dull to those who are hopelessly and incurably insane. Some are epileptic, others have undergone terms of asylum detention before being committed to reformatories, and many have undergone terms of imprisonment for serious criminal acts. There is a close connection between drink, crime and insanity. The origin of these conditions can be traced to the same cause—defect in power of resistance. It is merely a matter of chance whether such a person develops into an inebriate, a criminal, or a lunatic, or whether he combines all three to a degree. It is as useless to attempt to persuade an inebriate to behave himself, as to persuade a lunatic. Compulsory control is essential to treatment.

(3) The confirmed drunkard is, when at liberty, a source of anxiety to his relatives, and a nuisance to the community. His compulsory detention is therefore necessary, not only for his own benefit, but also for that of the community. No other means are available for protection.

GAMBLE (Mrs. S. A.)

Yes, certainly for their own sakes, and that of their relatives and friends, whose lives they make a veritable burden.

GILL (F. A.)

The reply to this question is undoubtedly in the affirmative, and for the simple reason that nothing can be done towards their treatment or control without compulsory detention. The class of person who comes under the jurisdiction of the 1898 Act does not, as a rule, exhibit any desire to place herself voluntarily under control, so that if the subject is to be dealt with at all compulsory detention is the very first step, and absolutely essential.

GOMME (G. L.)

Compulsory detention is undoubtedly essential because inebriates of this description:—

(*a*) Would not, as a rule, voluntarily submit to reformatory treatment; or

(*b*) Have become so degraded that little self-control is left; or

(*c*) Have in many instances submitted, without success, to treatment in retreats.

GORDON (Miss M. L.)

I believe there are some *early* cases who, though they have qualified for detention under the Inebriates Act, could probably be controlled in some other way, under some system of guardianship or inspection. In the *great majority of cases*, by the time they have qualified under the Act, they are confirmed drunkards, unable to control themselves and in need of detention.

(*a*) It is exceedingly difficult to prevent a confirmed drunkard from obtaining drink, even under the best conditions of detention and supervision. Vigilance has to be unremitting. It is almost impossible, without detention, to control the majority.

(*b*) The curability of a drunkard depends upon what is found to be his mental state when absolutely sober and free from the effects of drink.

It is easy to *sober* him and relieve him from the immediate effects of drink. A great physical improvement usually follows this treatment. It does not need much detention to effect this. But the mental improvement is always much more slow. The nervous system is also slow in recovering. The chances of recovery depend upon the rate of improvement on the nervous and mental side. It takes a few months to really estimate this. Detention should, therefore, be for at least a few months, in order to enable him to regain self-control, and to ascertain if he is doing so.

(*c*) Much drunkenness, even though habitual, may be called intermittent, periodic, or paroxysmal. The patient should be detained for a sufficient time for the paroxysmal attacks to be broken up and got over.

(*d*) Detention under control contributes indirectly, as well as directly, to the patient's welfare. His friends get time to recover from the burden he has been. Quarrels are not kept up, and would be still less kept up, where personal pressure had not been used to put the patient in the retreat. Friends become hopeful and take fresh trouble, and would be the more disposed to take trouble the less they were forced to regard the drunkenness as the patient's "own fault." Bad companions would more often remove themselves. The patient's environment often gets readjusted to better condition while the patient is absent from home and under treatment, and the fact that the patient had gone under compulsory treatment (as one who was irresponsible for his state) would often encourage the friends to prepare better conditions for him on his discharge.

21. Are you of opinion that compulsory detention is essential to the control and treatment of habitual inebriates who qualify for detention under this Act? Please state reasons.

[*Continued.*

ANSWERS.

HALKETT (J. G. H.)

Yes. Although (apart from the case of one woman, committed under exceptional circumstances, who has not served her term) I have in seven years at Hull only committed 23 persons (9 men and 14 women) to reformatories for inebriates, the last being as far back as the 4th March, 1904 (this because of the legal difficulty to which since then my attention has been directed regarding the definition of "habitual drunkard" in the Act of 1879), I do believe that detention is necessary, and I am very anxious to feel at liberty to order it in future cases. During the period which elapsed before the legal difficulty occurred to me I made the fullest use of the Act. These persons were sent in a period of one year and ten months.

My reasons are that when they are at large between the streets, the court, and the prison, habitual inebriates in most cases go from bad to worse, whereas the detention for the full period of three years (I have never committed for less) of these 23 persons certainly had a most beneficial effect upon most of them. I am able to give definite results, as all left the reformatory some time ago. Of these only *three* have been since convicted more than five times of drunkenness. H. E. G., an engraver of no ordinary capacity, was sent at 37 years of age to Brentry on 22nd May, 1902. He was allowed by the authorities there to come out at the end of December, 1903, and he got drunk immediately after his train arrived at Hull. I sent him back, and since then, commencing 25th May, 1905, he has been convicted by me 11 times of drunkenness. Latterly I have resorted to 30 days' imprisonment and sureties, or one, two or three months' alternative imprisonment added. Thus he has been in custody for a long period, and he is hopeless. An experiment with W. R., a man of 62 years of age, was the next failure. He was sent on the 8th May, 1902, and since his release he has been convicted 17 times, of which 15 were for drunkenness, one for larceny caused by drink, and one for obscene language when under the influence of drink. However, between times he goes to sea on trawlers—he is an excellent fisherman—and I think he would have been much worse than he is but for his three years. The third case is that of J. W., who at 35 years of age was sent on the 24th December, 1902. Since his release he has been convicted 18 times—14 of which were for drunkenness. He is a purposeless man, and I believe that had he not been sent away he would now be much lower down the inclined plane than he is. I handled him severely in 1907, and this year he has only been before me twice for being drunk.

These are the worse cases. Of the remaining 20 three have been convicted of drunkenness five times. Of these, A. W., a woman, has been convicted in all 14 times—the remaining convictions having been for importuning, etc. She was 44 and a bad character when sent on 10th July, 1902. She is, in my opinion, less drunken than before. Another five times' case is that of G. W. S., a man aged 26, who was committed on the 23rd October, 1902. The fact that he reappeared for assaulting the police on 22nd September, 1904, shows that my sentence was substantially interfered with by the Brentry authorities—at which I always protested—and that he had not a fair chance. In spite of that his record of three drunks and three other convictions—one of the latter being whilst drunk—is not bad. The last of the five times cases is J. H., a recent committal for me—23rd November, 1903. His first re-appearance at the court was on the 8th April, 1907, then twice in July, once in December, and once in February this year. He was 51 when sent and, considering his age, is better than might have been expected.

Of the remaining 17, one man, W. H. H., was convicted four times of drunkenness. He was committed as late as the last, and was then 30 years of age. He reappeared for alcoholism at the court on 5th February, 1907, twice later, and once this year. He also is better.

Of the remaining 16, three have been back three times each. W. J., 45, was sent on 7th May, 1902, since when he has had six convictions, four being for drunkenness—an improvement—and he is now a quiet inmate of the workhouse. M. P., 36, was sent on 1st October, 1902. She, in addition to her three convictions for drunkenness, has been convicted of five other offences, including attempted suicide, and does not bear a good character. M. R., 45, sent on 7th January, 1903, did not come before me until 16th May, 1906, when she was convicted of being drunk in charge of a child, since when no other convictions except the other two for drunkenness have been recorded. All the above are still living in Hull, so that the results of the treatment in their cases are definitely known.

Of the remaining 13, four have been back twice. S. Y., 34, sent 12th August, 1902, has five other convictions, she being a loose woman. Her last conviction was on 4th December, 1907. She is now supposed to be in Canada, where it is hoped she is doing well. A. H. (a woman), 27, sent, 4th December, 1902, although twice convicted of disorderly behaviour since, has only last month (May, 1908) been convicted of being drunk. M. S., 23, sent 20th February, 1903, was convicted of drunkenness on 31st August, 1907, and 6th January, 1908. She is now in service at Hornsea, and believed to be doing very well. E. C., 31, sent 12th March, 1903, has only been once—on 22nd December, 1904, for being drunk—but she has been lost sight of.

Of the remaining nine, two have been convicted once each, of drunkenness. Of these, A. B. is an unusual case. At 29 years of age she was committed on 1st October, 1902. Prior to being sent, her record was unusually bad, and in the train to the reformatory she fought with the police and behaved like a tigress. She is a Roman Catholic, and was quiet whenever she saw the sisters belonging to the reformatory. She was presumably released on 1st October, 1905. She kept away from the Court until 21st August, 1906, when she was discharged with a caution for using indecent language under provocation, and was not convicted of drunkenness until 22nd December, 1903, since when she has kept comparatively sober, but unfortunately last year she reverted to an old proclivity for petty larceny, for which she then served sentences of two months' and three months' imprisonment. She was apparently a hopeless drunkard. She is not what she ought to be now, but she is not that. The other single recurrence was also in the case of a woman, E. A., 37, sent 15th October, 1902, who has only been once for being drunk—and that as recently as 4th May, 1908. Of the above 16, thus all are within touch except one in Canada and one lost sight of.

Seven only are left who have never reappeared at the court for drunkenness. These are:—

Name.	Sex.	Age when sent.	Date when sent.
A. P. - -	W.	32	10th July, 1902.
J. J. R. -	M.	26	20th November, 1902.
R. M. N. -	W.	19	23rd January, 1903.
A. T. - -	W.	33	3rd November, 1903.
E. B. - -	W.	34	26th " "
M. V. - -	W.	40	2nd December, 1903.
W. N. - -	M.	28	4th March, 1904.

The last-named, however, has been recently committed for trial for felony. He has, notwithstanding this, apparently been a sober man since he came out of the reformatory.

Of the others, there is now no trace of A. P. and E. B. Of the four remaining, J. J. R. is doing well as a druggist in Toronto, Canada. R. M. N. is apparently going on all right at Swinefleet, and A. T. and M. V. are in Hull, and, as far as is known, keeping clear of drink.

In addition to these 23, the justices committed a woman named A. N., aged 32, on the 30th October, 1905, for three years to Cattal. She was discharged on the 22nd May last, and is, so far, doing well at a laundry in Hull.

These results speak for themselves.

In my opinion, when the age of some of those committed is considered, they are wonderful, and amply justify the answer I have given to this question.

QUESTION 21]

21. Are you of opinion that compulsory detention is essential to the control and treatment of habitual inebriates who qualify for detention under this Act? Please state reasons.

[*Continued.*

ANSWERS.

HEARDER (F. P.)

Compulsory detention is essential as very few cases would submit to voluntary detention for more than a few weeks. The majority of cases after two or three weeks' detention grumble at the injustice of their sentence and state that they are quite able to withstand any temptation, in fact that they are not drunkards but victims of police persecution. It would be impossible to deal with such cases without compulsory power to detain.

HOLMES (T.)

Yes, with proper medical treatment and thorough classification. I would have separate institutions for disorderly women.

NELSON (G.)

I am of opinion that compulsory detention is essential to the control and treatment of habitual inebriates who qualify for detention under this Act. I speak from more than 30 years' experience as a Metropolitan Police Court missionary, and I have no hesitation in saying that in most cases it is their only chance of reformation.

Very few of the cases charged at the police court would consent to go voluntarily.

O'FARRELL (Sir G.)

I fear very few habitual inebriates can be controlled and treated without compulsory detention.

PARKER (Rev. Canon C. J.)

Compulsory detention is, in the managers' opinion, essential to the control and treatment of such persons.

(*a*) Because, owing to the loss of self-control, the cases are of such a confirmed nature that treatment cannot be applied without control.

(*b*) Because in the majority of cases milder efforts without control have been made by philanthropic persons and have proved ineffectual.

(*c*) Because there is little hope of inducing inebriates of this class in all cases to consent to detention voluntarily.

RAMSAY (J. T. T.)

(*a*) Frequent goings to prison degenerate mentally, morally and physically, and tend to swell the ranks of the irreformable.

(*b*) Several inmates of "Langho" previous to their being sent there, had been punished for years as sane criminals, whereas after rational treatment they were found to have been either "insane," "imbecile," "epileptic," "defective," "very defective," weak minded, or prematurely aged. Their exact condition as police court recidivists was so masked by inebriate habits as to be impossible of diagnosis by non-medical administrators of justice.

(*c*) The majority of the present inmates of reformatories have become so habituated to prison routine, that they are practically unfit for any alternative existence.

(*d*) The Inebriates Act of 1898 has enabled us to watch the police court recidivists in their sober moments, and form conclusions at close quarters which must result in future advantage both to victim and community.

REYNOLDS (Sir A.)

Yes. Because of the danger to themselves and others if at large. Detention means protection for themselves against the evils of drink, the saving of all the filthy and blasphemous language (listened to by all and sundry, old and young) on every arrest, the avoidance of disturbance and riot (baneful in its effect on other prisoners) in prison and the prevention of giving birth to probable drunkards or criminal children during detention and, in addition, the possibility of reform.

SAMPSON (T. E.)

I am distinctly of opinion that compulsory detention is essential to the control and treatment of habitual inebriates who qualify for detention under this Act. Inebriety cannot, I consider, be effectually treated unless the patient can be prevented from gratifying his desires.

SHORT (S. E.)

I am of opinion that compulsory detention is necessary for the reason that when habitual drunkards are at liberty there are too many means by which they may obtain drink, and their cure is almost impossible in the absence of physical restraint.

SISTER SUPERIOR, Spelthorne St. Mary.

Yes. Because many would leave unreasonably, or be induced to do so by unreasonable husbands and others, before they recover power to apprehend their situation.

SOLLY (G. A.)

Yes, as the definition of "inebriates" now stands I think compulsory detention is essential in every case if good is to be done. But if the definition is widened so as to give magistrates a power to commit in certain cases where there have not been four convictions, I think that compulsory detention would not always be necessary, *i.e.*, many cases in the discretion of the magistrates might be dealt with under "The Probation of Offenders" Act. It would frequently be worth while to try the effect of a condition that a drunkard should abstain from intoxicating liquors, say, for six months. If such a condition were not kept the committal to a reformatory could then be made.

SOMERSET (Lady Henry)

Yes, because they have ceased to be able to control their own actions. They have, therefore, no power to decide or to take any step which may be for their benefit or the benefit of their families.

21. Are you of opinion that compulsory detention is essential to the control and treatment of habitual inebriates who qualify for detention under this Act? Please state reasons.

[Continued.

ANSWERS.

SULLIVAN (W. C.)

I am of opinion that compulsory detention is necessary both for the genuinely alcoholic and for the pseudo-inebriate imbecile. The prison drunkard is very rarely possessed of sufficient intelligence or strength of will to be trusted to put himself voluntarily under control even for short periods, and I do not believe that, at least in the great majority of cases, any treatment can do much good which does not secure enforced abstinence from alcohol.

TIBBITS (H.)

Compulsory detention is undoubtedly essential in my opinion. If such be not exercised the habitual inebriate would continue to get drink either openly or by stealth. Compulsory detention is the only means of insuring total abstinence in such people and total abstinence is the first step in treatment. When it has been exercised for a period—say, three months—an opinion can be arrived at as to the state of mind, the will power, and power of resisting temptation to alcohol. The further period can be devoted to improving the physical condition, and thereby it is hoped the mental and moral condition, of the patient. In any case compulsory detention is the only means of weaning drunkards from the drink as the counter condition of trying to keep drink from the drunkard usually fails.

VINCENT (Sir W., Bart.)

Yes. Because they would not voluntarily submit to the necessary treatment, either with regard to duration of time or habits of life.

WILMOT (F. E.)

I take it that the question refers only to criminal inebriates, and such habitual drunkards as are four times convicted within a twelvemonth, and if this is so, my answer is, Yes; because I believe it would be impossible to secure their treatment, and secure their remaining a sufficient period without it.

WRIGHT (J. B.)

The compulsory detention of habitual inebriates is necessary in the interests of the inebriates themselves and of the community generally. Habitual intemperance is largely due to the surroundings and associates of the drunkard, and no system of control or treatment can be effectual which does not remove him from their influence. Similarly if he is a source of evil, danger, or annoyance to his family or the community his removal is the safest course in their interests.

QUESTION XXII.

22. Have you any opinion as to the necessary duration of such detention?

ANSWERS.

ATKINSON (C. M.)

In ordinary cases a detention of 12 or 18 months would appear to be sufficient. If the order is for a longer period, there should be freely exercised a general system of licences authorising discharge under supervision, with, of course, power of revocation on breach of conditions.

BARRADAILE (W.)

I think from one to three years is not too long, with power of discharge on licence.

BENNETT (H. C.)

In many confirmed cases probably no length of time is likely to prove sufficient to effect a cure for the failing for drink. But a lengthened period is undoubtedly necessary in most cases, and after supervision should be the rule.

BROSCOMB (J. H.)

From one to two years, according to the nature of the case.

BURDEN (Rev. H. N.)

The necessary duration of detention depends entirely upon the mental condition of the individual, the duration of his habits, and his desire or otherwise for recovery. In suitable cases (better than any we have yet received under the Act of 1898) a few months' detention, followed by a period on probation, might be long enough to produce good results. On the other hand the majority of cases we have been asked to deal with up to the present require much longer periods of detention, or even permanent control as unimprovable. I think it is time we entirely separated ourselves from any idea of a fixed term of detention to suit all cases. Each case committed should be treated on its merits, with elastic conditions as to period of detention. It should be possible to shorten or lengthen to any extent according to indication and individual necessity. Nothing short of this will be satisfactory.

QUESTION 22]

22. Have you any opinion as to the necessary duration of such detention?

[*Continued.*

ANSWERS.

CARY (Mrs. E.)

From twelve months to three years, according to mental and physical condition and duration of drink habit, in average cases.

May I be permitted here to express my opinion to there are many cases of *criminal inebriates* which call for "lifelong" detention, and I feel strongly that such cases might be adequately dealt with by some form of *indeterminate* sentence, to the saving of much misery to themselves and to the benefit of society at large.

CAVENDISH (E. L. F.)

It appears to me to be quite impossible to lay down any fixed period during which the reformation or cure of an habitual drunkard can be secured. Each case must be judged by itself. Therefore I would make the period of detention indeterminate after three previous convictions. At the end of each twelve months the authorities should certify to the Secretary of State as to an inmate's unfitness for discharge, in which event he will be considered as under detention for a further period of twelve months.

At any time the authorities may recommend an inmate for discharge on licence or probation under the care of a suitable person or officer duly appointed, when they consider the case a suitable one for such treatment.

A person on licence or probation who breaks the conditions of either should be recommitted for an indeterminate period; so also should be a person who within twelve months from the expiry of the licence or probation commits an offence against this Act.

COPELAND (G.)

A hard and fast line would probably be found inimical to the end in view, though it is probably a medical fact that after 18 months' abstention the most stubborn dose of alcoholism would have departed from the system.

DUNNING (L.)

Yes, I consider that it should last until a cure has been effected.

EUGENICS EDUCATION SOCIETY.

See Answer to Question 21.

FITZ-SIMMONS (W.)

Three years, with power to license, as at present.

FULLER (L. O.)

The duration of the sentence should, in my opinion, be indeterminate. No one definite term can be applied to all cases. There are a few who would possibly do well with a shorter term than three years, and with legislation capable of earlier application this few might be increased to many. On the other hand, so bad has been the class of case hitherto committed, it is probable that the majority now under control will return to drink whatever the duration of their detention. This is only to be expected when the variety of cases met with is taken into consideration. Some 6 per cent. of the cases admitted to the Eastern Counties Inebriate Reformatory last year had previously undergone terms of asylum detention, others who have not been to asylums are, though harmless, certifiable. The last six women transferred to the State Reformatory were all markedly defective as well as vicious. One case here has undergone asylum detention and has twice attempted suicide. Whilst under observation she has been quiet and well-behaved and industrious. I believe if she were set at liberty her history would probably be repeated. There are many parallel cases although not precisely similar.

I think the duration of detention should depend upon the mental and physical condition of the individual concerned, more particularly on the mental condition, for, whereas the physical condition often shows remarkable improvement during the first few months of detention, the mental condition usually improves up to a certain degree and then remains stationary. It is not until this state is reached that a fair estimate can be given as to the probable effect of detention. I think all cases should be merely committed to detention. Then it should be the duty of some established authority to see that suitable cases are discharged on licence when suitable for discharge without any limit as to time. All cases so discharged should be released on licence in charge of a probation officer whose duty it should be to report relapse. On relapse the inebriate should be collected at once and summitted to a further term of detention and treatment—probably longer than the first. After a second or third such release on probation, followed by relapse, the inmate should be detained on continuation certificate, as in the case of lunatics, until considered fit for discharge.

GAMBLE (Mrs. S. A.)

Not less than one year, and in some cases two years.

GILL (F. A.)

The question should be answered from two aspects:—

(*a*) From the patient's,

(*b*) From the community's.

(*a*) I think the present sentence of a three years' maximum is satisfactory, and subject to certain observations which I make in answer to question No. 42 I do not recommend any departure from it. I occasionally hear it said that a three years' sentence is too severe, but I fail to see where the severity comes in. Criminal habitual drunkards, as a rule, if not detained in a reformatory, are spending the greater part of their time in prison without any benefit to themselves or their infirmity. Detention in a reformatory should not be regarded in the light of a punishment for crime; if it is, then three years is a severe sentence. When appointed director of the Lancashire Inebriate Reformatory my Board impressed upon me their desire to eliminate entirely the penal element in dealing with the inmates, and this, under the direction of the House Committee, has always been kept prominently in view.

Shorter sentences are not likely to prove useful; if the patient promises well and seems to have recovered, then, by release on licence, the period of detention can be made no longer than is absolutely necessary.

If, on the other hand, the case proves to be one of the irreformable class, then, both in the interests of the patient and the community, the longer the sentence the better. Looking at it from a medical point of view, and in the patient's interest, I should say that shorter periods than three years proportionately reduce the chances of reformation. From an economic and social aspect three years, if an irreformable case, is only too short, the longer they are segregated the better.

22. Have you any opinion as to the necessary duration of such detention?

[*Continued.*

ANSWERS.

GOMME (G. L.)

A sufficiently long term of detention is undoubtedly necessary, and the present limit of three years, with power to licence before completion of sentence, is a reasonable one for some cases. As regards the incorrigible inebriate, however, with whom must be classed the mentally weak, a sentence of indefinite length would appear to meet the requirements, as it would give a greater hold on the patient and a few months' extra detention beyond the three-years' limit which is now usually imposed, might mean all the difference between a cure and a relapse.

GORDON (Miss M. L.)

Yes. My opinion is based on the *real nature* of the cases needing treatment. The duration of the detention should depend entirely upon what is found to be the *real condition* of the patient. It would also depend upon the kind of after-care that was possible. If detention were followed by some form of probation, discharge on licence, guardianship or inspection, in some cases it need not be as long as in others. In no case should the detention of an habitual drunkard be less than four or six months. This is necessary to secure proper nervous and mental recovery. While a minimum period of detention might be fixed no maximum could possibly be fixed applying to all cases.

The nervous system of persons of the inebriate constitution commonly stands the ordinary strains of ordinary life badly. The changes of puberty and adolescence cause many young adults to begin a course of drinking. The weakness of an unprotected old age often does the same. Bad health, business worries, pregnancy, or lactation, or other special circumstances may do the same. These circumstances would all warrant different kinds of care for the individuals subject to them.

Again—allied to inebriety, sometimes accompanying drunkenness—sometimes alternating with it, are attacks of temper, depression, exaltation, recklessness, imaginary or hysterical illnesses. These are very common. They are evidence of the nervous instability of the inebriate constitution. They often retard improvement or prevent cure. Their existence would indicate a longer detention than would be necessary in persons of more even temperament.

Another variety of drunkenness does not warrant prolonged detention on account of its comparatively infrequent occurrence. It is a paroxysmal drunkenness, but the paroxysms can hardly be guarded against or anticipated. It occurs in persons of apparently normal stable organisation who can and do keep sober for long intervals. The outbreak of drunkenness is often fulminating in its suddenness and severity. It may lead to death through acute alcoholic poisoning. More commonly these acute attacks are associated with, or may alternate with other violent nervous explosions, epilepsy, assault, criminal actions, sexual orgies. The attacks excite much horror and surprise, and are rightly put down to temporary insanity. At any rate, they are due to a nerve-storm of great violence. They appear to link inebriety with other states of impulsive insanity or mania. They are also associated with suicide. Such cases might be notified and subjected to periodic scrutiny, but they are not subjects for detention with a view to cure. The only reason for placing them among inebriates would be in order to detain them more mercifully than by sending them to prison for some offence committed during their attack. They could not hope to benefit otherwise by detention and treatment.

Another class of inebriates are quiet, lethargic persons of blunt, nervous organisation. Among these are the amiable people whose drunkenness is their only fault. They say or do very little when drunk. They become stuporose without showing excitement. They can and do take large quantities of alcohol. The alcohol is apt to affect the viscera rather than the nervous system in these cases. They have bad health as a rule, and die by inches over a period of years. They are a burden on their friends, but not usually disorderly. Their mental condition is so sluggish and poor in quality that recovery is very slow. They link inebriety with the state of dementia, in which they often end. If taken in hand *early* they would probably in many cases prove controllable by other means than prolonged detention.

There are two classes of cases in which the matter is very different and who need all the treatment that can be given them. In the class that begin to drink very early, a degree of antecedent mental enfeeblement can often be traced. For instance—in the better classes, a child may be seen who is stupid or passionate or difficult to manage from infancy. His work at school is not brilliant. He gets expelled from school or college for some failure to conform to current moral standards. He idles and does no good. He is shipped abroad to avoid disgrace. He has a chance of reforming through a struggle for bread. Or he runs the risk of an early death. At 18 he is a drunkard, before 30 he is often dead. Young women of similar stamp are to be found in most homes and retreats. These live longer through the protection they get. If in the lower classes they get into prison; many are old offenders before they are twenty. Many of these are little more than high-grade imbeciles who have never come under skilled observation. Some are undeveloped, under-sized, and almost infantile. Many are good-looking, bright, in good health and superficially sharp. All these girls are the prey of the unscrupulous. They are sent to prison as thieves, but chiefly as "drunken prostitutes." They appear to have no moral sense whatever, and are the despair of all who try to help them. Their lot is a very cruel one, and they spend a large part of their lives in prison. If they survive to middle age they are confirmed inebriates. They are unfit to take care of themselves and irreformable through gross or multiple mental defect. They link inebriety with the condition of imbecility. They do not especially need treatment directed to the cure of their drunkenness. They could very well be controlled in any institution which gave due scope for their working powers. They will never be fit, in all probability, to manage their own affairs. They form a considerable proportion of the feeble-minded, irreformable cases now in reformatories. Their intitial defect is not inebriety, but a real moral imbecility.

There is a more dangerous type of inebriate to whom alcohol is so intensely poisonous that the smallest quantity leads to an outbreak of disorderly excitement. These people seem to get intoxicated by one glass and describe themselves as having been "not drunk but excited." They are extremely mentally unstable. They are usually in good health, and certainly not suffering from any physical symptoms due to habitual drunkenness. What this class illustrates is *the maximum amount of nerve explosion that can be induced by the minimum amount of alcohol.* They are the most readily poisoned of all inebriates and the most responsive to the poison. They do not drink themselves to death, for they never have time nor enough liquor. They become disorderly at once, and often commit acts of violence or destruction. They spend years in prison for taking very little liquor. They have a very poor moral sense and no reasoning power to speak of. Their enfeeblement is not due to any damage or degeneration of brain tissue by alcohol. They are subject to recurrent attacks of insanity in many cases. They are so passionate and unreasonable, even when at their sanest that they are exceedingly difficult to control. The whole class is incorrigible by reason of the mental disorder which is clearly antecedent to and independent of the alcoholism. This class links inebriety to insanity. They represent the mental disorder found in a large number of inebriates in its grossest form. The State inebriates and certified reformatories are full of

QUESTION 22]

22. Have you any opinion as to the necessary duration of such detention?

[*Continued.*

ANSWERS.

GORDON (Miss M. L.)—*continued.*

them. Many have spent their lives in prison from an early age. It is doubtful whether, if taken early, they would ever have been curable. When they come from the better classes they quickly sink to the lower.

Extreme types have been taken for illustration, but it would be difficult to find a case of habitual drunkenness among the better classes and milder cases that could not be placed by a skilled observer in one of the above classes, according as the inebriety was allied to nervous instability, imbecility, insanity, or tendency to nervous explosion or dementia.

Taking the fundamental differences in these types into account, it is evident that no treatment can be satisfactory that is based on segregating together, for a given term of detention, a number of defective or disorderly persons on the common ground of one symptom —drunkenness. They might as well be set apart by reason of squint or red hair. Neither could any time reasonably be fixed in which their cure could be expected. It is certain that if reform is to be effected in any case treatment must be early, the detention prolonged well into adult life, and the training educative. All the circumstances should be considered in each individual case and the *history and condition of the patient*, not the *fact of drunkenness* should determine the length of detention.

HALKETT (J. G. H.)

I am of opinion, at least so far as the class of inebriate I have to deal with in a large seaport town like Hull is concerned, that no less term than three years is advisable.

HEARDER (F. P.)

The full term of three years is not too long as any case deemed fit can be discharged "on license" during the term.

Recommittal should be rendered more expeditious so as to make the period of treatment more continuous. In many instances reform is exceedingly improbable and the termination of control at the end of three years is undesirable.

My experience points strongly to the necessity for a system of indeterminate control for cases which do not benefit from detention, such control being applicable on annual confirmatory certificate as in the case of lunatics. No case should be discharged absolutely, all being at first released on probation licence forfeitable on evidence of relapse into drinking habits.

HOLMES (T.)

Two years, and then discharged on licence.

NELSON (G.)

I suggest that the duration of detention should be from six months to three years. Some cases might be let out on licence with advantage at the end of six or twelve months.

If they should relapse they could be sent back *to the same reformatory* to complete their three years.

O'FARRELL (Sir G.)

From a very limited experience I should say that a reasonably long period of detention is necessary.

Patients who have been discharged after a short residence almost invariably quickly relapse.

PARKER (Rev. Canon C. J.)

The managers consider that to give any prospect of good result continued detention for a sufficiently long period is absolutely essential:—

(*a*) Because practically every case has been previously submitted to periods of short detention in prisons, &c., without benefit.

(*b*) Because in improvable cases a long continued period of abstinence is necessary for the recovery of mental and physical health, and for the inmates to acquire the habits of a regular working life.

(*c*) Because in hopeless cases the nearer we approach to an intermediate sentence the better.

In regard to the majority of cases sent during the last eight years the managers consider that the full period of three years has been none too long to permit of adequate treatment.

RAMSAY (J. T. T.)

Until such time as there is evidence of physical, moral, social and industrial reclamation. Certainly not less than three years' duration, followed by a year's probation, during which time, if the patient relapses, he or she should be returned for a further period.

Earlier committal is the first essential to success, and every obstacle to early committal should, as far as possible, be removed.

REYNOLDS (Sir A.)

Two to three years, according to the age and character of the woman. Two years as a minimum, except under conditions referred to in Question 34 under Section 1 of the Act of 1898.

SAMPSON (T. E.)

Detention should be based upon the duration of the habit and age of the individual, knowledge of his mode of living, and his general surroundings. There may be cases in which a detention of 18 months or two years would be sufficient, but on the whole, according to my experience, I think that a detention of three years for persons who have by reason of long continuance of habitual drunkenness become so unable to resist the habit would be desirable, indeed necessary.

SHORT (S. E.)

The term of restraint should continue until the medical officer of the institution certifies that the restraint is no longer needed.

22. Have you any opinion as to the necessary duration of such detention?

[Continued.

ANSWERS.

SISTER SUPERIOR, Spelthorne St. Mary.

Two years or less; very seldom more. But I have no experience of "slum drinkers."

SOLLY (G. A.)

In many cases three years is too little. I have not come across cases where a shorter period has been effectual, though I believe there have been such cases. I think that there ought to be a much longer committal with a power to license and possibly with a regulation that every case should be specially considered at the end of three years.

SOMERSET (Lady Henry).

Never less than one year.

SULLIVAN (W. C.)

I believe that in curable alcoholic cases the reformatory treatment will have had its full effect in twelve months or even less. I have formed this opinion from what I have seen of the effect of imprisonment in cases of this sort; a complete cure, so far as can be judged, is often brought about by a term of imprisonment of from six to twelve months—quite as often, I think, as by longer sentences. I believe that the same thing has been found in asylum experience of cases of alcoholic insanity. At the same time I consider that there is a distinct advantage in ordering longer periods of detention which will allow of liberation on trial.

In incurable cases, whether primarily alcoholic or primarily weak-minded, I think that detention should be indeterminate for the reason suggested in the next question.

TIBBITS (H.)

In my opinion a "hard and fast" sentence of three years duration such as is now usual is not the best means of meeting every case. In those who are "alcoholics by circumstance"—usually young men and women—a shorter sentence of, say, six months, would probably answer just as well; these are the cases that the most can be expected from in the way of cure and they are the very cases that magistrates appear to be unwilling to send away for the longer period of three years, apparently because the period seems too severe, and, furthermore, they probably do some work between the drinking bouts, and thereby contribute to their own support and that of their families. "Another chance" is again and again given to the delinquent until he or she becomes a chronic alcoholic. With regard to the more chronic cases of inebriety, three years, in my opinion, is not enough; the sentence should be as long as possible or even indeterminate, but cases should be let out on licence when they give reasonable promise of good behaviour, and obliged to be reported monthly; and on lapses taking place they should be sent back to the reformatory for a further period until promise of good behaviour will allow of a renewal of the licence.

VINCENT (Sir W., Bart.)

See answers to 34 and 41.

WILMOT (F. E.)

Women are so much harder to cure than men, that I should say three years at least for a woman; two years at most for a man.

WRIGHT (J. B.)

The period of detention should be at least three years, with power to allow the inebriate out earlier on licence if there is reason to believe him cured.

QUESTION XXIII.

23. Are you of opinion that this Act should be understood to apply to the control of inebriates who become liable under its provisions, whether they are likely to benefit from detention or not? In other words, is their detention desirable for the benefit of the community alone?

ANSWERS.

ATKINSON (C. M.)

No; unless in the sense that it would be convenient to lock up all undesirable persons, although they may not have been guilty of any public offence; but I do not consider such a proceeding justifiable except when the persons affected cause suffering to children or others who, from their helpless condition, have no choice but to associate with such persons.

BARRADAILE (W.)

Their detention in some institution is desirable for their own benefit and that of the community. In cases where no reformation is likely the reformatory is too costly, for such cases.

QUESTION 23]

23. Are you of opinion that this Act should be understood to apply to the control of inebriates who become liable under its provisions, whether they are likely to benefit from detention or not? In other words, is their detention desirable for the benefit of the community alone?

[*Continued.*

ANSWERS.

BAGGALLAY (E.)

Detention is desiralle for benefit of community—pa·ticularly females. To check (1) influence on others, (2) disturbance of peace.

BENNETT (H. C.)

The detention of inebriates is desirable for the benefit of the community. It is undesirable to familiarise the public with the disgraceful spectacles furnished by inebriates, who too often add other offences (such as the most disgraceful language, and prostitution), to the offence of drunkenness.

BROSCOMB (J. H.)

Yes. In many instances where an inebriate is unlikely to personally benefit, it is desirable that he (or she) should be detained for the sake of other members of the family and for the community at large.

BURDEN (Rev. H. N.)

I am of opinion that all inebriates, whether improvable or not, should be made liable to detention under the Inebriates Acts, for their own benefit first, and secondarily for that of the community. When it has been proved by trial and relapse that the inebriate is not likely to benefit individually, I consider that his control is then justified for the advantage of the community alone for the following reasons:—

(1) Because uncontrolled he becomes a nuisance, or a danger, or both;

(2) Because he needs constant imprisonment, and causes continual expense to the community without adequate benefit from the outlay, and

(3) Because (when at large) inebriates continue their species by reproduction, neglect of children, and pernicious example, thus causing a permanent burden upon successive generations.

CARY (Mrs. E.)

Yes, most certainly it is.

CAVENDISH (E. L. F.)

Yes; I am very strongly of that opinion.

COPELAND (G.)

Even though the offender should fail to be reclaimed, the negative benefits to the locality are so substantial in the complete removal (for the time) of his evil conduct and example that by all means the Act should be applied to him.

DUNNING (L.)

Certainly. A scheme of indeterminate segregation should apply equally to all habitual offenders against the law. In the case of the inebriate to the necessity for protecting the community is added the necessity for protecting the offender from himself.

I draw no distinction between detention under this Act and detention under prison rules; both should have the same object, the protection of the community and reform of the offender, the only differences are those of treatment, and I think that there should be a free interchange between the inebriate reformatory and the prison reformatory.

EUGENICS EDUCATION SOCIETY.

See Answer to Question 21.

FITZSIMMONS (W.)

Emphatically. **Yes.**

FULLER (L. O.)

I am of opinion that, for the good of the community, it is necessary that the class of inebriates who are met with in reformatories should be compulsorily detained for the following reasons:—

(1) It is a choice between reformatory detention for a long period and many shorter prison sentences extending over the same period. In the former the inebriate is of no great expense, his influence and example are, for the time being, not felt by the community, and he is given a better chance of permanent improvement.

(2) The neglected female inebriate becomes a prostitute and helps to spread venereal diseases. These require well-equipped hospitals for their treatment, and, even when the patient is cured of outward symptoms, her offspring are frequently degenerate. Members of the class from which the reformatory inmate is drawn are rarely completely cured of this disease because they cannot be induced to stick rigidly to treatment. Under compulscry detention their ailments can be properly attended to.

(3) The younger inebriate woman if uncontrolled often produce illegitimate children whom they neglect, and who consequently become a source of expense to the community.

(4) The inebriate woman frequently neglects her children, and deserts or ruins her husband. The community is called upon to support them in workhouses and similar places.

(5) Many uncontrolled inebriates are vagrants, addicted to petty offences.

(6) The children of female inebriates under my control are nearly all mentally dull and backward. Most of them will at some future date become drunkards or criminals, and consequently a source of expense to the ratepayers. Detention would lessen the output of children.

(7) Many inebriates when first admitted to reformatories are on the way to become physical and mental wrecks. They would probably end in hospitals, infirmaries, or asylums, and would become a further burden to the community. Early detention would tend to lessen this.

23. Are you of opinion that this Act should be understood to apply to the control of inebriates who become liable under its provisions, whether they are likely to benefit from detention or not? In other words, is their detention desirable for the benefit of the community alone?

[*Continued.*

ANSWERS.

GILL (F. A.)

Yes, for the following reasons:—

(1) In the interests of decency and good order. This reason must be so obvious to all that it is sufficient to state it.

(2) To prevent their evil influence and example from corrupting others. I think more ought to be done to prevent the manufacture of drunkards by segregating the older and irreformable habitual inebriates. Their influence for evil on their younger and susceptible companions is no small factor in keeping up the supply of drunkards.

(3) On economic grounds.

A habitual drunkard at liberty is a constant source of expense. Police, Courts, magistrates, damages to property, travelling expenses to and from prisons, and in the end, maintenance in prison, all help to swell the cost to the community of the unrestrained habitual drunkard.

(4) A habitually drunken mother should, for obvious reasons, be removed from her family.

(5) On account of the deterrent influence which a reformatory sentence exercises over others.

The police authorities of a Lancashire town reported that since committing a few cases to the reformatory the peace and order of certain areas has greatly improved. They state that when certain troublesome women now get drunk, the fear of reformatory detention keeps them within their own doors, where formerly, they were a constant nuisance in the streets and a standing menace to decency and good order.

GOMME (G. L.)

Yes. The advantages which would accrue to society through the removal, until reformed, of the class in question from their accustomed haunts where they act as a focus for disorder and crime, cannot be overlooked. Many inebriates who have not the strength to resist temptations offered by their acquaintances fall a prey to the habits of their bad companions.

HALKETT (J. G. H.)

I am quite clear that their detention is desirable, whether they are likely to be benefited or not. However, if from this point of view the number of committals were largely to increase, economic questions might be raised. If raised, I doubt whether the public would favour resultless detentions.

HEARDER (F. P.)

Detention of irreformable cases is desirable for their humane care and control as well as for the benefit of the community.

The life of a confirmed inebriate sent backwards and forwards to prison is a miserable existence, and our present treatment of him is inhumane. The damage he does, the nuisance and scandal he causes, and his expense upon public funds, all justify his detention for the good of the community.

HOLMES (T.)

The good of the community demands the detention and segregation of many so-called inebriates.

NELSON (G.)

Yes; even if they are not reformed their detention is most desirable, not only for their own benefit, but also for the benefit of the community.

The improvement in this court district was noticeable after the first year of the Act.

O'FARRELL (Sir G.)

Yes, they are often an evil influence outside, or they are a source of injury or fright to other people, or they are a charge to the State as prisoners, lunatics, or paupers.

PARKER (Rev. Canon C. J.)

In the opinion of the managers the Acts would only serve part of their purpose if restricted to any class or type of inebriates. They consider that all should be dealt with in some form or other. It seems to them justifiable in the interests of the community to control the worst as well as the best. The advantages to the community resulting from the detention of irreformable cases are many, not the least being the removal from the streets of persons who when at large are a frequent offence against public order. There is, however, in the managers' opinion, some benefit in every case to the inmate.

RAMSAY (J. T. T.)

Yes, but I think it advisable that the two classes should be divided in the institution.

(*a*) The only chance of reformation for young habitual drunkards depends upon their early committal to special medical treatment, and avoidance of that previous prison routine to which all cases have hitherto been subjected.

(*b*) Chronic drunken recidivists, who have become mentally defective, irreformable and hopeless, should be committed to reformatories for full terms, and re-committed thereto as often as necessary, so that detention may be continuous, continuous detention being justifiable on account of helpless condition, danger to the community, and the constant charge such persons are upon the public funds.

(*c*) The intention of the promoters of the 1898 Act was primarily the provision of means for the reformation of the reformable inebriates, and, only secondary, the detention of the irreformable for the good of the community.

REYNOLDS (Sir A.)

I consider their detention necessary for the community and most desirable for themselves with a possibility of reform.

QUESTIONS 23 and 24]

23. Are you of opinion that this Act should be understood to apply to the control of inebriates who become liable under its provisions, whether they are likely to benefit from detention or not? In other words, is their detention desirable for the benefit of the community alone?

[*Continued.*

ANSWERS.

SAMPSON (T. E.)

I am certainly of opinion that the Act should apply to the control of inebriates who become liable under the provisions of the Act, whether they are likely to benefit by detention or not. I have for some time past come to the conclusion that their detention is desirable for the benefit of the community in general. It is far better to remove them from their surroundings than to allow them to become a source of danger to others as well as to themselves.

SHORT (S. E.)

I am of opinion that the control is necessary both in the interest of the subject and the community, and if the subject proves to be beyond reformation, then I consider detention desirable in the interest of the community.

SISTER SUPERIOR, Spelthorne St. Mary.

Yes.

SOLLY (G. A.)

Undoubtedly. The injury done in an urban district by a woman who may have been a prostitute for many years, and is also an habitual drunkard is incalculable, both by example to women and children and by physical injury to men. Some power of detention is necessary, but it is a question whether it need be at such an expensive institution as an inebriates' reformatory.

SOMERSET (Lady Henry).

Yes, even if their detention is of little permanent avail, they cease for so long as they are controlled to be a menace to the community.

SULLIVAN (W. C.)

I am decidedly of opinion that the detention of such persons is desirable for the benefit of the community alone, and this from the point of view both of economy and of public safety. This answer does not, of course, imply the opinion that such cases are best dealt with under the Inebriates Acts and in inebriate reformatories.

TIBBITS (H.)

Yes.

VINCENT (Sir W., Bart.)

Yes, certainly, particularly if irreformable.

WILMOT (F. E.)

Yes. Who can say whether a man or a woman will benefit from detention or no? The work is full of surprises. Some of the most hopeful turn out badly, some of the least hopeful turn out best. It is certainly desirable, in the interest of the community, that they should be detained.

WRIGHT (J. B.)

Yes. I agree generally with the conclusions arrived at by the inspector under the Inebriates Act in his report for 1904.

QUESTION XXIV.

24. In regard to all police court or criminal inebriates who have come under your notice whether actually committed or only qualified for committal to a Reformatory, what percentage do you consider likely to relapse into drinking habits after having served a full sentence under the Inebriates Acts?

ANSWERS.

ATKINSON (C. M.)

About 60 per cent. Twenty-eight persons committed from Leeds, since the beginning of the year 1903, have been released. The following reports have been made, lately, concerning them:—

Subsequently convicted of public drunkenness	9	(some of them many times).
Doing well	8	
No reports	8	(some have disappeared).
Convicted of felony and sent to penal servitude	1	
Leading a bad life	1	
Dead	1	
	28	

BARRADAILE (W.)

The return sent herewith is the only one I have of testing the percentage of those who relapse.

24. In regard to all police court or criminal inebriates who have come under your notice whether actually committed or only qualified for committal to a Reformatory, what percentage do you consider likely to relapse into drinking habits after having served a full sentence under the Inebriates Acts?

[*Continued.*

ANSWERS.

BENNETT (H. C.)

See Answer to Question 27.

BROSCOMB (J. H.)

A large proportion.

BURDEN (Rev. H. N.)

In my opinion, so far as I have been able to follow all cases discharged from the national institutions, something like 80 per cent. have probably relapsed into drunken habits. At any rate I can show, if need be, that approximately 20 per cent. have continued to live decent and useful lives after discharge. The majority of the latter, however, are cases committed under Section 1 of the Act; an estimated percentage of recoveries amongst cases committed under Section 2 would certainly not exceed 10 per cent.

CARY (Mrs. E.)

Probably 75 per cent.

CAVENDISH (E. L. F.)

I consider that as regards both classes quite 90 per cent. are likely to relapse into drinking habits.

COPELAND (G.)

See Answer to Question 25.

DUNNING (L.)

Our actual record of relapses is 56½ per cent. out of a total number of 60 (8 males, 4 relapses; 52 females, 34 relapses) released after detention.

The total numbers committed to inebriate reformatories since August, 1901, are:—

Males	Females	Total
17	96	113

FITZ-SIMMONS (W.)

If they return to their former haunts and their old associates, at least 90 per cent.

FULLER (L. O.)

Fully 75 per cent. (of cases sent hitherto) have been committed to clear the streets rather than with hope of reformation. These are probably certain to relapse.

GILL (F. A.)

Seventy to eighty per cent., but the percentage is solely dependent upon the feeble-minded and old prison recidivists.

GOMME (G. L.)

About 85 per cent. Out of 394 patients discharged from Farmfield only 56 are known to be doing well, which is approximately 15 per cent.; 197 relapsed, the majority almost immediately; 53 mentally deficient, unmanageable or conduct unsatisfactory, and transferred to State or other reformatory; 15 physically unfit to benefit from treatment; 7 certified to be insane; 8 died; and 58 no reliable information as to or lost sight of.

GORDON (Miss M. L.)

I consider all *likely* to relapse under the present system of detention and after care. Under a better system of early committal, probation and after-care, I believe about one-third to one-half of those mentally in a curable condition could be kept sober. This is speaking of those in certified reformatories. Almost all in the State Reformatory at the present time might be considered incurable. The average number of inmates in the State Inebriate Reformatory is about 80. In March, 1908, I tried to ascertain whether any inmates discharged within the previous year had done well. I could not hear of any. On inspecting Holloway Prison, 1st May, 1908, I found five prisoners committed as drunk and disorderly who had all been recently discharged from the State Inebriate Reformatory.

I have since met two or three others, discharged from certified or State reformatories in other prisons.

In reply to my questions one of these said, "I shall never stop drinking. I go to the public-houses as soon as they are open, and if I have the money I stop till they close. I don't get drunk on a little, I drink bottles and bottles, until I don't know what I am doing. I don't drink in bouts. I drink every day of my life until the police get me."

HALKETT (J. G. H.)

I have given, in my answer to question 21, the fullest details regarding twenty-three cases. Judging by these, I do not see any reason to expect a larger percentage of relapses than ten to twenty among ordinary cases.

HEARDER (F. P.)

In Yorkshire the percentage of cases which relapse is very high, as up to the present the Act has been used mainly for the care and control of the feeble-minded, who show their mental defect when "in alcohol."

To enable the Act to be of real reformatory value cases must be sent earlier, and the present definition of "habitual drunkard" which has led to so much controversy in Yorkshire must be altered.

QUESTION 24]

24. In regard to all police court or criminal inebriates who have come under your notice whether actually committed or only qualified for committal to a Reformatory, what percentage do you consider likely to relapse into drinking habits after having served a full sentence under the Inebriates Acts?

[*Continued.*

ANSWERS.

HOLMES (T.)

All of them.

NELSON (G.)

This is a most difficult question to answer because the greater number of the women that have been sent to reformatories are not only habitual drunkards, but also habitual prostitutes. Many of them go to reformatories with no intention to reform, and when discharged go back to prostitution. Many also are on the border-line of insanity, with no will-power. Here is a case. Ellen Heather, now for the third time in a reformatory. I have known her to leave the reformatory at Ashford and go into the first public house and get drunk, and charged the next day at this court. If she was discharged to-day I should expect to see her back at the court in a day or two.

O'FARRELL (Sir G.)

I cannot give any percentage, but, so far as regards the State Institution at Ennis, the Irish Prison Board consider their results very satisfactory.

PARKER (Rev. Canon C. J.)

Our experience at Brentry is that out of the 277 discharges between January, 1904, and May, 1908, 144 of whom have been kept under observation, 75 at least are still doing well.

RAMSAY (J. T. T.)

75 per cent.

This will continue so long as only men and women of the worst type of inebriates and mainly over forty years of age, who have spent a large part of their lives in short sentences in gaol. See 21 (c). So long as the Inebriates Act, 1898, is worked on these lines, it cannot be surprising to hear that a large percentage of the persons committed to reformatories are so-called failures. There are 25 per cent. of the larger number of younger persons, who are in the initiatory stage of habitual inebriety, still fined or sent to prison for short sentences, being presumably considered not sufficiently desperate to justify the adoption of a method of treatment that might result in curing their intemperance. Apart from the psycho-physiological characteristics of women which cannot be neglected, I am of opinion that many of the discouragements experienced in the treatment of females addicted to the drink craving are not dependent so much on the influence of innate sexual characters as upon the unfortunate nature of the environment under which the victim has been placed after she has had her years of reclamation.

REYNOLDS (Sir A.)

About 70 per cent.

SAMPSON (T. E.)

Having regard to my experience in the police-courts, I have found that the percentage of police-court inebriates relapsed into drinking habits after having served the full sentence to be about 60 per cent., and I fear others have relapsed.

SHORT (S. E.)

My opinion is that of the persons I have observed at Brentry and those I have seen at the police courts, that about one-half may be benefited by serving a full term at an asylum under the Inebriates Acts.

SISTER SUPERIOR, Spelthorne St. Mary.

In my experience police-court inebriates have proved equally capable of permanent reformation with any others.

SOLLY (G. A.)

Judging from information as to the Wirral and Birkenhead cases under the present law, I think fully two-thirds will relapse.

SOMERSET (Lady Henry).

Those who have no fixed abode or occupation, the mentally deficient, the habitual criminal who has attained middle age, are almost sure to relapse, and the percentage depends on the number of persons who come under these headings. The detention of such persons is desirable for the benefit of the community as well as for their own reclamation, which is quite possible after some protracted period under favourable conditions.

SULLIVAN (W. C.)

Of the police court cases qualified under Section 2, so far as they belong to the class of weak-minded pseudo-inebriates—and, as was pointed out above, the great majority of those actually committed do belong to that class—I think the percentage likely to relapse after a full period of reformatory detention would be extremely high; in fact, I believe that nearly all would relapse. Of the genuinely alcoholic cases which could be dealt with under Section 1 a large proportion might reasonably be expected to recover. With an adequate system of after-care I think that the proportion of relapses in this category of drunkards might be as low as 25 per cent.

24. In regard to all police court or criminal inebriates who have come under your notice whether actually committed or only qualified for committal to a Reformatory, what percentage do you consider likely to relapse into drinking habits after having served a full sentence under the Inebriates Acts?

[*Continued.*

ANSWERS.

TIBBITS (H.)

Speaking of inmates of the State Inebriate Reformatory at Warwick, about 10 per cent., I believe, have given reasonable hope of reform. Of the other 90 per cent. I must point out that 10 per cent. were certified insane and removed to asylums; I believe about half of these were ultimately discharged. I therefore answer the question by giving the opinion that 85 per cent. would be likely to relapse into drinking habits. If this question refers to police court inebriates who have been sent to prison for short sentences for offences caused by drink I am not prepared to give an answer in figures, but can only repeat the opinion that the younger offenders are more likely to benefit by treatment than older.

VINCENT (Sir W., Bart.)

Our experience of the 352 cases that have come under the care of the Inebriates Reformation and After-Care Association during the past five years is as follows:—

	Men.	Women.
1903–4	1	21
1904–5	18	71
1905–6	21	62
1906–7	17	65
1907–8	28	48
	85	267

The following is the latest report upon them:—

	Men.	Women.
Satisfactory	29	45
Unsatisfactory	20	61
Declined further help	28	135
Sent to institutions	1	3
Died	2	4
Sent to lunatic asylums	—	3
Emigrated	1	4
Returned to reformatories	4	12
	85	267

WRIGHT (J. B.)

In reply to this query the following return regarding 61 persons who have been sent to inebriate homes from Newcastle-upon-Tyne will be of interest:—

Convicted for drunkenness since return	34
Convicted for other offences	2
Recommitted	1
In asylums	2
Dead	1
Whereabouts unknown	6
Doing well since return	4
At present in inebriate homes	11
Total	61

Five of those shown as convicted of drunkenness since their return from the homes have only one conviction against them, but three of these only returned about twelve months ago.

It cannot be assumed, therefore, that more than eight of those who have returned are doing well, or fairly well. Judging from my experience of those actually committed or qualified for committal, I believe that about 75 per cent. of females and a somewhat lesser percentage of males are likely to relapse.

QUESTION XXV.

25. What, in your opinion, are the causes of frequent relapse after detention under the Inebriates Acts?

ANSWERS.

ATKINSON (C. M.)

I think such relapses often result from morbid tendencies which no period of detention would remove. But the direct cause in many cases appears to be the return to old associations and companions.

BAGGALLAY (E.)

Many are sent to homes too late. Many return to old haunts and old pals.

BARRADAILE (W.)

The return to their old friends and associates with the old environment. Until this can be prevented there will be a high percentage.

BENNETT (H. C.)

Drinking habit has become too long-established before committal. Frequent cause of relapse appears to be that the long-established craving for drink is not eradicated. Another cause is the return of the drunkard to his former haunts, where the indiscreet kindness of former associates soon involve a return to drunkenness.

This is also largely aggravated by the fact that when discharged from the reformatory there is no one to look after them and report on their behaviour—a most important matter. In support of this the great benefit derived from private homes of which I will give particulars

QUESTION 25]

25. What, in your opinion, are the causes of frequent relapse after detention under the Inebriates Acts?

[Continued.

ANSWERS.

BROSCOMB (J. H.)

Return to same environment and coming under same influences that produced the original condition.

BURDEN (Rev. H. N.)

The causes of relapse are as follows:—

(1) The low standard of mental condition of inmates.

(2) Their degraded moral state resulting from long-continued drunkenness and evil associations.

(3) The degradation resulting from many years' treatment as criminals before their true state has been realised.

(4) The handicap in after life resulting from their being well known as prison habitues. It is hard enough for man or woman to fight against drunkenness without the stigma of prison attached to him, and almost impossible with that stigma.

(5) The difficulty they experience in finding regular employment owing to this stigma, and owing to the fact that many of them are unemployable and incapable of competing on even terms with their normal fellows.

(6) The temptations incident upon return to old associations and associates, insanitary dwellings, overcrowding, squalor, and bad food.

CARY (Mrs. E.)

Chiefly, the return to unsuitable and dangerous surroundings, and absence of adequate after care.

CAVENDISH (E. L. F.)

Failure to put the Act into operation sufficiently early in the person's career of drink. The sooner a drunkard receives a severe check the greater the chance of reformation. The absolute discharge also tends to cause relapse. If an inmate is discharged on licence or probation to be at large so long as he conducts himself properly, and knows he is liable to detention for an indefinite period so soon as he commits himself, he will be less likely to relapse.

COPELAND (G.)

Under existing circumstances I am not surprised if three, out of every four persons committed, lapse—there is no provision made to receive these women upon the expiry of their sentences—many of them are loose women, and coming back to their old haunts, among their old friends, and having no employment they naturally lapse into their old habits—if after two years had been served they could be found employment, from the reformatory, away off from their own town, whilst the influence of the discipline was still upon them (and with the certainty of reincarceration before them if they fell away), more hope might reasonably be entertained of their permanent recovery.

DUNNING (L.)

The immediate cause is, of course, the return to the old conditions which led to the original lapse without the protection of the reformatory, but in the majority of cases the failure to cure is due to the attempt having been made too late.

EUGENICS EDUCATION SOCIETY.

The most common cause of frequent relapse is the re-exposure of the same individual to the same external conditions which brought about his or her fall. There are, however, many cases where, owing to germinal defect (the precise nature of which has been recently investigated by Weismann, Dr. Arthur Thomson, and others) an inherited predisposition to inebriety exists. No length of detention can be expected to cure this class of cases. In other words, we cannot hope to reform what was never formed—a sound nervous system.

FITZSIMMONS (W.)

Return to their old surroundings and companions. Worry—incidental to poverty. Struggle for existence and for rent.

FULLER (L. O.)

(1) Inherent mental defect, causing incapability and absence of desire to order their lives.

(2) A morbid craving for excitement and a hatred of the monotony of a sober existence.

(3) Absence of occupation. So many are unemployable, and when employable they have to contend against the host of persons who can show a sober history.

(4) Association with squalor and dirt, and the return to old associates.

(5) Physical disease, with the temptation of resulting idleness.

GAMBLE (Mrs. S. A.)

Environment, returning to homes where alcohol is taken to excess, or even in moderation. The temptations of public-houses for the poor and grocers' licences for the rich, as well as the customs of society.

GILL (F. A.)

(1) Inherent or acquired mental defect, with its accompanying symptoms, such as lack of will power and control over impulses, faulty power of judgment and discernment between right and wrong.

(2) Difficulty in obtaining work after discharge, and consequent reversion to immorality, by which a livelihood can be easily earned.

(3) The evil example of drinking companions when a discharged person returns to her old haunts. I find from experience that as long as inmates can be kept away from their old environment they do well, the tendency for most of them, unfortunately, is to return to their old home and friends, where they speedily revert to their old habits. In many cases a wife returns, full of good resolutions, to a drinking husband, and when this occurs one can only expect an early relapse.

(4) Deliberate choice of a vicious drinking life. There are, I am glad to say, very few who leave the reformatory in this frame of mind.

(5) At present there is not the least doubt many women relapse because circumstances are against and too strong for them; they leave the reformatory meaning to do well if they could get a start. Failing honest sources, money can always be earned in the streets, and when they adopt that means for a livelihood, drink follows as a natural sequence.

25. What, in your opinion, are the causes of frequent relapse after detention under the Inebriates Acts?

[*Continued.*

ANSWERS.

GOMME (G. L.)

(*a*) The deplorable condition of those now committed to a reformatory the majority of whom are degraded by years of alcoholic indulgence, and by prison sentences and prison associations.

(*b*) The physical condition and advanced age of many of the inmates of reformatories.

(*c*) The difficulties of finding suitable employment for those discharged from the reformatories.

GORDON (Miss M. L.)

(1) Recurrence of inebriate paroxysms in persons who are in bad health or bad circumstances.

(2) The facilities provided for drinking on all sides.

(3) Return of inebriate to surroundings which previously contributed to his drinking habits, and consequent re-induction of those habits.

(4) In reformatory cases, the possession of gratuity on discharge.

(5) Absence of any effective supervision or probation after discharge.

(6) The fact that detention has no terrors for recidivist prisoners and that after continued short sentences they become unable to make the necessary effort to support themselves honestly in the world, knowing that they can be more easily and luxuriously maintained in prison.

(7) The fact that a large number are the subjects of a partial mental enfeeblement. Their general lack of self-control is so marked that self-direction in any one respect is not to be looked for.

(8) Many better-class persons fail through command of money, weakness and self-will, nervousness, depression, obsessions, etc., who, if supervised well upon probation, over a long period, would probably do well.

HALKETT (J. G. H.)

I am of opinion that the return of the inebriate to old surroundings is the principal cause. They have complained to me that they met old friends with whom they used to drink on their return to Hull, and were tempted by them. In the case of persons committed at mature age particularly, I think a change of scene after the reformatory, when it can be arranged for, of incalculable value.

HEARDER (F. P.)

As already indicated by my answer to the previous question the main cause of frequent relapse after release from reformatory detention is mental defect. Lack of employment and bad environment are secondary to and mainly the result of mental defect. So many cases are unemployable and unable to compete on level terms with their normal fellows.

HOLMES (T.)

Immorality and dementia.

NELSON (G.)

Part of my answer to this question is contained in the above. One cause is, cases returning to the districts from which they were sent. They meet old associates and companions, and their fall is almost sure. The absence of some good system of after-care.

O'FARRELL (Sir G.)

The patient's mental instabilify or weakness, evil associations, and bad surroundings; and, I fear, in many cases in Ireland, want of a sufficiency of good and wholesome food.

PARKER (Rev. Canon C. J.)

In our opinion, the causes of such a large percentage of relapses are as follows:—

(*a*) The mentally defective condition of a large number of committals.

(*b*) The long period of drunkenness which has been allowed to elapse before proper treatment is possible.

(*c*) The moral degradation and carelessness as to the future which results from frequent imprisonments before reformatory efforts are applied.

(*d*) The return to surroundings and companions identically the same as those where the vice was contracted.

RAMSAY (J. T. T.)

Want of proper supervision after release and returning to old surroundings.

REYNOLDS (Sir A.)

(*a*) The complete loss of will power and self-control characteristic of the class of women we are dealing with. (*b*) The possession of a round sum of gratuity money (hitherto handed to them on discharge) is a source of immediate temptation to relapse. (*c*) Old companions and associations.

Release *on license* should be compulsory, even after three years' detention, or release to a probation officer or home, so as to "graduate" for entire uncontrolled freedom.

SAMPSON (T. E.)

The causes of frequent relapse after detention are, in my opinion, because the parties have been allowed to become practically incurable before the qualifying three convictions have been obtained, and their being allowed to return to their former surroundings and environments.

SHORT (S. E.)

I believe the constant relapses after detention may be attributed to weakened will power and the many temptations these persons are exposed to when they leave the homes.

SISTER SUPERIOR, Spelthorne St. Mary.

Failure to treat inebriety as a disease of the whole being—body, soul, and spirit.

25. What, in your opinion, are the causes of frequent relapse after detention under the Inebriates Acts?

[*Continued.*

ANSWERS.

SOLLY (G. A.)

Among single women relapses are generally caused by going back to the old surroundings with no decent home to go to and no regular work. It is almost impossible for any charitable society or friends of such an inebriate to find employment for her immediately after release. Something might be done by "Discharged Prisoners' Aid" societies, if temporary outrelief could be given for a short period. Such a woman may be able to earn something and to maintain herself respectably with the help for the first few months of outdoor relief. Without both work and a sufficient income to live upon, she will seldom keep respectable.

SOMERSET (Lady Henry)

Such relapse is often due to the superficial methods employed in homes of dealing with individual cases, and the severance of communication with those who have had care of them during detention. I would point out that, in my experience, cases that relapse on licence are by no means hopeless. Such relapse is often the means of eventual success.

SULLIVAN (W. C.)

In all classes of prison drunkards the chief cause of relapse into drinking habits is, I conceive, the return to a bad social and industrial environment. This is probably inevitable in the case of the congenitally feeble-minded when restored to free life.

TIBBITS (H.)

Because those dealt with under the Act have too frequently been allowed to go too long before steps have been, in the first instance, taken for their treatment. Inebriates should be taken in hand as young as possible.

Then further, liberty when regained at termination of sentence is complete, that is to say, there is no restraining influence such as the existence of a licence would give. Yielding to temptation is easy, and relapse into alcoholism is rapid, especially in the cases of those whose physical, mental and moral conditions have been seriously affected by alcoholism in the past.

VINCENT (Sir W., Bart.)

In the past the causes have been:—

1. Many have been dealt with too late in life and have lost their will power.
2. Many have been discharged to their former pernicious associations.
3. Some have inherited a tendency which cannot be overcome except it may be by a much longer period than three years of special treatment.

WRIGHT (J. B.)

Besides the craving for drink which may not have been eradicated, the principal causes of relapse are return to vicious surroundings and degraded associates. The efforts of those who have to some extent interested themselves in helping returned inebriates to keep away from drink have neither been effective or prolonged. I do not think that good results can be attained till satisfactory provision is made for the after care of the patients, coupled where possible by removal to places where they can make a fresh start. Arrangements might perhaps be made for probation officers to supervise returned inebriates.

The police have done what they could, but their intervention at first is not likely to be welcomed, and afterwards has little effect.

QUESTION XXVI.

26. Would any number of these confirmed cases have been benefited, had it been possible to deal with them under the Inebriates Act earlier in their career? Please state your grounds for any opinion expressed on this question.

ANSWERS.

ATKINSON (C. M.)

Yes; like most diseases the morbid craving for drink is, I think, more amenable to treatment, if remedial action be undertaken at an early stage.

BARRADAILE (W.)

There would be greater hope for their reformation if cases were dealt with at the early stages of the vice, before they become too depraved. Their will power gets less the longer delay takes place.

BENNETT (H. C.)

Most assuredly much benefit would have been derived before such persons had lost all sense of decency and self-respect. (*See* answer to 21.)

BROSCOMB (J. H.)

I have no doubt about this, as regards some cases; the drinking habit would not have caused, at an earlier stage, so great a destruction of will power.

26. Would any number of these confirmed cases have been benefited, had it been possible to deal with them under the Inebriates Act earlier in their career? Please state your grounds for any opinion expressed on this question.

[*Continued.*

ANSWERS.

BURDEN (Rev. H. N.)

I believe that a great number of confirmed cases would have been amenable to treatment if they could have been controlled earlier in their career, before original mental defect had become increased, or added to by the results of continued drunkenness. Earlier treatment would also prevent the morally degraded effect of years of police-court and prison, drunken crime, and prostitution; all being influences which tend to render reformation improbable in later life.

CARY (Mrs. E.)

1. Probably the majority of them. 2. Because inebriety—like any other habit—becomes increasingly difficult to conquer the longer indulged, and because the diseased condition of mind and body brought about by such long continued indulgence renders reformation almost impossible.

CAVENDISH (E. L. F.)

I consider a number of cases would have benefited had they been sent to a reformatory in their younger days. I consider the longer a person drinks the more the desire for it grows, and the less is he able to resist that desire. As I have already said in my reply to question 25, the sooner the drunkard receives a severe check the greater the chance of reformation.

COPELAND (G.)

The earlier the habit is checked, of course, the easier it is to overcome it—it has not had the time to consolidate.

DUNNING (L.)

I think so, especially in the case of males. This is more for a medical opinion.

FITZSIMMONS (W.)

I believe so.

(*a*) They would have had more hope.

(*b*) Habits grow stronger with years.

FULLER (L. O.)

I am of opinion that many of the cases would have benefited had they been put under detention early in their career, more especially if they had been dealt with during adolescence. The histories of my own cases lead me to believe that drinking often commences at this age. If these cases had been subjected to strict discipline and training instead of following their own bent they might have become well-conducted members of the community. A common history in the female inebriate is one of neglect on the part of the parents during childhood and want of control during adolescence, association with bad companions, drink, seduction, maternity, prostitution, and chronic alcoholism. If taken hold of during early inebriety, subjected to medical treatment, and moral influence, I am convinced many could be prevented from increase in mental defect and from becoming confirmed in drunken and immoral habits.

GAMBLE (Mrs. S. A.)

We believe that confirmed cases would certainly have benefited by earlier detention, our experience going to prove that younger patients are more easily cured.

GILL (F. A.)

Yes. The defective mental condition of many habitual drunkards is not congenital, but a direct result of their vicious life and habits; and had they been checked and restrained before their mental faculties became so much impaired there would certainly be a much better prospect of permanent reformation. I think there can be no doubt that a life of habitual drunkenness must produce permanent injury to the whole nervous organisation. The saturation of the system with alcohol, the attacks of delirium tremens and epileptiform convulsions, so common in drunkards, must seriously injure such a delicate structure as the brain.

It therefore follows that if these pernicious influences can be avoided by earlier committal to a reformatory that step should be taken.

I might write at considerable length on this subject, but if it is admitted that habitual drunkenness, with its *sequelæ* enumerated above, is injurious to the individual either mentally or physically, or both, then any means which will shorten the periods of intemperance is beneficial to the individual, and will increase the prospects of recovery.

GOMME (G. L.)

There is every reason to believe that earlier treatment would have been beneficial in many cases. There have been a large number of inmates of Farmfield who have been deserving of help, and who have given evidence of a desire to lead decent lives. Domestic or other troubles have led to slight indulgence at first, when, if the person could have been taken firmly in hand, complete breakdown could possibly have been avoided.

QUESTION 26]

26. Would any number of these confirmed cases have been benefited, had it been possible to deal with them under the Inebriates Act earlier in their career? Please state your grounds for any opinion expressed on this question.

[Continued.

ANSWERS.

GORDON (Miss M. L.)

I think it is certain that they would all have benefited by earlier control. In better class cases they would have considerable chance of cure. Among the police court and similar class of case, under early and prolonged detention their mental condition, especially that of the young semi-imbecile type, could have been improved by teaching and discipline. Their minds would have had much less chance of deteriorating than is possible in the vagabond life full of hardship and excess which they generally live from early youth. Under proper control they might remain inebriate in constitution, but would not at any rate become hopeless habitual drunkards before they were grown men and women. Some would no doubt become more sane and responsible as time and education went on, and possibly later in life be able to live under some modified guardianship in the world again. There would remain a number who, I believe, would prove irreformable to the end.

These would, however, benefit from detention, inasmuch as their lot in the world is a very cruel one, and they would be protected from it, where now they are practically helpless.

HALKETT (J. G. H.)

I am quite sure, not only from the results mentioned in answer 21, but from my general experience of criminals and weaklings as a police magistrate, that the earlier inebriates are sent away the better. Of the most favourable cases in my list of inebriates, although one was 40 years of age, the others were 19, 23, 26, 28, 32, 33, 34, and 34 years of age respectively. During the 22 months that I felt able to use the Act to any extent, it was an unfortunate fact that most of the eligible cases were of mature years. Had I then been able to take younger ones also, the average of my results would, I feel certain, have been very much better.

HEARDER (F. P.)

It is highly probable that many confirmed cases would have benefited by earlier treatment.

The superimposed degeneration due to alcohol, imprisonment, evil living, and starvation, would have been avoided, and the mental enfeeblement originally present in many cases, might have been lessened by the formation of regular habits (cleanliness, work, &c.) and general physical improvement due to good surroundings and diet.

HOLMES (T.)

None, unless treated from the root causes. In every case within my experience immorality or dementia have preceded drinking habits.

NELSON (G.)

Yes.

O'FARRELL (Sir G.)

Yes, I believe so. This opinion is largely influenced by statements made to me by patients.

PARKER (Rev. Canon C. J.)

Undoubtedly. Although many inebriates have probably started life handicapped by mental defect, a great many have been morally and mentally injured by a life of immorality and crime, and many have taken to inebriate habits to deaden feelings occasioned by some incident in life. There is every reason to believe that if such cases could have been dealt with before these unfortunate results had supervened they would have been amenable to treatment.

RAMSAY (J. T. T.)

Yes. The habit of over-indulgence is acquired long before any conviction is obtained in most cases. The mistake is that there should be three convictions before the inebriate can be dealt with.

(*a*) I wish in this connection to draw the attention of the Committee to the drinking amongst young females, especially on Saturday nights. One cannot but be greatly concerned to notice the large number of females who are on licensed premises late at night. In one instance at about 10 o'clock at night there were 30 young women present in one house, and after 10 at night there were 50 young men and 23 young women in another house, the ages varying from 18 to 23 years. There was no disorder, nor anything which could call for the interference of the police, yet I think it an unhappy sign of the times that so many young females and males should be frequenting licensed houses. In many other instances females of even more tender years were found on licensed premises, but in small numbers. I think it would help greatly to lessen drunkenness among women and men if the law were amended so as to make it unlawful to supply anyone under the age of 18, either with beer, wine or spirits. At present the age of 16 is fixed as to spirits, but there is not even this limit as to beer or wine.

(*b*) I wish also in this connection to draw the attention of the Committee to the pressing necessity for alteration in the law with regard to what is known as "hawking" spirits and beer. This great evil must be dealt with if the Licensing Law has to be placed on anything like a satisfactory footing. To reduce the number of licences and to place clubs under control may avail much, but whilst the law permits brewers and licensees to send out travellers to make house to house visitations, soliciting orders for small quantities of intoxicating liquors, and afterwards to deliver the same by a cart travelling the district, no efficient stop will be put to much of the present undue excess in drinking. One is surprised that amongst so many remedies to lessen drinking habits suggested by the numerous societies and persons interested in temperance, none seem to deal with this admitted evil. It is possible the system is confined to some of the Lancashire towns, or possibly is not fully known or appreciated. The usual practice is for the traveller to call (often at the back door) at the houses mainly of the working classes, and generally when the husband is at work, and solicit orders. If an order is given the traveller makes out a post card order for the same, which he is always willing to post, and on the next day the goods can be delivered from a cart which visits the district with large quantities of beer and spirits in bottles.

The law, unfortunately, is governed to a large extent by the case of Strickland *v.* Whittaker, 20 T.L.R.

26. Would any number of these confirmed cases have been benefited, had it been possible to deal with them under the Inebriates Act earlier in their career? Please state your grounds for any opinion expressed on this question.

[*Continued.*

ANSWERS.

RAMSAY (J. T. T.)—*continued.*

244, which was an appeal against a conviction of a brewer for selling without a license, the court holding that as the order was received by post at the licensed premises, it was a sale on licensed premises. The system has great inequities, as well as dangers, as it enables a brewer or licensee who has a license in any one town to send his travellers into any other towns to solicit orders, and sell intoxicating liquors there as though he had a license in every town. It is also an injustice to the ordinary licensed victuallers and beersellers who have to pay not only for license duty, but rates and taxes. The practice is also so fraught with great possibilities for enabling secret and sly drinking that it requires to be firmly dealt with, and when it is known that some firms already employ as many as five travellers in this particular class of trade, it will be quickly acknowledged that in course of time, if the law is not amended, this method of supply will become very general, to the great detriment of all good licensing methods and the public good. It is impossible also properly to supervise the system unless a detective accompanies each cart, as it is open for the carter to supply goods direct to customers without even going through the farce of sending a post card.

I trust a clause may be inserted in the Licensing Bill now before Parliament which will effectually deal with this pressing need of reform.

REYNOLDS (Sir A.)

I think so decidedly, from an intimate knowledge of these people in police court, prison, and the State inebriate reformatory. After continual prison and reformatory life they become weaker mentally and their intemperate habits have got stronger hold upon them as they grow older. They lose hope as to their future and become reckless.

SAMPSON (T. E.)

I certainly think that a great number of these confirmed cases would have been benefited had it been possible to deal with them under the Act earlier in their career. Continued drinking, loss of will power resulting in incapacity to do their work, the consequent loss of employment, their incapacity caused by drink and its tendency to further weaken the bodily condition, rendering it almost impossible for them to recover their former condition, and restoration of respect and will-power, coupled with loss of social position and condition.

SHORT (S. E.)

I am strongly of opinion that a large number of cases should be dealt with at an earlier stage. A considerable number of those now committed are past middle life, when the habit has become too strong to be broken. It is not at all uncommon for persons under thirty years of age to be addicted to the drink habit, and these would be dealt with with a much greater chance of ultimate cure rather than allow the indulgence to continue during the most virile period of life and then try to correct it when it is too late.

SISTER SUPERIOR, Spelthorne St. Mary.

Certainly. It must as a general rule be a harder task to root up a weed of large and long growth than one of small and short growth.

SOLLY (G. A.)

I think an earlier committal would have benefited one case that I know of, where the woman has not been committed though eligible, and another case which moved out of my district before 1898, but has since been committed from another district. In both cases young women going wrong begged to be sent for a longer period than the usual month for the offence of being drunk and disorderly; but the court had then no power to commit.

SOMERSET (Lady Henry).

Yes, the earlier the better. During early stages the nervous system is less impaired by drink, and self-respect is not altogether lost.

SULLIVAN (W. C.)

As regards the weak-minded pseudo-inebriate, I think that committal to a reformatory at an early stage would in many cases have retarded the deterioration which individuals of this type usually undergo. I base this opinion on what I have seen of the difference in mental and physical condition between weak-minded offenders, whether inebriate or not, who have been dealt with by a fairly long sentence of imprisonment at or soon after adolescence, and offenders of the same class who have had a series of short sentences in lieu of such relatively continuous treatment. The circumstances of individual cases vary so very widely that it is difficult to generalise on this matter, but on the whole I think it would be safe to say that the prisoners who had the longer terms were usually superior to the others, and that they owed their superiority to the fact that they had been under more regular conditions of life.

The confirmed cases of genuinely alcoholic origin, *i.e.*, those in which the mental enfeeblement and recidivism result from chronic poisoning, would, I believe, for the most part, have been curable if effectually dealt with at the start.

TIBBITS (H.)

Yes; I consider a large number would have benefited, because there is more chance of reforming younger men than older; in the latter the damage physically, and more especially mentally and morally, is often past repair. The younger men are often "alcoholics by circumstance"—bad company, the Saturday football match, or other form of excitement. often lead to the periodical week-end drinking bout, and land them into police courts with consequent convictions for offences due to drink. A period of detention in a reformatory would often act as a check to a career of alcoholism, while a policy of waiting would only tend to confirm a tendency to it.

26. Would any number of these confirmed cases have been benefited, had it been possible to deal with them under the Inebriates Act earlier in their career? Please state your grounds for any opinion expressed on this question.

[Continued.

ANSWERS.

VINCENT (Sir W., Bart.)

Yes, certainly, because the will power may not have been lost nor the drink habit become fixed.

WILMOT (F. E.)

Obviously the earlier the career of intemperance is arrested the better chance of recovery. Without having records to show, I am convinced from my experience that the patients who have been intemperate only a short period are more likely to be cured permanently than those who have many years of intemperance behind them. But I can make no suggestion as to how this earlier detention is to be obtained.

WRIGHT (J. B.)

I consider that confirmed cases would most probably have been benefited if sent earlier to inebriate homes on the principle that a disease is more easily cured in its earlier stages than when it has become chronic. The best results here have been in the cases of those who were comparatively youthful when sent away, and the relapses might have been fewer had the probable benefit to the individual been the sole cause which induced the magistrates to commit.

QUESTION XXVII.

27. Do you recommend any alteration of the law to make possible the earlier committal to Reformatories of persons who now spend many years in drunkenness before they are dealt with under the Inebriates Acts? If so, what alteration do you consider desirable?

ANSWERS.

ATKINSON (C. M.)

Yes. I regard as imperatively necessary the abolition of the requirement for proving four offences involving public drunkenness within a year. If the provisions of the Probation of Offenders Act, 1907, were judiciously applied to proper cases—power to accompany a solemn caution, with a recognisance requiring abstention from intoxicating liquor—a breach of the recognisance might be regarded as a ground of committal, if supported by evidence of habitual drunkenness. In many cases this provision of the Probation Act might be beneficially applied, before resorting to a committal. I also suggest, alternatively, an amendment of Section 2 of the Inebriates Act, 1898 (suggested amendments shown in italics).

Section 2. "Any person who commits any of the offences mentioned in the First Schedule to this Act, and who within the *three years* preceding the date of the commission of the offence has been convicted summarily at least three times of any offences so mentioned," *or who has been convicted at least twice of any offences so mentioned, and in addition thereto has within that period entered into a recognisance under the Probation of Offenders Act, 1907, containing a condition that such person shall abstain from intoxicating liquor for a period mentioned in the recognizance,* " and who is a habitual drunkard, shall be liable upon conviction on indictment, or if he consents to be dealt with summarily on summary conviction, to be detained for a term not exceeding three years in any certified inebriate reformatory, the managers of which are willing to receive him."

BAGGALLAY (E.)

Do away with the "three previous convictions." It is no real test of an habitual drunkard, but prevents many cases, fit for detention, being dealt with.

BARRADAILE (W.)

See my answer to No. 26. In my opinion the committal to reformatories should not be limited to the number of convictions in one year. If it can be proved by satisfactory evidence that the person is constantly drinking to excess, why wait for three convictions? Surely one or two convictions would then be sufficient.

BENNETT (H. C.)

Under present circumstances, practically I am informed, that probably go to 100 per cent. relapse where their committal to a State reformatory does not take place before they are, say, 30 years of age. But in cases of younger men and women, I think that a committal to a State reformatory would be more likely to prove beneficial.

I would recommend that committal should be either after six convictions of drunkenness (as now), only that it should not be necessary that three of them should be within the last twelve months, or in all cases in which there have been three convictions within the last twelve months, then a committal should be made; and after a person has been committed under the Act, then on its being proved such person be re-charged with drunkenness the court shall re-commit to a reformatory, and it should not be necessary, as now, to wait for three fresh convictions for drunkenness within a period of twelve months before re-committal can be made.

BROSCOMB (J. H.)

Yes. Provision should be made for friends, relatives or other responsible persons to notify to a constituted authority individuals as habitual drunkards.

BURDEN (Rev. H. N.)

I think the success of the Inebriates Acts, from a reformation standpoint, will depend entirely upon better facilities being provided for the earlier treatment of inebriates. As to the last sentence, see my answer to questions 30-34.

27. Do you recommend any alteration of the law to make possible the earlier committal to Reformatories of persons who now spend many years in drunkenness before they are dealt with under the Inebriates Acts? If so, what alteration do you consider desirable?

[*Continued.*

ANSWERS

CARY (Mrs. E.)

Yes, and I consider that in order to render possible such earlier committal it should not be necessary to prove *more* than *two* or even *one* previous conviction, providing trustworthy evidence can be produced as to the *habitual inebriety* of the person charged.

CAVENDISH (E. L. F.)

I would make it compulsory upon the court to commit to a reformatory a person with three previous convictions, who is convicted either summarily or upon indictment of (1) an offence committed while under the influence of drink; (2) being drunk. The three previous convictions need not necessarily be for the same offence so long as the element of drunkenness came into all three.

COPELAND (G.)

It frequently happens that many years elapse before a drunkard will get convicted four times for drunkenness within one year—all sorts of ruses are resorted to. I have known women to leave the borough for several months after a third conviction so as to escape the danger of committal. It would be a desirable alternative to provide that upon the sixth conviction within two years committal might ensue.

DUNNING (L.)

Yes. The real difficulty lies in the proof of habitual drunkenness, especially with the younger offenders. Let the magistrate have power to commit a person under 30 who has been guilty of numerous offences of drunkenness, say 5 or 6 in 12 months, if from evidence of surroundings tending to habitual intemperance he believes that committal and treatment are necessary for preventing the offence becoming chronic.

The typical case before my mind is that of the prostitute whose moral as well as physical reform is not beyond hope. Summary jurisdiction should not be dependent on the consent of the offender.

EUGENICS EDUCATION SOCIETY.

As stated in the Memorandum to which these answers are supplementary (*see* p. 181), the Society is of opinion that the law should be altered so as to deal with the very large number of cases referred to in these questions by establishing special reformatories for habitual inebriates, the treatment in which should be medical and not penal. As already intimated, the Society urges the importance, both in principle and in practice, of distinguishing between the possible parent and the person who, through age or other cause, is physically debarred from parenthood. Experimental discharge on licence may be practised in the latter cases without any of the eugenic risk which must necessarily attach to the former. Whenever female inebriates of child-bearing ages are discharged from a reformatory a certain amount of after-care in the shape of friendly supervision—preferably by a voluntary worker—is desirable, for thus only in many cases can relapse with all its attendant miseries be successfully averted.

FITZ-SIMMONS (W.)

Yes. Making the definition of habitual drunkard less stringent, and giving magistrates larger optional powers.

FULLER (L. O.)

For reasons already stated I strongly recommend any alteration of the law which would enable the earlier committal of cases. To this end I think it should be made the actual duty of the police to mention habitual drunkenness whenever there is reason to believe that the condition exists in regard to any person charged with a drink-caused offence in a police court. It should then be made compulsory upon magistrates to consider whether or not the case ought to be dealt with as an inebriate. The law should then permit the magistrate, if he has reason to believe the prisoner to be an inebriate (or likely to become an inebriate) to commit such a person to a reformatory for observation and report, on the understanding that, after a short period, such a person would be released on probation. As a general rule such period should be about three months for every first committal of this character. Such a course would be likely to induce magistrates to commit cases to reformatories earlier, in lieu of imprisonment. If this became so, it would be desirable for the State to take a much closer control over individual committals, to eliminate private interest and to give magistrates confidence that every case would be dealt with on its merits and not unduly controlled. If that preliminary detention resulted in reformation, and in many cases it would do so, an enormous gain to the community would accrue—with benefit to the individual. If the inebriate relapsed he would (under the scheme indicated in my answer to a previous question) be liable to return to the reformatory for further treatment.

By the above means I believe two objects would be attained. The cases would be recognised early, and sifted, and there would be an inducement to the improvable case to make an effort. This does not occur under present arrangements except as a rarity. The inmate knows he has a certain time to "do," and he little cares how he does it so long as he drags through it. If he knew that the gaining of his freedom depended upon the development of his self-control he would be more likely to acquire it than under present conditions.

GAMBLE (Mrs. S. A.)

We would give power to relatives to bring such inebriates under the notice of the authorities with a view to their detention, and make it unlawful to serve such persons with drink.

QUESTION 27]

27. Do you recommend any alteration of the law to make possible the earlier committal to Reformatories of persons who now spend many years in drunkenness before they are dealt with under the Inebriates Acts? If so, what alteration do you consider desirable?

[*Continued.*

ANSWERS.

GILL (F. A.)

For the term "habitual drunkard" where it occurs, I should substitute "a habitual drunkard, or in the opinion of the court is likely to become a habitual drunkard."

Further replies to this question are embodied in answers to questions Nos. 30 and 42.

GOMME (G. L.)

This is dealt with under question 34.

GORDON (Miss M. L.)

I should like to see a system of notification of habitual drunkenness introduced. The notification should be to some authority with powers to inspect, supervise, or receive reports upon the case. Proofs of habitual drunkenness could easily be obtained, and could be of divers kinds.

I think some such system could be carried out because it is already at work, and working exceedingly well, under the "Society for the Prevention of Cruelty to Children." The inspectors of the Society, in uniform, visit the homes of drunken persons of all classes, encourage, supervise, report on, and, if necessary, prosecute. They do a great deal of good work in helping drunken people to improve, or in getting them placed under detention through punishment if they do not. A similar system based on the reports of those scandalised or injured by the drunken person, by medical evidence, by the evidence of police-court convictions, by the complaint of relatives, etc., should be initiated on a large scale by the State.

The drunken person's name should be placed on a register and himself supervised. Improvement or cure should entitle him to have his name removed again. A given number of relapses, or any evidence showing that he is unable to take care of himself or his family, through drink, should cause him to qualify for detention. He should *not* be imprisoned for an indefinite number of offences before being dealt with, but after a few offences should be eligible for a term of detention.

I believe such a system would raise public opinion about drink among the poorer classes as Mr. Parr's society has raised it about some forms of cruelty, and prove a deterrent to many commencing drinkers.

HALKETT (J. G. H.)

Much to my regret the Act has been for years to me practically a dead letter because of my difficulty about the definition.

Were this difficulty removed, I believe that I should be able to commit, with the law otherwise as it now is, an adequate number of younger persons.

With the safeguard afforded by the necessity of proving that the person is an habitual drunkard it might, however, be an improvement to halve the number of necessary convictions within the year, viz., that one previous conviction before the one in question should suffice.

HEARDER (F. P.)

It is very desirable that adolescents should be sent to inebriate reformatories rather than to prison. Every term spent in prison for drunkenness makes reformation increasingly less hopeful.

In my opinion it should be possible to arrest habitual drunkards in their habits before they become criminal. Failing any such power they should be capable of being dealt with immediately they render themselves liable to jurisdiction by committing an offence against the Acts, instead of (as at present) being allowed to go on year after year until they become hopeless.

I think many cases could and should be dealt with by magistrates under Section 1 of the Act when they commit assault, larceny, neglect of children, attempted suicide, and such like offences due to drink. The necessity and attendant expense of committal to a higher court in such cases militates against the value of the Act.

Moreover, I think it should be made easier for magistrates to deal with cases under Section 2 by removing the condition which renders necessary the proving of three previous convictions. These previous convictions mean many more than three before the case can be dealt with, and necessitates a long and degrading prison history before cases become capable of being treated under the Inebriates Acts.

As a layman I am unable to suggest how this may be done. I merely point out what appear to me the chief blocking influences.

HOLMES (T.)

Yes. Power should be given to parents or guardians to prove in a court of summary jurisdiction the drunkenness of young people. Grown-up sons and daughters ought also to have a like power to proceed against their parents.

NELSON (G.)

Yes.

O'FARRELL (Sir G.)

I think it should be possible to deal with a person who is found to be an habitual drunkard without any reference to the number of convictions for drunkenness.

PARKER (Rev. Canon C. J.)

Yes, but we propose to deal with this fully under question 34 (post).

RAMSAY (J. T. T.)

Abolish the present necessary three convictions and allow justices in petty sessions or in quarter sessions on summons, power to deal with the matter in cases where it is proved that the person charged is an habitual drunkard.

REYNOLDS (Sir A.)

In my opinion short prison sentences are useless and stupid. Accept and act upon the common-sense meaning of the term "habitual drunkard." Give full powers to the magistrates, without the consent of the prisoner, to commit to an inebriate home and do not insist on three previous convictions in twelve months.

27. Do you recommend any alteration of the law to make possible the earlier committal to Reformatories of persons who now spend many years in drunkenness before they are dealt with under the Inebriates Acts? If so, what alteration do you consider desirable?

[Continued.

ANSWERS

SAMPSON (T. E.)

I would recommend such alteration in the law which would make it possible for earlier committal to reformatories. I am strongly of opinion that the necessity for three summary convictions for drunkenness within 12 months preceding the date of the commission of the offence with which they are then charged should be done away with, and that where it is proved that a person is an habitual drunkard within the definition previously referred to, then that the magistrates should have power to deal with such person irrespective of any prior conviction. The evidence should be upon sworn information by relatives or others who were in a position to judge, with, of course, corroboration, and giving power to two justices sitting in open court to commit such cases for terms of from one to three years, part of which might, under certain circumstances, be on licence.

I have had now many years' experience sitting in the police-court in Liverpool every day dealing with the class of cases referred to, and in the course of my experience a very large number of cases have come under my notice of persons who have undoubtedly, according to the evidence, been habitual drunkards, but for the want of the three convictions I have not been able to deal with them except by fines or otherwise. The practice has of late years been to inflict a penalty, or in cases where it has been thought desirable, absolute imprisonment under the provisions of the Licensing Acts, together with binding over in sureties to be of good behaviour for six months. Failing obtaining sureties a further period of detention, ranging from one month to six months. This has been found to work in some cases satisfactorily but in a large number of cases of persons who have absolutely lost themselves, they have again been in a few days after their discharge from prison, arrested for drunkenness, and the same course of action has had to be repeated over and over again. Of course, with old offenders it is difficult to say what is best to be done. Cases have arisen where the person has been up from 50 to over 300 times, and yet have not come within the provisions of the Act requiring three convictions within 12 months. I am of opinion that in the class of cases I refer to, where information is given that a person is an habitual drunkard, they should be tried before two or more magistrates, and not by one, although he may be a stipendiary magistrate. I should also give liberty to the person charged to elect to go before a jury at sessions or assizes, indeed, anything which would safeguard the liberty of the subject. Perhaps a special court might be formed, composed of three or five magistrates, for the purpose of taking such cases. Failing commitment to a reformatory when the offender is considered too old for reformation, there should be some place of retirement to which they could be committed indefinitely.

SHORT (S. E.)

Most certainly. I think the law requiring three previous convictions in one year stands in the way of dealing with many cases which it would be most desirable to place under restraint. The alternative to the present law, I suggest, is that the friends of the person who is charged with habitual drunkenness should furnish evidence before a court of summary jurisdiction, both medical and ordinary, of the habitual inebriety, and upon the court being satisfied of the fact should have power to commit the persons charged to an inebriates' home for any term up till three years, and that the authorities at the home should have power to release on licence before the expiration of the term if they had reason to believe that a cure had been effected, and if a relapse took place, the person to be returned to the home to complete the sentence.

SISTER SUPERIOR, Spelthorne St. Mary.

Yes. That the detention of a habitual inebriate in a certified inebriate reformatory or retreat should be made legal at a much earlier stage than it now is.

SOLLY (G. A.)

I think that power should be given to commit any person who has once been convicted of an offence of drunkenness, and who is an habitual drunkard within Section 3 of the Act of 1879; but such a provision ought to be safeguarded in two ways:—(1) There should be some appeal less expensive than the appeal to quarter sessions, the cost of which is prohibitive for poor persons; and (2) where there has been only one conviction there ought to be the assent, preferably by sworn deposition, of one or more of the nearest relatives of the alleged drunkard. Such a provision would be analogous to the evidence of the husband on an application for separation on the ground of the habitual drunkenness of the wife. Under the present law it is impossible to accept as evidence of drunkenness numerous convictions for offences such as using obscene language; the evidence in these cases almost always shows partial intoxication at the time. (Also see answer to No. 31.)

SOMERSET (Lady Henry).

I should recommend that extended power be given to detain habitual inebriates who are injuring themselves and are unable to perform their work either outside or inside the home, and bringing trouble on the community or the family, or causing scandal.

SULLIVAN (W. C.)

Yes. I think the alteration suggested in Question 30 would effect what is desired.

TIBBITS (H.)

I beg to recommend that a shorter sentence (say, six or even three months) should be given on the first occasion a man comes within the scope of the Act; then, on further convictions a longer period should be given—a term of years or even an indeterminate sentence with power to grant licences to be revoked on relapses into alcoholism.

VINCENT (Sir W., Bart.)

See answer to questions 34 and 41.

WRIGHT (J. B.)

Habitual drunkards within the meaning of the Habitual Drunkards Act might on proof of their habitual drunkenness be bound over to be of good behaviour, and if they failed to improve within a certain period they might then be committed to an inebriate home.

QUESTION XXVIII.

28. Do you consider that the definition of "habitual drunkard" (in Section 3 of the Act of 1879) requires amendment for the purposes of the Act of 1898, and, if so, for what reasons, and in what direction?

ANSWERS.

ATKINSON (C. M.)

Yes. The definition should embrace those who, by reason of habitual intemperance, inflict injuries or suffering upon women or children through violence or privation. The Prevention of Cruelty to Children Act, 1904, Section 11, contains some provisions as to children; but the definition should go further, and apply to cases where there is no specific charge under that Act and where suffering is caused to women.

The definition of "habitual drunkard" in the 1879 Act was not originally intended for offenders upon *conviction*, but for persons to be admitted on their own *application*. Such phrases as "incapable of managing himself *and* his affairs" have, by the practice in lunacy, acquired a special connotation, which is calculated to create difficulty and embarrassment.

BAGGALLAY (E.)

Definition of habitual drunkard is too long and vague, consequently magistrates take a great variety of views of their powers.

Magistrates should have compulsory power to send an habitual drunkard to a home when they are satisfied that all reasonable efforts to cure have been made and failed, and that it is for the benefit of the habitual drunkard to be sent to a home.

Right of appeal and right to be tried by jury.

BARRADAILE (W.)

The definition should be extended. The answer to Question 27 suggests one way, and that to Question 31 another.

BENNETT (H. C.)

"Habitual drunkard" means a person:—

(*a*) who is convicted of any offence mentioned in the schedule to the Inebriates Act, 1898, and who within twelve months preceding the date of the commission of the offence has been charged at least six times before a court of summary jurisdiction and found guilty of any offence so mentioned, and is an "habitual drunkard," shall be liable on conviction on indictment—or, if he consents to be dealt with summarily, on summary conviction—to be detained for a term not exceeding three years in any certified inebriate reformatory.

(*b*) . . . . (as in Sec. 3 of Act of 1879).

BROSCOMB (J. H.)

No.

BURDEN (Rev. H. N.)

I am not lawyer enough to indicate how it should be done, but experience has shown the necessity for considerable simplification of the definition. For one thing, the words "not being amenable to any jurisdiction in lunacy" have given rise to difficulty and should be omitted entirely. An "inebriate" should be made to include a drug taker, and the word should be taken to mean any person who uses any intoxicating material in liquid or solid form which results in making him dangerous to himself or others, or a nuisance to the community, or a cause of distress to his family, or incapable of managing himself or his affairs.

COPELAND (G.)

The definition of "habitual drunkard" is rather inappropriate for the majority of cases to which the 1898 Act has to be applied. Street women do, many of them, drink till violently dangerous to others, and sometimes to themselves when they attempt suicide, but some are mere "sots," always muddled and incapable of "managing" themselves, but they can hardly be said to have any "affairs" to manage, and yet this is necessary according to Section 3.

DUNNING (L.)

The definition should be widened to cover the use of drugs, an alternative which should also apply to Section 12 of the Licensing Act, 1872.

FITZ-SIMMONS (W.)

Yes. Reference to "lunacy" struck out. Unless cases on verge of lunacy and almost hopeless some magistrates won't commit.

Give magistrates (in London) power to decide whether time for committal had come.

FOX (R. E.)

In answering this question, I must refer to the letter from the Secretary of State to the Chairman of the West Riding County Council (C. G. Milnes Gaskell, Esq.), dated 28th June, 1906.

In that letter it will be observed that the Secretary of State expresses the opinion that the definition of "habitual drunkard" in Section 3 of the Habitual Drunkards Act, 1879, applies to a person who habitually drinks to excess, and who is in consequence at times *either when sober or drunk* dangerous or incapable, and in the last paragraph of his letter the Secretary of State says that the law officers do not consider that sufficient ground exists for amending the definition by legislation, as in no part of the country except Yorkshire has any difficulty arisen as to its interpretation.

The latter few lines contain a general statement which is no doubt only meant as a general statement, and I think would have been more correctly put if the law officers had stated that no difficulty had come to their knowledge except in Yorkshire.

I venture to think that the definition is a cumbrous one and could be much simplified, and it is impossible to form any estimate of the extent to which the administration of the Inebriates Act, 1898, is interfered with by this definition, but I myself think serious difficulties have been so caused.

I quite appreciate the great anxiety on the part of the legislature not to permit undue interference with the liberty of the subject, and it is doubtless for that reason that the definition is more involved than it ought to be.

The object of the definition is to define a degree of drunkenness which is to make a man an habitual drunkard within the meaning of the Acts of Parliament, and it is presumed that the underlying idea of the definition is that an habitual drunkard is a person who drinks to excess so as to render himself

28. Do you consider that the definition of "habitual drunkard" (in Section 3 of the Act of 1879) requires amendment for the purposes of the Act of 1898, and, if so, for what reasons, and in what direction?

[*Continued.*

ANSWERS.

Fox (R. E.)—*continued.*

frequently incapable and possibly dangerous to himself or others either while drunk or while recovering from the effects of drink, and I see no difficulty in expressing a definition to this effect in simple words.

It appears to me that the question of the condition of a man's mind when he is sober has nothing to do with the matter, and it is objectionable to complicate the definition by introducing into it a difficult question of fact as to whether a person is or is not amenable to any jurisdiction in lunacy by reason of his drunken habits.

The mere question of being sufficiently drunk as to be incapable appears to be the whole point.

It is quite possible that there is in many cases a somewhat narrow division line between a man who drinks to excess and a lunatic.

I believe that there are many cases where the drink habit is possibly one of several symptoms of lunacy.

When a man is committed to an inebriate reformatory the question of his mental equilibrium is soon determined by the medical superintendent, who would take the necessary steps to have him transferred to a lunatic asylum if that were necessary, and if he should recover while at the asylum he would then be transferred back to the reformatory to complete his sentence.

FULLER (L. O.)

I am of opinion that an amendment of the definition is desirable to remove the present feeling amongst magistrates that an inebriate must be mentally defective as well as inebriate before he can be committed to a reformatory. It should also be worded so as to permit of drug takers being included under the definition; and made in some way less restrictive, *i.e.*, less difficult for a magistrate to decide who is and who is not an inebriate.

GAMBLE (Mrs. S. A.)

We consider that the word "inebriate" would be better because less offensive.

GILL (F. A.)

Though I am aware that in some counties the definition has proved a stumbling block to magistrates, in Lancashire it does not appear to have presented any difficulty. I am not prepared to suggest any other definition of the term, nor, indeed, do I think that any other is necessary. Habitual drunkenness is a condition which, like lunacy, can be recognised, but not defined to the satisfaction of everyone.

HALKETT (J. G. H.)

I have the strongest reason for considering that the definition of "habitual drunkard" in the Act of 1879 requires amendment. As it now stands, it has made —since the point was first raised by the Recorder of Leeds—the Act almost a dead letter to me. I have already explained my position fully to the Home Office, and I have supplied the office with a suggested new definition. It will thus not be necessary for me to go into the subject as fully as I otherwise would have been obliged to; still I feel that I must again endeavour to make my point of view clear. Were it not for the fact that it now seems to be thought necessary to cover the drug habit by a definition, I am not at all sure that any definition of an habitual drunkard is really necessary. It seems to me like the task of St. Athanasius—the attempt to define the indefinable. Were there no definition an habitual drunkard would be, I take it, a person who is habitually drunk, and it would be a question of fact for the court whether any person came under this category. But assuming that as there has been a definition, it is considered necessary to continue to have one, apart from the drug habit question, I will address myself to it.

The definition in the Act of 1879 is as follows:—"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 to others or incapable of managing himself or herself and his or her affairs." This definition seems to me to be useless, but I do not agree with the explanation which I read in a memorandum of the difficulty which I and other lawyers feel. My argument is as follows: The person has to be one who by reason of habitual drinking is at times dangerous, etc., or incapable, etc. Evidence is called as to his dangerousness or his incapacity. If that evidence is directed towards his conduct at times when actually drunk, how am I to hold (in a penal statute which must be construed strictly) that his conduct whilst drunk is caused by reason of the habitual nature of his drinking? A man who never in his life before had tasted drink might, in his first drunk, be as dangerous, etc., and as incapable, etc., as possible. Who is to say of the habitual drinker, when measured up at times in his drunks, how much of his conduct is due to the alcohol taken to produce them and how much to accretion? I am not concerned as to what those who framed the clause meant. I am concerned with what they said, and I do not see that it is possible to hold that any man's conduct at particular moments is due to habits unless the moments chosen are between bouts when it is certain that his behaviour is due to habit. Of course, I have read with care and respect the opinions of the late and present Attorney-General. I regret very much that I remain unconvinced by their reasoning. As their opinion does not bind me, I have asked to be set right, if I am wrong, by the Divisional Court which does bind me, but, owing to economic considerations, no opportunity has been found for me to state a case. The following rough draft of a definition has been suggested to me as being likely to remove all difficulty:—"An habitual drunkard is a person who by reason of the habitual use of intoxicating substance or substances renders himself at times—

"(*a*) Dangerous to himself or others,

"(*b*) A nuisance or scandal or offence, or

"(*c*) Incapable of managing himself or his pecuniary or other affairs."

I will not discuss at length the omission of the word "intemperate" except to point out that, although it is true that what is moderate in one man may be excess in another, the word "intemperate" and the words "to excess" do not measure ounces of alcohol, but the result to the person who drinks. However, I do not think this omission will make any difference, although the only reason I can see for it is the extension of the definition to the drug habit. What I am deeply concerned about is that this new definition does not seem to make my way, or the way of others, any clearer. The symptoms have again to be produced by the habit and I cannot see how it is to be ascertained that they have been when the person is actually drunk on the occasions.

QUESTION 28]

28. Do you consider that the definition of "habitual drunkard" (in Section 3 of the Act of 1879) requires amendment for the purposes of the Act of 1898, and, if so, for what reasons, and in what direction?

[*Continued.*

ANSWERS.

HALKETT (J. G. H.)—*continued.*

The definition which I sent to the Home Office was as follows:—

"Habitual drunkard means a person who, not being amenable to any jurisdiction in lunacy, (1) habitually indulges to excess in intoxicating liquor, and (2) when drunk, or in consequence of the effects of drink, is at times dangerous to himself or herself or to others, or incapable of managing himself or herself, or his or her affairs."

This would, in my judgment, have met the difficulty felt by some of us. However, I agree with Dr. Branthwaite, and others, that the words "not being amenable to any jurisdiction in lunacy" are surplusage, and to include the drug habit I omit the words "to excess," and submit another definition:—

"An habitual inebriate is a person who (1) habitually indulges in intoxicating substance or substances, and (2) when under the influence of such substance or substances, or in consequence of the effects thereof, is at times

"(*a*) Dangerous to himself or others, or

"(*b*) A nuisance, or scandal, or offence, or

"(*c*) Incapable of managing himself or his pecuniary or other affairs."

To my mind this definition will cover the whole ground, serve purposes wider than those of the 1898 Act, and obviate the difficulties which at present render the Act of no avail in a good many places.

HEARDER (F. P.)

The definition of "habitual drunkard" should make it clear that cases need not at all times be dangerous or incapable—in other words, that it is not necessary that reformatories should be used almost solely for the care and control of the feeble-minded.

HOLMES (T.)

The definition in the Act of 1879 ought not to be applied to the Act of 1898. The majority of women who come under the latter Act are gross and abandoned women, who drink because it is necessary to their calling; in reality, drinking enables them to control their affairs, but does not deprive them of the ability to control their affairs. They have no affairs but prostitution. They ought not to be considered inebriates, still less treated as inebriates. More stringent, lengthened and effective control is required.

NELSON (G.)

I suggest that the definition of "habitual drunkard" should be one who habitually gets drunk, and is a danger to himself or herself, and a danger to others. It is most difficult in many cases of habitual drunkards to prove that they are incapable of managing their own affairs.

O'FARRELL (Sir G.)

I think the definition should be extended so as to include habitual users of narcotic drugs.

PARKER (Rev. Canon C.)

We are of opinion that the definition of "habitual drunkard" should be simplified, and so amended as to remove objections which have prevented committals. In regard to one point we think that the words "not amenable to any jurisdiction in lunacy" should be omitted. It should no longer be possible for magistrates to read into the definition the meaning that it only applies to persons who are dangerous, or incapable of managing their affairs when sober as well as when drunk.

RAMSAY (J. T. T.)

Yes. The section should apply if the person charged is proved to be one who habitually "drinks to excess."

REYNOLDS (Sir A.)

No. I personally have never found any difficulty in accepting the common-sense meaning of the definition "habitual drunkard." It may be thought wise to add some such clause as this—"or whose language and conduct in public when under the influence of drink is frequently so bad as to lead to a public scandal and a possible breach of the peace."

SAMPSON (T. E.)

The definition of "habitual drunkard" would have to be amended to meet the position as mentioned in my answer to the last question.

SOLLY (G. A.)

I think that the definition is satisfactory.

SULLIVAN (W. C.)

I think it would be desirable to include persons addicted to the intemperate use of narcotic drugs.

VINCENT (Sir W., Bart.)

Yes, because many persons who are habitual drunkards escape frequent conviction, especially during their earlier years of self-indulgence when their reformation would be most hopeful.

WRIGHT (J. B.)

No.

QUESTION XXIX.

29. Only some 400 cases have been sent to Reformatories under Section 1 of the Act during eight years. Can you account for the restricted use of this section, in view of the large amount of drink-caused crime committed by habitual drunkards?

ANSWERS.

ATKINSON (C. M.)

Indictable offences (such as murder, manslaughter, and serious crimes of violence) directly resulting from drink, are not the class of offences usually committed by persons who come within the present narrow definition of "habitual drunkards." The indictable offences ordinarily committed by such persons (*e.g.*, trifling larcenies) are for the most part dealt with summarily.

BURDEN (Rev. H. N.)

If it had not been for the National Society for the Prevention of Cruelty to Children very few cases would have been committed at all under Section 1 of the Act. So far as the National Institutions are concerned, very few cases have been admitted under that section, except for cruelty to children. Generally speaking, in regard to drink-caused crime, Section 1 of the Act has failed to realise its intention.

The causes of failure are more or less clear:—

(1) The necessity for indictment to higher courts, and the natural reluctance of magistrates to send cases for trial as habitual drunkards when they can deal with them summarily for their offence alone, when habitual drunkenness is overlooked.

(2) The deterrent influence caused by the expense of committal for trial.

(3) The delay, inconvenience, and unnecessary imprisonment, consequent upon committal for trial.

(4) The flooding of assizes and sessions with cases which might have been dealt with summarily, contrary to the tendency of the day.

CARY (Mrs. E.)

The restricted use of this section of the Act appears to be due to the disposition of most judges and magistrates to deal *only* with the *crime* as distinct from the condition which led to such crime.

DUNNING (L.)

The same difficulty as in No. 27, that of proving "habitual" drunkenness.

FOX (R. E.)

I am afraid I have not enough information to account for the fact that only 400 cases have been sent to reformatories under Section 1 of the Act during the last eight years.

I cannot help thinking that to some extent this is due to the difficulty caused by the definition of habitual drunkard, and if that definition is amended there will be less difficulty to the courts in dealing with the administration of Section 1.

In addition there is, of course, the fact that many prisoners who might be indicted for being habitual drunkards under that section are such old offenders with so many previous convictions that they are regarded as hopeless cases by the prosecution and are not indicted as they might be as habitual drunkards, but by reason of previous convictions are sent to penal servitude.

FULLER (L. O.)

So far as I am able to judge I am of opinion that the necessity for committal to higher courts before cases can be dealt with under Section 1 of the Act is the main reason for its disuse. If this could be modified many magistrates would use the power of committal, especially if some graduated course of detention such as I have suggested could be adopted.

Another influence which prevents its use is the fact that when an offence has been committed by an habitual drunkard, the prisoner is too often charged with the offence alone; drunkenness is not mentioned with the charge, or in the subsequent indictment.

GILL (F. A.)

Before proceeding to answer this question, may I be permitted to express my appreciation of it. The percentage of crime attributable to drink has been variously stated by competent authorities at from 50 to 80 per cent. I think the lower figure may be accepted with perfect confidence, personally as the result of considerable experience I think it is too low. There is no doubt that a considerable proportion of the total drink-induced crime is committed by habitual drunkards, and if they could be withdrawn the figure would be materially lessened.

In answer to the question I assign the following causes. I should like to place them in their order of potency, but I confess I am unable to do so:—

(1) Many magistrates object to indictment on the ground of expense, delay, and extra trouble involved. I have before me a bill of costs in the case of an habitual drunkard indicted at Quarter Sessions, which I am informed is a fair average case. The total amount is £11 8s. This does not include cost of maintenance in prison while awaiting trial, nor expenses of the prisoner and escort travelling to and from prison, which in the case of a female prisoner means a male and female prison officer, *i.e.*, three return railway fares. I am not surprised that magistrates in the interests of economy deal with the case summarily if possible, even if necessary reducing the charge to enable them to do so.

(2) The tendency of the day seems to be towards dealing with cases as far as possible summarily, and magistrates object to transfer their powers of jurisdiction to higher courts. They can now deal with such offences as neglect of children, petty larceny, assaults, attempted suicide, either by discharge or punishment, and they seem unwilling to indict those cases.

(3) In some cases the charge against the offender is not framed, so that he can be dealt with under the Inebriates Act of 1898; in other words, a habitual drunkard who has committed an offence which renders him liable to be dealt with under Section 1 is charged with the offence only, no

QUESTION 29]

29. Only some 400 cases have been sent to Reformatories under Section 1 of the Act during eight years. Can you account for the restricted use of this section, in view of the large amount of drink-caused crime committed by habitual drunkards?

[*Continued.*

ANSWERS.

GILL (F. A.)—*continued.*

mention whatever being made of the part which drink has played in causing the crime or of him being a habitual drunkard. In such a case, of course, the court must act according to the charge and evidence laid before it. The fault here lies with the police or magistrates who committed the case for trial.

My attention some time ago was drawn to a press report, which stated that a judge in one of our courts had expressed a difficulty in dealing satisfactorily with attempted suicides due to drink. It seemed to me that committal under Section 1 would have solved his difficulty admirably.

Without Section 1 I quite appreciate the difficulty, for I know from personal observation that short terms of imprisonment are absolutely useless.

Imprisonment has no deterrent effect, but yet carries with it and inflicts its penal element upon an individual who is generally irresponsible by reason of inherited or acquired infirmity of mind, the outward manifestation of which is habitual intemperance.

HALKETT (J. G. H.)

I am unable to say, from personal knowledge, to what extent this restricted use of the powers under Section 1 is due to the definition, but I do know that this is the cause in a good many cases. I suggest another:—I think that many judges, recorders, and chairmen of quarter sessions do not believe (because they do not know) what inebriate reformatories can do for drunkards.

HEARDEN (F. P.)

This is due: (1) to the construction put upon the definition of "habitual drunkard"; (2) to the preference for summary procedure already referred to; and (3) to a certain extent to unfamiliarity with the Act.

HOLMES (T.)

It is the half drunk who commit crimes, especially crimes of passion; they cannot be considered inebriates.

NELSON (G.)

Mainly because there has been so little provision made for male cases.

O'FARRELL (Sir G.)

Owing to the necessity for proceeding by indictment instead of summary proceedings.

PARKER (Rev. Canon C. J.)

The main reason which has prevented the extensive use of section I. is the necessity for indictment to higher courts. We consider that the section in question will be practically useless until this requirement is removed or modified. It lies to a great extent with those who, when committing a case from petty sessions to assizes or quarter sessions, do not include "habitual drunkenness" as a count in the indictment. The main cause of the offence is, therefore, not brought to the notice of the court.

RAMSAY (J. T. T.)

(*a*) Until magistrates view drink-caused crime as due to a disease, and drinking more than a "mere habit," few cases will be sent to the reformatories.

(*b*) The majority of habituals are persons physically and mentally weak, and generally incapable of planning important crimes against property, though exceptionally reckless in the commission of ordinary offences and are a very real danger to their neighbours.

(*c*) The physically fit who take to crime by preference, who decline to work, and who refuse the helping hand, are not often found among the inebriate class.

REYNOLDS (Sir A.)

Regrettable reluctance on the part of the police to prosecute on this section owing to the difficulty of inducing the friends to come forward and in obtaining evidence to satisfy a jury.

SISTER SUPERIOR, Spelthorne St. Mary.

Absence of the power to detain mentioned under 27.

SOLLY (G. A.)

Probably one cause may be that the judge or chairman has no personal knowledge of the offender, or of his or her surroundings, such as the magistrates and the local police frequently have.

SOMERSET (Lady Henry).

I think the fact arises from a want of comprehension of the distinction between the habitual drunkard who commits crime as a result of drunkenness, and the habitual criminal whose drunkenness is incidental to his career as a criminal. It would be well if this classification were more clearly understood.

SULLIVAN (W. C.)

It appears to me to be probable that the restricted use of Section 1 may be attributed in part to the mistaken impression (created by the legal test under Section 2) that a number of convictions for drunkenness is a necessary element in habitual intemperance, and in part to the fact that much of the indictable crime committed by chronic alcoholics is of so grave a character that judges feel it incumbent on them to impose a more exemplary punishment than reformatory detention.

29. Only some 400 cases have been sent to Reformatories under Section 1 of the Act during eight years. Can you account for the restricted use of this section, in view of the large amount of drink-caused crime committed by habitual drunkards?

[*Continued.*

ANSWERS.

VINCENT (Sir W., Bart.)

This is believed to be largely due to want of vigilance on the part of those responsible for the preparation of the indictment who often omit the words "that the offender is a habitual drunkard."

As regards the first section of the clause, there is a tendency on the part of magistrates to deal with offenders for one offence only at a time.

WRIGHT (J. B.)

In Newcastle cases which would come under Section 1 of the Act are comparatively few with the exception of attempted suicides which last year were 42 in number. Where these were due to drinking they were attributable rather to a sudden bout than to habitual drunkenness. Some cases which would come under Section 1 are, perhaps, dealt with summarily instead of by the more cumbersome process, and possibly the fact that in many places a fixed number are to be sent to inebriate reformatories may affect the selection.

QUESTION XXX.

30. Would you recommend that Courts of Summary Jurisdiction, in dealing with minor offences which are committed under the influence of drink, or to which drunkenness is a contributing cause, should have the same power, when the offender is an habitual inebriate, of ordering detention in an inebriate reformatory, as now exists under Section 1, when the offender is tried on indictment? If so, how would you distinguish between those cases which might be dealt with summarily in this manner, and those which should be committed for trial on indictment?

ANSWERS.

ATKINSON (C. M.)

No. I think no such power should be exercised, except after trial by jury before a Judge of the High Court, or a Recorder. Some cases might be properly dealt with in the first instance by recognisance to abstain (under the Probation of Offenders Act, 1907), and, perhaps, upon breach of that condition committal of a "habitual drunkard" might be authorised. (See answer No. 27.)

BAGGALLAY (E.)

Yes.

BURDEN (Rev. H. N.)

[N.B.—*This Answer also relates to Questions* 31-34.]

I consider it waste of time and energy to attempt to remodel or amend Sections 1 and 2 of the Act as they at present stand. Both sections are intended to apply to habitual drunkards as such, and should not prescribe a different procedure for different offences resulting from the same cause. Alcohol produces different effects upon different individuals, and different effects at different times upon the same individual. An equal quantity of alcohol will make one drunkard sleepy and another violent; or a small quantity of drink will make one man excited, and, an increased amount, the same man sleepy. The excited man, or the man in the excited stage, is liable to commit an assault, or crime of violence, and become liable to be dealt with under section 1; a sleepy drunkard or one in the sleepy stage can only be brought under section 2. When an habitual drunkard is under the influence of drink the effect of liquor upon the individual, circumstance, and opportunity, determine the nature of his offence. Whether sent under section 1 or section 2 all cases admitted to the national institutions have belonged to the same class and have been committed for the same original cause. I consider that the definite distinction now existing between section 1 and section 2 is an unreal one, which has no justification for existence.

I therefore think that habitual drunkenness *per se* should be more clearly defined as the one chief cause for committal under the Inebriates Acts, less importance being given to the nature of the offence caused by the drunkenness. The logical conclusion being that sections 1 and 2 should be amalgamated; any offence by an habitual drunkard rendering him liable to be committed to a reformatory not on account of his offence but on account of his drunkenness, the offence itself merely being used as a lever to put the Act in force.

As the law now stands the necessity for the committal of cases for trial under section 1, the necessity for proving three previous convictions, and obtaining consent to summary committal under section 2, have all given rise to difficulty and have complicated procedure under the Act.

To make the Act of value considerable simplification is necessary, greater power being placed in the hands of magistrates to deal with habitual drunkenness in other ways than committal to prison, notwithstanding the actual nature of the offence, provided that the offence is not of a sufficiently grave nature to demand committal for trial for punishment in addition to, or instead of, reformatory detention.

I consider that another serious fault in existing legislation consists in the necessity for the imposition of a definite sentence. It is impossible for magistrates to have the vaguest idea as to how long it will take to reform an individual inebriate; nor should they be expected to assume such a responsibility any more than they should be asked to do so in regard to the treatment of a lunatic. So far as magistrates are concerned, the procedure in regard to an inebriate should more closely approximate to their methods of dealing with lunatics than criminals.

To bring matters to a focus I would suggest that whenever a person is charged in a petty sessional court with an offence which may be drink-caused, and especially when there is evidence of previous drunkenness, the question of habitual drunkenness shall always be considered. The offence may be one otherwise punishable by fine or imprisonment, may be one contained in the first schedule of the Inebriates Act, or may be attempted suicide, wounding not amounting to felony, or neglect of, or cruelty to children. It should be possible for a magistrate to deal summarily under the Inebriates Act, with any of these offences,

QUESTION 30]

30. Would you recommend that Courts of Summary Jurisdiction, in dealing with minor offences which are committed under the influence of drink, or to which drunkenness is a contributing cause, should have the same power, when the offender is an habitual inebriate, of ordering detention in an inebriate reformatory, as now exists under Section 1, when the offender is tried on indictment? If so, how would you distinguish between those cases which might be dealt with summarily in this manner, and those which should be committed for trial on indictment?

[Continued.

ANSWERS.

BURDEN (Rev. H. N)—*continued.*

with the consent of the person charged. Magistrates fully understanding that the consent of the prisoner is merely required to summary procedure, not to committal to a reformatory. Under these circumstances it would only be necessary for a magistrate to be satisfied that the person charged is an inebriate, that he has committed one of the offences above named, and that he consents to be dealt with summarily. If these conditions are complied with the magistrate, without defining any period, should then have power to order detention in an inebriate reformatory for proper treatment and control.

When any person is admitted under these conditions to an inebriate reformatory every effort should be made to bring about his reformation. But continued detention without trial affords no opportunity for judging whether or not an inebriate has regained control over himself. For this reason a system of release on probation should be introduced; such release being possible at the earliest date compatible with probability of good result. The question of release or otherwise should not depend upon the managers of reformatories but should be determined by the Secretary of State, who should have power to require the production of all necessary evidence from superintendents and managers to enable him to determine when such release is desirable. Release on probation should be understood to mean release for two years under the supervision of the probation officer of the district to which the inebriate is discharged, or to which he subsequently removes; any such removal being within the knowledge and with the approval of the Secretary of State. Good behaviour during two years' probation should *ipso facto* determine the magistrates' order of detention. If during that two years the inebriate again relapses into drunken habits (whether or not he is actually charged with an offence against the Inebriates Acts), it should be made the duty of the probation officer to report the circumstances to a magistrate, who, being satisfied as to the facts, shall have power to order the return of the inebriate to reformatory care. After return to the reformatory he should be subjected to a further period of more protracted treatment and control and again released on probation. If after repeated periods of treatment and release the inebriate continue to relapse into drinking habits, he should be detained on an annual continuation certificate until there is good reason to believe he may safely be released on further probation.

I am convinced that if magistrates were satisfied that good cases would be given every advantage from early release on probation, they would be willing to commit more improvable cases and not feel it necessary to precede committal to reformatory with prison sentences.

If any inebriate committed a serious offence which in an ordinary person would be punished by imprisonment of some duration, and the magistrate desires to prevent his release from a reformatory at an earlier date, he should have power to order that no release on probation should be possible until some definite period has elapsed.

With a view to effective classification every possible power should be given to the Secretary of State to transfer inmates from one reformatory to another, and to and from reformatories and retreats. When it has been considered desirable for the benefit of an inebriate to transfer him from a reformatory to a retreat payment should be made to the managers of the retreat in the same way as if the inebriate had been transferred to a reformatory. Conversely, when it proves desirable to transfer an inmate of a retreat the same way as if he had been committed to a reformatory under the Act of 1908; power being given to the Treasury to recover when possible the cost of maintenance from the inebriate so transferred.

CARY (Mrs. E.)

Yes, providing the offender admits the fact of habitual inebriety, or that absolutely conclusive evidence of that fact can be produced.

COPELAND (G.)

Attempts at suicide, larcenies and serious assaults are so frequently committed under the influence of drink by habitual drinkers, that it would be wise if these offences could be dealt with (when desirable) under Section 2 of the 1898 Act—but that section would need amendment by a clause, embracing the above offences, similar to the clause in Section 1.

DUNNING (L.)

Yes, in all cases where a court of summary jurisdiction has power to commit without the option of a fine.

FITZ-SIMMONS (W.)

Yes; but give to each case the right of option as to place of trial; less serious cases where consent for trial was given.

FOX (R. E.)

I think that greater benefit is likely to be achieved in dealing with first offenders and those who have the fewest previous convictions for crime in inebriates' homes, and this could best be achieved by legislation giving to the justices the same powers as those of the Courts of Assizes and Quarter Sessions under Section 1.

If this were done it would be more likely to become a common practice to charge as habitual drunkards many first offenders who are led into crime of a petty nature through drink, and who are at present not sent for trial to Assizes or Sessions and who would, if committed to an inebriates' reformatory be much more susceptible to reform than the hardened criminals who because of their previous convictions must, under the law as it stands at present, be dealt with at Assizes and Quarter Sessions.

My view, therefore, would be that in all cases where justices have jurisdiction to deal with the crime for which prisoners are brought before them that they

30. Would you recommend that Courts of Summary Jurisdiction, in dealing with minor offences which are committed under the influence of drink, or to which drunkenness is a contributing cause, should have the same power, when the offender is an habitual inebriate, of ordering detention in an inebriate reformatory, as now exists under Section 1, when the offender is tried on indictment? If so, how would you distinguish between those cases which might be dealt with summarily in this manner, and those which should be committed for trial on indictment?

[Continued.

ANSWERS.

Fox (R, E.)—*continued.*

should also have power to deal with the question of their being habitual drunkards in the same way as the courts above deal with those who are sent for trial.

The Summary Jurisdiction Act, 1879, Section 14, provides in effect that where a prisoner is charged with an indictable offence specified in the First Schedule to that Act, and it appears to the court that the offence is one which, owing to a previous conviction on indictment is punishable with penal servitude, the court shall not deal with the case summarily in pursuance of this Act.

The classes of offence referred to in that Schedule are larcenies of various kinds, embezzlement, receiving, aiding and abetting the commission of larceny, and attempts to commit larceny.

Under Section 12 of the same Act for certain offences specified in that section the prisoner has the option of consenting to be tried summarily.

FULLER (L. O.)

As already indicated, I would recommend that courts of summary jurisdiction should have the power of sending the cases mentioned to reformatories for the purpose of observation and report without any term being mentioned, and whether or not the case comes under what is now Section 1 of the Act. It is the drunkenness we want to treat, and, provided the offence is not a serious one, it seems to me that magistrates should have power to deal with the cause, merely using the offence as a lever to enable them to do so. Many offences such as assault, petty larceny, and so on, are due solely to drunkenness, and mere punishment is useless. Moreover, the necessity for indictment to higher courts causes unnecessary expense.

GILL (F. A.)

Yes. I think that offences which, after trial by indictment, would receive a sentence up to about six months might be dealt with summarily.

GOMME (G. L.)

Yes, as such an arrangement would expedite committal and would obviate the remand of the offender to prison. The offences committed by habitual inebriates which magistrates might summarily deal with are such as attempted suicide, neglect of children, and wounding not amounting to felony. Cases of more serious offences might still be committed for trial on indictment.

HALKETT (J. G. H.)

The suggestion here made is a very interesting one, and I am in entire sympathy with it if properly safeguarded. In the case of a defendant charged with an offence for which he could be dealt with summarily I would, without hesitation, allow any court of summary jurisdiction to have the power which exists under Section 1. But if unlawful wounding, attempted suicide and other offences not at present within the jurisdiction of such are to be included, then I am not sure that *any* court of summary jurisdiction should have the power. I am aware that the tendency of the day—in the words of Dr. Branthwaite—is more and more towards the use of summary procedure. But there is summary procedure and summary procedure. Many and considerable are, in my judgment, the extensions of jurisdiction with which courts of summary jurisdiction in large cities might safely be entrusted. But it is one thing to devolve additional powers to the court of a police magistrate or even of city justices assisted by a really experienced clerk and quite another to add to the responsibilities of some country benches—where everybody knows everybody—and where the only available law is that of a very indifferent local lawyer. There are already certain Acts which, where there is a police magistrate, he alone can administer—Employers' and Workmen's Act, etc.—and, of course, there are Board of Trade inquiries which, when he is available, he must preside over. It is perhaps difficult to distinguish between city and country benches, and I would suggest that, as the evils of drink are most marked in large cities, and as large cities usually have stipendiary magistrates, to these alone should be given the power to deal, after consent, with unlawful wounding, housebreaking and a good many other offences at present not triable summarily, not only by means of the Inebriate Act, but generally. As things are now in seaports like Hull, frequented by foreign seamen who are birds of passage, it is often impossible to send cases for trial that should be sent. Very frequently these have either to be reduced to summary dimensions or dropped altogether. On the 11th June last, for example (and there are constant examples), a foreign seaman was wounded, and, as he was leaving the port for altogether, the police found it necessary to reduce the charge to one of common assault, otherwise the aggressor would have been wholly unpunished. Therefore, I am of opinion that some safeguarded alteration of the law as to summary trial is necessary not only with regard to inebriate cases.

HEARDER (F. P.)

In my opinion any provision which would facilitate the exercise of summary jurisdiction under the Act would lead to greater efficiency.

HOLMES (T.)

I certainly would. I believe the personal knowledge that the magistrates possess would enable them to make a wise selection, if they were given the necessary power.

NELSON (G.)

My answer is yes.

O'FARRELL (Sir G.)

Yes, if the offences are not of a serious character.

QUESTION 30]

30. Would you recommend that Courts of Summary Jurisdiction, in dealing with minor offences which are committed under the influence of drink, or to which drunkenness is a contributing cause, should have the same power, when the offender is an habitual inebriate, of ordering detention in an inebriate reformatory, as now exists under Section 1, when the offender is tried on indictment? If so, how would you distinguish between those cases which might be dealt with summarily in this manner, and those which should be committed for trial on indictment?

[Continued.

ANSWERS

PARKER (Rev. Canon C. J.)

We are of opinion that magistrates should have full power to deal under the Inebriates Acts with all offences committed by habitual drunkards (which are caused or contributed to by drink) with the same facility as they can deal with the same offences when committed by persons who are not habitual drunkards. For instance, if a person has committed larceny, and is not qualified to be dealt with as an habitual drunkard, he can (with consent) be dealt with summarily. If, however, he is charged as an habitual drunkard he must be committed to a higher court. This we consider unnecessary. We think also that magistrates should have power to deal summarily with cases such as attempted suicide, neglect of children, wounding not amounting to felony, when these offences are committed by habitual drunkards.

RAMSEY (J. T. T.)

The criminals whose misdeeds have been caused by a certain kind of alcoholism ought to be dealt with on the same footing as the impulsive epileptic—he should be immune from ordinary punishment, but should be regarded as unfit for ordinary freedom. His crime also might be due to chronic alcoholic drunkenness. (*a*) In the first case the criminal would be treated as an ordinary maniac. (*b*) In the second the treatment would have to depend on various considerations; opinions differ most in regard to chronic alcoholic drunkenness. (*c*) Some would hold the offender fully responsible; I would not punish them, but would confine them as persons unfit to be at large, and therefore, presumably, not responsible for their actions.

THE ALCOHOLIC AUTOMATON.

Most crimes are committed when the drunkard is in this state. It is the dream state of drunkenness, in which there is total loss of memory, and complete ignorance of the nature of whatever action the drunkard is capable of performing. The condition which the ordinary person describes as "blind," "Blin Fou" (in Scotland), "Blind to the World," or drunk and incapable in the charge-sheet. It is any, or all of these conditions, in the chronic state. I should not include in the category the man who is more or less drunk for a day or two once a month, but would reserve it exclusively for the man (or woman) who is more or less drunk for a week, a month, or six months at a time. He soon becomes an "alcoholic automaton"—he does not know what he is doing. It may take years of common drunkenness to bring a man to this state, in which he may seem to speak and act pretty coherently, though in reality he is in a sort of somnambulistic condition, and knows nothing at all of what he has done, or at best has only a hazy recollection of it. When in one of these phases he will probably murder his family or attempt suicide. Hitherto his drunkenness has not been accepted as a palliative, except in rare cases, but as drunkenness is now more and more coming to be recognised as a disease, the day may come when chronic drunkenness will be accepted as freely as the plea of insanity for escaping the last dread sentence of the law.

REYNOLDS (Sir A.)

Yes. Leave it to the opinion of the magistrate to commit for trial, when he has any doubt in the weight of evidence as to whether the prisoner is an habitual drunkard.

SHORT (S. E.)

I think power should be given to the magistrates.

SOLLY (G. A.)

Given the power of appeal referred to in answer 27, I think the courts of summary jurisdiction might have the power. They have now a very wide discretion in every case whether or not to commit, and I have heard of few cases of injustice from misuse of discretion. I have no experience of inebriates who have asked to have their cases tried on indictment, and all that I know have consented to be dealt with summarily. I do not think the option necessary or desirable, nor worth the expense involved by a committal to quarter sessions.

SOMERSET (Lady Henry)

I should say that the class of the offence committed under the influence of drunkenness should determine this.

SULLIVAN (W. C.)

I think that the alteration suggested in this question is strongly to be recommended. I would submit, however, that, before the powers of courts of summary jurisdiction are enlarged in the manner proposed, the conditions of "proof that the offender is an habitual drunkard" require to be better defined, and more particularly that such proof should include one or more medical certificates based on adequate observation of the offender.

Presumably the accused person would retain the right of refusing to be dealt with summarily; and it might therefore be desirable, following the precedent of other criminal legislation, to give the higher court power to impose a longer sentence of detention than could be ordered by a court of summary jurisdiction.

VINCENT (Sir W., Bart.)

Yes, the same distinction should be made as in the case of other offences. If the court has power to deal with the offender for his offence irrespective of the question of inebriety, it should have power also to deal with him as an inebriate, and the consent of the inebriate should no longer be necessary in such cases.

WRIGHT (J. B.)

Yes, with the option of first placing the offender on probation.

QUESTION XXXI.

31. Would you recommend that Courts of Summary Jurisdiction should be given power to deal summarily in this manner with such offences as attempted suicide, wounding not amounting to felony, and the like?

ANSWERS

ATKINSON (C. M.)

See Answer to Question 30.

BAGGALLAY (E.)

No.

BARRADAILE (W.)

Attempted suicide and wounding caused by drink might also be included in the definition.

BURDEN (Rev. H. N.)

See Answer to Question 30

CARY (Mrs. E.)

Yes.

CAVENDISH (E. L. F.)

As regards attempted suicide, yes.

DUNNING (L.)

Yes.

GILL (F. A.)

Yes. With regard to attempted suicide especially, some amendment of the law is urgently required. Very many cases of attempted suicide due entirely to drunkenness are yearly brought before the notices of the justices sitting in summary jurisdiction courts, and are committed for trial or discharged to the care of their friends. If convicted after trial by indictment a short term of imprisonment may follow, more often they are bound over, the period of detention while waiting trial being deemed sufficient punishment. In either case reversion to drink usually follows, and that means recurrence of the tendency to suicide.

I can remember one weak-minded woman in particular, doing six weeks imprisonment for her sixth attempt at suicide while drunk. I afterwards lost sight of her, probably some of her subsequent attempts proved successful. Other offences such as wounding, assault, malicious damage, petty larceny, and other similar offences when committed by habitual drunkards or by persons of feeble mind while under the influence of drink should be dealt with summarily as suggested in this question. Moreover, these cases should be compulsorily so dealt with wherever possible; it is not punishment they require, but control and salvation from themselves.

When so dealt with they should be committed to a certified inebriate reformatory.

FITZ-SIMMONS (W.)

Yes.

FOX (R. E.)

In reply to this question I do not see why a court of summary jurisdiction should not be empowered to deal summarily with first offenders in the class of case referred to in the question.

FULLER (L. O.)

I would recommend that the same powers be given to magistrates in petty sessional courts for dealing with these offences as in my answer to the previous question and for the same reasons.

HALKETT (J. G. H.)

I have answered this question in my answer to Question 30.

HEARDER (F. P.)

For reasons already stated I consider that all minor offences in habitual drunkards should be dealt with summarily.

HOLMES (T.)

Certainly.

NELSON (G.)

Yes.

O'FARRELL (Sir G.)

Yes.

RAMSAY (J. T. T.)

Yes.

QUESTION 31]

31. Would you recommend that Courts of Summary Jurisdiction should be given power to deal summarily in this manner with such offences as attempted suicide, wounding not amounting to felony, and the like?

[Continued.

ANSWERS.

REYNOLDS (Sir A.)

Yes.

SAMPSON (T. E.)

I have had to deal with a large number of cases of attempted suicide where I feel convinced in my own mind from the evidence and statements made, that the Act has been committed by the person charged while under the influence of drink or suffering from the effects of drink. I certainly think that the Courts of Summary Jurisdiction should be given power to deal summarily with such cases, and upon proper evidence, by sending them for a term to an inebriate reformatory or home. The practice which has been adopted by me has been to remand parties for a few days in order that they might be examined by the medical officer as to their mental condition, and if the doctor states, after his examination, that the parties are fit to be discharged, they have, with few exceptions, been discharged after being bound over in their own recognisance to be of good behaviour.

SHORT (S. E.)

Yes.

SOLLY (G. A.)

In my experience almost every case of attempted suicide has been traceable to drink. I absolutely agree with the third paragraph on page 8 of the report of the inspector under these Acts for the year 1904, issued by the Home Office, August, 1905. The present system of dealing with cases of attempted suicide is most unsatisfactory.

SOMERSET (Lady Henry)

Yes, most assuredly.

SULLIVAN (W. C.)

Yes, I think such an alteration of the law would be desirable.

VINCENT (Sir W., Bart.)

Yes, when the offence is committed under the influence of drink.

WRIGHT (J. B.)

Yes.

QUESTION XXXII.

32. With regard to Section 2 of the Act, have you met with difficulty in proving three previous convictions or habitual drunkenness, or in obtaining consent to summary procedure?

ANSWERS.

ATKINSON (C. M.)

There is no difficulty in proving previous convictions, as the convictions are generally recorded in the register of this Court, nor in obtaining consent to summary procedure; but there is difficulty in proving a person to be a "habitual drunkard" as defined in the Act of 1879.

BARRADAILE (W.)

We have not met with any difficulty in proving three previous convictions. The court register is produced showing the particulars, and the dock officer, generally, proves that the defendant is the same person. They all consent to be dealt with summarily.

BENNETT (H. C.)

No very serious difficulty has been experienced; generally evidence is forthcoming from police officers who have seen the inebriate about more or less frequently in a state of drunkenness, or from the friends.

BURDEN (Rev. H. N.)

See Answer to Question 30.

[QUESTION 32

32. With regard to Section 2 of the Act, have you met with difficulty in proving three previous convictions or habitual drunkenness, or in obtaining consent to summary procedure?

ANSWERS. [*Continued.*

CARY (Mrs. E.)

Yes.

COPELAND (G.)

It is difficult to obtain "consent" from persons of a better rank, whose education enables them to discern the probability of escape through the disagreement of a jury—whilst the lower class prisoners dread the idea of committal and readily consent. It is also expensive to prove convictions from other jurisdictions, for which a charge of 5s. each is made—might not the provisions of Section 22 of the 1879 Act be made applicable, with a 1s. fee?

DUNNING (L.)

There is no difficulty here about proving the previous convictions, though this is, of course, a question in which experience differs in localities.

The difficulty as already stated at Nos. 27 and 29 lies in proving habitual drunkenness.

The police can, as a rule, only prove the convictions and have to depend upon neighbours or relatives, who are not, as a rule, willing or reliable witnesses.

I have not met much difficulty in obtaining consent, because as a general rule offenders of this class prefer to have the case dealt with right away and are seldom legally represented.

FITZ-SIMMONS (W.)

No; not 3 per cent. refuse consent.

FOX (R. E.)

Section 2 of the Act of 1898 enables a court of summary jurisdiction to commit to an inebriates' reformatory, if the prisoner has within the previous twelve months been convicted summarily at least three times of any offences mentioned in the First Schedule of the Act, which may be generally summed up as all cases for which a man can be convicted for being drunk, drunk on licensed premises, drunk in charge of a hackney carriage, etc., etc., and in addition on it being proved that he is an habitual drunkard.

Having regard to the definition there is certainly a difficulty in administering this section, as it does not necessarily follow that the three previous convictions are sufficient to show that the man is an habitual drunkard, and appreciating, as I do, the care which is always taken to protect the liberty of the subject, I quite appreciate that a man ought not to be allowed to be sent to an inebriates' reformatory unless he has been guilty of a sufficiently violent form of habitual drunkenness to render such a course necessary, but at the same time I submit that so long as there is sufficient evidence of habitual drunkenness under the reformed definition, coupled with one conviction for an offence mentioned in the schedule to the Act, there is no logical good reason why that man should not be liable to be sent to a certified reformatory just as much as the first offender who, being proved to be an habitual drunkard, and while drunk steals some petty article like one boot, in which latter case it is not necessary to prove that he has on previous occasions within the twelve months stolen two other petty articles.

In both cases the prisoner has probably been an equal nuisance to the community and for the same cause, viz., that of drunkenness, and drunkenness in crime is the main point to be dealt with under the Inebriates Acts, and I see no reason why so long as a man is proved to be an habitual drunkard the small difference in degree between one class of crime and another should be taken into account in determining whether he should go to an inebriates' reformatory or not.

I have not had sufficient experience for many years in the courts of summary jurisdiction to answer the three categorical questions mentioned.

GILL (F. A.)

Yes. The "three previous convictions" clause and the consent to summary procedure are both serious obstacles to the efficient working of the Act. The three previous convictions was, I presume, originally intended as a safeguard to the individual, but it has now assumed such a degree of importance that it has become a real obstacle, often rendering conviction difficult or impossible, always causing extra trouble to the police in looking up and proving previous convictions, and very often thwarting the very object which it was intended to guide and assist.

The necessity of obtaining the consent of the accused to be dealt with summarily is a condition which to some extent lessens the efficiency of the Act. Old hands, prison recidivists, when asked for their consent promptly decline, knowing full well that if they refuse they will probably get off with a few weeks in prison. Nor can the court be blamed for dealing with them as best they can summarily, rather than incur the expense, delay, and extra trouble involved by committing them for trial on indictment. To me it seems very ridiculous that the accused, suffering from the effects of the previous night's drunken orgie, with the accompanying physical pain, mental misery and depression, should be consulted in the matter and have power by a single word to overrule the decision of the bench as to how he or she is to be dealt with.

HALKETT (J. G. H.)

I have seen no difficulty regarding the proof of three previous convictions. The definition of habitual drunkenness has proved insuperable to me. In Hull practically every prisoner or inebriate gladly consents to summary procedure.

HOLMES (T.)

Very often.

NELSON (G.)

No difficulty whatever.

QUESTION 32]

32. With regard to Section 2 of the Act, have you met with difficulty in proving three previous convictions or habitual drunkenness, or in obtaining consent to summary procedure?

[Continued.

ANSWERS.

O'FARRELL (Sir G.)

There have been, to my knowledge, such cases in Ireland.

PARKER (Rev. Canon C. J.)

There are a very large number of instances of applications having been made to the managers for the admission of cases in which it was afterwards stated that they could not be committed, as there was difficulty in proving three previous convictions within twelve months. Many magistrates and others have expressed an opinion to the reformatory officers that this qualification should be modified. The managers agree with them, and are of opinion that three previous convictions and the consent of the inebriate to be dealt with summarily should no longer be necessary. The existence of the latter frequently involves the useless expense of committing the inebriates to sessions or assizes.

RAMSEY (J. T. T.)

As before explained, the difficulty in many cases is in obtaining the necessary three convictions. Generally from my experience the person charged is willing to be dealt with summarily.

REYNOLDS (Sir A.)

Yes.

SAMPSON (T. E.)

There has not been much difficulty, in my experience in proving three convictions where there have been such. Difficulties have arisen in getting evidence of habitual drunkenness, having regard to the definition in the Act, but practically speaking this difficulty has in many cases been avoided by the prisoner pleading guilty. There has been no practical difficulty in obtaining consent to summary procedure. I think out of all the cases that have been committed to inebriate homes, only one has claimed the right to be tried before a jury. The parties invariably elect to be tried summarily, indeed, many have been only too anxious to be sent away, in the hope that the enforced detention will be the means of curing them of their habit.

SOLLY (G. A.)

In one case we had difficulty in obtaining consent to summary procedure.

SOMERSET (Lady Henry).

Yes, there are many habitual drunkards whom it is difficult to convict, or, at any rate, to get three distinct convictions in one year.

SULLIVAN (W. C.)

I have no personal experience regarding difficulties arising in court procedure; but I have come across many chronic alcoholics in prison who would have been proper subjects for reformatory detention, but who would not have satisfied the test as to three previous convictions. I think that this test as well as the present "proof of habitual drunkenness" might with advantage be replaced by a system of medical certification, if such system were made sufficiently stringent.

I do not think that under any circumstances the accused person should be deprived of the right to insist, if he so desires, on being tried by indictment.

VINCENT (Sir W., Bart.)

Yes. This is a frequent obstacle to the commitment of a habitual drunkard to a reformatory. We think that three previous convictions should no longer be required. We know of one case in particular where the man awaits the expiration of the year after the first of his three last convictions and then qualifies for another conviction. The necessity of obtaining the inebriates' consent to summary procedure should be removed as involving needless trouble and expense, and as giving him the power of barring the whole proceedings.

See answer to question 28.

WRIGHT (J. B.)

No. As regards consent to summary procedure, in only two cases here have the defendants asked to be committed for trial.

QUESTION XXXIII.

33. To what extent do you consider it desirable to remove, or modify, any of the three above-mentioned conditions. *(See Question 32.)*:—

(*a*) In regard to persons who, although qualified for committal, have not previously been committed to Reformatories:

(*b*) In regard to persons who, having once been committed to Reformatories, are again charged with an offence against the Inebriates Acts?

ANSWERS.

ATKINSON (C. M.)

Retain the right to claim trial by jury in all cases. Make copies of entries in the registers of courts of summary jurisdiction sufficient evidence of convictions in *any* court. Widen the definition of "habitual drunkard." (See answers 27 and 28).

BAGGALLAY (E.)

Abolish three previous convictions in both (*a*) and (*b*).

BENNETT (H. C.)

In all these cases it is most desirable that the defendant should have an option of consenting to be dealt with summarily, or even without consent the court might deal with the case summarily.

BURDEN (Rev. H. N.)

See Answer to Question 30.

COPELAND (G.)

Where persons who have been in an inebriates' home take again to public drunkenness, it seems a great pity to have to wait for a fourth conviction in one year before recommitting them. In such a case that condition might well be removed.

DUNNING (L.)

(*a*) Make it three convictions within the 12 months and proof of habitual drunkenness, or, as an alternative, five or six convictions without that proof.

(*b*) Commit again on a second offence within three months of discharge.

FITZ-SIMMONS (W.)

(*b*) The fact of previous committal to be taken in itself as proof of habitual drunkenness, the necessary convictions being proved.

FOX (R. E.)

If my views on Question 32 are accepted, Question 33 would, I think, not apply.

FULLER (L. O.)

(*a*) I think these cases should be put under observation, as previously explained, without the necessity for proving three previous convictions.

(*b*) An opinion cannot well be given until the effect of a period of observation and detention in the first instance has been tried.

Many of the cases, who come back a second time for detention, are not fit persons to be at liberty at all, or not for more than a few weeks at a time. I think that if the suggestion given under (*a*) were in force in would never be necessary to prove previous convictions at all.

In any case I consider that previous detention in a reformatory should replace the necessity for proving previous convictions of drunkenness.

GILL (F. A.)

(*a*) If the "three previous convictions" are to remain I should extend the period within which they shall have taken place indefinitely, leaving it entirely to the discretion of the magistrates to commit under the Act or otherwise as they think fit. There is no doubt that their power would be very wisely and judiciously exercised. I should abolish the "consent to summary procedure" clause altogether.

For habitual drunkenness, I should say "is a habitual drunkard or, in the opinion of the court, likely to become one."

(*b*) On the first conviction, if within 12 months of release, such a person should be committed to a reformatory for a period of three years. There is something radically wrong with a law which decrees that a habitual drunkard, already proved to be so, probably feeble-minded as well, can only become eligible for re-committal to a reformatory by committing a series of offences which involve further punishment with the increasing degradation and mental deterioration so inseparably associated with drinking bouts and prison cells.

I should say a person having once been committed to a reformatroy is, if relapse occurs, *ipso facto*, a habitual drunkard in the eye of the law.

Consent to summary procedure should not be required in either class of cases.

GOMME (G. L.)

A person having served a term of detention in a reformatory should at once be recommitted to a reformatory for an indefinite term without proof of three previous convictions since the expiration of the first sentence.

QUESTION 33]

33. To what extent do you consider it desirable to remove, or modify, any of the three above-mentioned conditions. *(See Question 32.)*:—

(*a*) In regard to persons who, although qualified for committal, have not previously been committed to Reformatories:

(*b*) In regard to persons who, having once been committed to Reformatories, are again charged with an offence against the Inebriates Acts?

[Continued.

ANSWERS.

HALKETT (J. G. H.)

As to (*a*) I am of opinion that as habitual drunkenness has to be proved, one previous conviction within twelve months might be sufficient, although I cannot say that in Hull there is any lack of qualification, for on the 31st December last there were 29 men and 12 women who had the necessary three convictions. As to proving habitual drunkenness, I must say that, owing to the definition, it has only once been done to my satisfaction since the 4th March, 1904, when I had not heard of the point raised by Mr. Tindal-Atkinson, K.C. I see no necessity to interfere with the right of the defendant to be tried by a jury if he desires it.

Regarding (*b*) I am of opinion that if one previous conviction for drunkenness be substituted in Section 2, for three, re-committals will be sufficiently easy. If any difficulty is felt as to dispensing with the three previous convictions in the case of a person who has not been previously sent to a reformatory (although I do not think there is the least danger that justices will be too ready to commit), I suggest that in the case of a person who has been committed previously that he should be liable to be sent back for three years if—

(*a*) He has one previous conviction within twelve months, and

(*b*) He is again an habitual drunkard.

HEARDER (F. P.)

(*a*) I think that the "three previous convictions" might well be eliminated.

(*b*) I think that evidence of drunkenness after leaving a reformatory and a further offence against the Inebriates Acts should be all that is necessary to enable recommittal.

HOLMES (T.)

I would have inebriates discharged on indeterminate licence and returned automatically when failure occurs.

O'FARRELL (Sir G.)

(*a*) If the judicial authority is satisfied that the person is an habitual drunkard it should not be considered necessary to prove any definite number of previous convictions.

(*b*) A person once convicted should be assumed, if brought up again, to be an habitual drunkard.

PARKER (Rev. Canon C. J.)

In the opinion of the managers, persons who have once been under reformatory detention, and are again within twelve months of discharge from a reformatory, charged with an offence against the Inebriates Acts, should be committed for further detention without proof of previous convictions being necessary. It should only be necessary in such cases to produce evidence of continued drunkenness, a further offence against the Inebriates Acts, and discharge from a reformatory within twelve months.

RAMSAY (J. T. T.)

They should be segregated, assisted and controlled. Criminals in the legal sense should be classified before sentence is pronounced:—

1. The professional criminal.
2. The habitual criminal with a bad police record.
3. The occasional criminal who yields to temptation.
4. The insane criminal who should be exempt from conviction, and
5. The weak-minded criminal, who needs medical treatment rather than penal correction.

(*a*) A system of commitment to the supervision of probation officers, under the Probation of Offenders Act, 1907. Anterior imprisonment should, as in the case of juvenile offenders, be abolished. At each appearance before the court the possibility of being sent to a reformatory should be pointed out to the accused. For the first and second offences, caution. For the third offence, bound over to be of good behaviour; and for the fourth offence, if within the year, committal to a reformatory.

1. Where the parties are able-bodied and otherwise eligible they should be sent to farm colonies, to be provided by the State. 2. Where the parties are habitual drunkards, within the meaning of that term as given in the Habitual Drunkards Act, 1879, to certified or State inebriate reformatories. 3. In the case of fallen women, who are not habitual drunkards, to Magdalene institutions; and 4. In the case of aged, infirm or decrepit offenders not suitable for being sent to either of the institutions referred to, to be detained in poorhouses or workhouses.

1ST.—FARM OR LABOUR COLONIES.

The Salvation Army have had considerable experience in this direction. Their farm colony at Hadleigh-on-Thames has been very successful as an agency for the reclamation of the fallen, and would probably afford a good model. In Germany and Belgium farm colonies have been in operation, substantially supported by their Governments, for many years.

2ND.—STATE AND CERTIFIED INEBRIATE REFORMATORIES.

These have already, to a limited extent, been established in conformity with the provisions contained in the Acts applicable to habitual drunkards.

3RD.—MAGDALENE INSTITUTIONS.

There are several of these in existence throughout Scotland doing excellent work. The annual cost per inmate of the Glasgow Magdalene Institution (which was instituted in 1859) for the year 1907 was, after deducting the earnings of the inmates, £7 18s. 2d.

The Dundee female "home," which has been doing excellent work during the last 30 years, only cost for the year 1907 £3 9s. 7d. per inmate, calculated on the same basis as the Glasgow Magdalene Institution.

There are also similar institutions in Edinburgh and Aberdeen where the inmates are kept at a moderate annual cost.

Legislation would also be required to make available existing institutions of this kind, and for the establishing of additional ones as required; and

4TH.—(POORHOUSES, SO CALLED IN IRELAND AND SCOTLAND) OR WORKHOUSES.

These institutions being already in existence, legislation would only be required to make them available. It would be advisable that persons of the classes proposed to be sent to poorhouses or workhouses should, in some instances, after a period of probation be boarded out on license or parole away from temptation and from their former haunts

33. To what extent do you consider it desirable to remove, or modify, any of the three above-mentioned conditions. *(See Question 32.)*:—

(*a*) In regard to persons who, although qualified for committal, have not previously been committed to Reformatories:

(*b*) In regard to persons who, having once been committed to Reformatories, are again charged with an offence against the Inebriates Acts?

[*Continued.*

ANSWERS.

RAMSAY (J. T. T.)—*continued.*

The effect of adopting humane and enlightened methods would result in the population of the prisons being greatly curtailed, and in a material reduction both of prison and police staffs. This would naturally lead to an important decrease in the expenditure of the prison and police departments.

The Prison Commissioners should continue to have the chief supervision and control of the classes of individuals treated, but there might be a blending of Governmental and local control over the several institutions recommended.

The question of indeterminate sentences which have been in operation at Elmira Prison in the State of New York, as well as elsewhere on the American Continent, is one which is worthy of consideration in reference to the proposals now made. I am of opinion that judges and magistrates should, within certain limits, have the power of dealing by indeterminate sentences with such persons.

I am of opinion that in many cases these persons, after a residence of a year or two, and probably in some special cases of a few months on a farm or labour colony, in an inebriate reformatory, or in a Magdalene Institution, might be liberated on parole on suitable situations being procured for them away from their former haunts and associates.

REYNOLDS (Sir A.)

(*a*) Do without three previous convictions if you have satisfactory evidence of their being habitual drunkards, and act without their consent.

(*b*) Abolish all three conditions.

SAMPSON (T. E.)

The foregoing answers will communicate what my views are respecting the committal of persons.

(*b*) A person who has once been committed to a reformatory, who, on discharge therefrom, is again charged with an offence against the Inebriates Acts, powers should be given to recommit that person without the necessity of any further conviction.

SOLLY (G. A.)

(*b*) I do not think it ought to be necessary to wait for four convictions against a person who has been in a reformatory already.

SULLIVAN (W. C.)

See Answer to Question 32.

VINCENT (Sir W., Bart.)

We consider that magistrates should have power to commit to inebriate reformatories (*a*) any person proved to be a habitual drunkard who has committed an offence under the Inebriates Act, 1898, whether or not any previous convictions are recorded against him; or (*b*) if previous convictions are still considered necessary for the first committal of a person to an inebriate reformatory, then provision should be made at least that when a person relapses after a reformatory sentence he may be committed to an inebriate reformatory without further proof being necessary of three previous convictions within the preceding twelve months.

WRIGHT (J. B.)

(*a*) I would recommend that consent be unnecessary.

(*b*) I think the justices should have power to recommit after one offence without consent, having regard to all the circumstances.

QUESTION XXXIV.

34. Do you recommend the insertion in the Act of power to enable magistrates to commit habitual inebriates (convicted of an offence included in the first Schedule of the Act) to Reformatories for a short period of 3 or 6 months, without the necessity for proving three previous convictions? If so, might not such short sentence replace the necessity for proving previous convictions when subsequent committal for longer periods is contemplated?

ANSWERS.

ATKINSON (C. M.)

Yes; but see also answers 27 and 30.

BAGGALLAY (E.)

Yes, to both. *See* Question 42.

BARRADAILE (W.)

I have no faith in short sentences in such cases. Short terms of imprisonment did not have the desired effect.

QUESTION 34]

34. Do you recommend the insertion in the Act of power to enable magistrates to commit habitual inebriates (convicted of an offence included in the first Schedule of the Act) to Reformatories for a short period of 3 or 6 months, without the necessity for proving three previous convictions? If so, might not such short sentence replace the necessity for proving previous convictions when subsequent committal for longer periods is contemplated?

[*Continued.*

ANSWERS.

BENNETT (H. C.)

Such a short committal might with advantage be applied to the cases of young persons (say, under 30); not merely where they are inebriates, but also where there have been several convictions within a comparatively short space of time.

BURDEN (Rev. H. N.)

See Answer to Question 30.

CARY (Mrs. E.)

I think magistrates should have such power, though the average habitual inebriate is unlikely to benefit by committal for "short terms."

Evidence of such committal might well replace necessity of proving *previous* convictions before a longer committal.

CAVENDISH (E. L. F.)

Yes, to both parts of the question.

COPELAND (G.)

Judging only by the experience of our own cases, neither three nor six months' detention will suffice to cure habitual drinking, but as a substitute in subsequent proceedings for the three convictions within 12 months it would be at times a boon.

DUNNING (L.)

I do not think that anything less than 12 months likely to effect a cure. Anything less is mere punishment and is sufficiently provided for under the Licensing Act, 1902, Section 3, which gives the magistrates power of committing for seven months.

FITZ-SIMMONS (W.)

Yes; strongly. Also in cases where a home is being wrecked by habitual drunkenness of the husband or wife. He or she should be called upon, by summons, to show cause why the offender should not be committed to a retreat or reformatory. Certainly.

FOX (R. E.)

If my views on the last question are accepted question 34 would, I think, not apply.

FULLER (L. O.)

My views on this are embodied in those given to previous questions.

GILL (F. A.)

Yes, I think the suggestion embodied in this question an admirable one; I would even go further, and add the words "or is likely to become a habitual drunkard." It is undesirable that a person must be a habitual drunkard—in other words, become a confirmed drinker and have reached an advanced degree of degradation—before the law can take any action to save him from himself. Would it not be much better to give magistrates power to commit for a short period, if they are satisfied that the person is *likely to become* a habitual drunkard?

No doubt this will raise the question, "When is a magistrate justified in assuming that a person is likely to become a habitual drunkard?" My answer to that is, that magistrates who are constantly dealing with "drink" cases are better able than anyone else to decide for themselves and deal with each case on its own merits, irrespective of any definition or advice. I do not think a short sentence of three or six months' detention should be tried too often, once certainly, and twice perhaps, but not oftener. It is safe to assume that if it fails the first time, the second and subsequent short sentences are still more likely to fail, and we do not want to substitute short reformatory sentences for short prison sentences. I therefore suggest that if it fail once, the person is, *ipso facto*, a habitual drunkard, and should be re-committed on his first relapse and conviction, if within twelve months of release.

Amongst the advantages which are to be derived from this system are:—

(1) Earlier recognition and treatment of habitual drunkards.

(2) Possibility of reforming hopeful cases without a long sentence.

(3) It lessens the chance of inebriates having to undergo years of penal treatment in prisons before committal to reformatories, and raises a hope of future total elimination of prison treatment for them.

(4) It would enable managers to sort out the lunatics, imbeciles, epileptics, and other feeble-minded individuals, whose drinking habits are merely a symptom of their brain disease, and who ought never to be sent to prison for their offence. This class the Inspector's report for 1906 states to be 16·1 per cent. of the total number of cases committed to reformatories. I am not now alluding to the simple "defectives," but to those whose legal responsibility for their action we must all admit is extremely limited or non-existent. I am sure it would be a great step in advance if they could be sorted out as early as possible and suitably dealt with. Moreover, if the suggestions raised in this question are carried out, magistrates would be empowered to commit for longer sentences after the shorter period had proved useless, and it would also enable them without difficulty to repeat the longer sentences in cases where something approaching to permanent detention is obviously desirable.

Whatever the Committee recommends with regard to cases committed under Section II., as it now stands, if additional powers are to be in the least degree satisfactory, magistrates should have an absolutely free hand in regard to the shorter sentences proposed, and should not be hampered by the necessity of obtaining the consent of the individual or by any question of previous convictions.

34. Do you recommend the insertion in the Act of power to enable magistrates to commit habitual inebriates (convicted of an offence included in the first Schedule of the Act) to Reformatories for a short period of 3 or 6 months, without the necessity for proving three previous convictions? If so, might not such short sentence replace the necessity for proving previous convictions when subsequent committal for longer periods is contemplated?

[*Continued.*

ANSWERS.

GAMBLE (Mrs. S. A.)

Yes, we consider this would be a wise alteration in the law.

GOMME (G. L.)

An amendment of the Inebriates Acts to ensure the earlier committal for reformatory treatment of inebriates of the above-mentioned description is undoubtedly desirable for many reasons, and the method suggested would be a means of attaining that object. The constant admission, however, to the ordinary reformatory of short term offenders would be a source of mischief to the other inmates unless they were completely segregated, which would be a most difficult, if not altogether impossible, task in small reformatories. Such difficulty might be overcome by the provision of a "receiving reformatory" on somewhat similar lines to a receiving house for lunatics, the establishment of which was advocated by the Council in 1903.

The discriminating classification of inebriates is of paramount importance, and for the types now committed from the London police courts, the asylum, the hospital, the prison and the reformatory are all required. The provision of a proper place for observation and sorting of the various types is urgently needed, and it would be the duty of the State to provide and maintain an institution for the purpose.

Failing, however, an amendment of the Act in the way proposed, it is desirable that the earlier convictions for drunkenness should simply be *recorded* for the purposes of the Act, as short terms of imprisonment tend only to degrade an inebriate and do not cure him.

HALKETT (J. G. H.)

No, I am opposed to this suggestion. If one previous conviction is substituted for three the power of committal will be, to my mind, ample, and I do not believe in the efficacy of short terms in inebriate reformatories save in very exceptional cases.

HEARDER (F. P.)

I think power might be given to magistrates to commit cases to reformatories for short periods, instead of to prison, provided such short periods should not be continued after a case obviously requires longer detention. Whatever is done about the three previous convictions in regard to committal to longer periods of detention, this condition should be unnecessary in regard to short periods. I think the value of the Act would be greatly enhanced if magistrates could easily commit for short periods and recommit for longer if the shorter fails to reform, without any necessity for proving anything more than that the prisoner has been given a previous chance of reform by a short sentence. This would eliminate the three previous convictions and the necessity for a preceding prison history.

HOLMES (T.)

Certainly, in lieu of short terms of imprisonment.

NELSON (G.)

Yes; that is one reason why I suggest the time of detention should be from six months to three years.

O'FARRELL (Sir G.)

I consider some such power should be vested in the magistrates.

PARKER (Rev. Canon C. J.)

In the opinion of the managers it should be no more possible for habitual inebriates who, as a result of their vice, become disorderly or incapable to be sent to prison for those offences than it is for the insane to be so dealt with when by reason of their infirmity they commit like offences—a person proved to be an inebriate should only be sent to an institution of inebriates. The order should simply direct his detention without specifying any definite period, and should follow the lines of an order for admission to an asylum rather than those of a warrant for imprisonment.

The period for which the inebriate is to be detained should be governed by statutory regulation which should provide:—

(*a*) That the inebriate be detained for a definite but sufficiently lengthy period to bring about reformation.

(*b*) That if the managers, on the recommendation of the medical superintendent, are of opinion that an inmate is reformed before the expiration of the period, they should be required to so certify to the Secretary of State.

(*c*) That if the managers, on the recommendation of the medical superintendent are of opinion that the inmate is not reformed on the expiration of the period fixed, they should forward a certificate to that effect to the Secretary of State, and unless the Secretary of State directs otherwise, the inebriate should then be retained for a further period of twelve months. If circumstances warrant the certificate should be re-issued annually.

(*d*) The inebriate should have liberty to lay his views before the Secretary of State. Every effort should be made to make it clear to the inmate that he was under treatment for his failing, and not a prisoner under punishment.

RAMSAY (J. T. T.)

Yes, as before explained.

REYNOLDS (Sir A.)

Yes. I agree with this.

QUESTION 34]

34. Do you recommend the insertion in the Act of power to enable magistrates to commit habitual inebriates (convicted of an offence included in the first Schedule of the Act) to Reformatories for a short period of 3 or 6 months, without the necessity for proving three previous convictions? If so, might not such short sentence replace the necessity for proving previous convictions when subsequent committal for longer periods is contemplated?

[*Continued.*

ANSWERS.

SAMPSON (T. E.)

I think it would be a good thing if there were power to enable magistrates to commit habitual inebriates convicted of an offence included in the first schedule of the Act for a short period of three or six months without proving three previous convictions, and that such short sentences might be held to replace the necessity for proving previous convictions when subsequent committal for longer periods is contemplated.

SHORT (S. E.)

I think if general powers were given to magistrates to commit any person whose crime was connected with habitual drunkenness for any period with a maximum of the three years under the present Act, great good would result.

SOLLY (G. A.)

I have no strong opinion upon this point. From the justices' clerk's point of view it could do no harm to give magistrates the discretionary power, but for myself in most cases I would rather send to gaol for a very short period in the second or first division or bind over under the "Probation" Act.

SOMERSET (Lady Henry).

Yes, I do recommend such power.

SULLIVAN (W. C.)

See Answer to Question 32.

VINCENT (Sir W., Bart.)

We consider that in most cases committals for such short periods would be useless. (*See* Answer to Question 41.)

The only value the Committee can see in such short sentences would be that they should rank in each case as three convictions; and the control that would be exercised over the inebriates if discharged on probation.

WILMOT (F. E.)

For the purposes suggested in the last clause, the proposal of short committals seems to me to be admirable; but as a curative measure, it would probably be useless.

WRIGHT (J. B.)

Yes, as an alternative to the provisions of Licensing Act, 1902, Section 3.

QUESTION XXXV.

35. Are you satisfied that present police arrangements are sufficient to ensure the recognition of habitual inebriates when such persons are brought before magistrates in police courts? If not, can you suggest any amended procedure to meet requirements?

ANSWERS.

ATKINSON (C. M.)

Yes, in Leeds or any other great city. I cannot say how this may be in country districts.

BAGGALLAY (E.)

Police arrangements by frequent circulars are excellent for this purpose in the metropolitan area.

BARRADAILE (W.)

The arrangements here are, in my opinion, sufficient.

BENNETT (H. C.)

I have never had any occasion to suppose that the police arrangements in this regard are not sufficient.

BURDEN (Rev. H. N.)

I am of opinion that existing police arrangements are not sufficient to ensure the knowledge of habitual drunkards. Better registration of these persons is essential to the proper working of the Act. When any person is charged with an offence against the Act it should be made a definite duty on the part of the police to inquire into his history as to habitual drunkenness, and report the fact to the magistrate.

35. Are you satisfied that present police arrangements are sufficient to ensure the recognition of habitual inebriates when such persons are brought before magistrates in police courts? If not, can you suggest any amended procedure to meet requirements?

[Continued.

ANSWERS.

CARY (Mrs. E.)

No. They most certainly are not. I know a case in point, where a female habitual inebriate of the worst type, after having served three years at Lewes, was charged at *least twice* at different police courts, within a few months, without recognition, although giving the same name, and after much time, effort and money had been wasted upon her by several organisations, was only brought to book upon a third charge by the united efforts of the mission workers to whom she was known. If this can happen in such a case, how much more likely when the offender is of the quieter and better type—one of the number, and they are legion, of the *respectable* and otherwise *perfectly moral* habitual inebriate women.

These women are usually very quiet when charged and give no trouble which might lead to notoriety, and invariably use false names. I suggest that a detailed description of *every* person charged with drunkenness in *any* court should be kept, and that a system of careful telephonic communication should be carried out with every police court in the town or neighbourhood before such persons are dealt with by the magistrates.

DUNNING (L.)

Locally they are sufficient, but even where they are not there is only one way of improving them, and that is by extending the finger print register so as to include all persons committed to prison on charges of drunkenness.

FITZ-SIMMONS (W.)

I think so.

FULLER (L. O.)

I am satisfied that the present police arrangements are not sufficient to recognise the habitual inebriate until too late for reformation. I think it important to recognise early those persons who, if not checked, will, by reason of their want of mental stability, become inebriates or criminals. Such persons could probably be developed in a different direction (for good) if taken in hand early. More complete registration, and more co-ordination between police and prison authorities would materially assist in earlier recognition.

GILL (F. A.)

In a county, such as Lancashire, where there are numerous large towns in close proximity, the police arrangements are not sufficient to ensure recognition of habitual inebriates when brought before various courts. A person might be convicted once in every county borough in Lancashire, and in many of the county police-courts as well, without being recognised. Liverpool, Manchester, and Preston prisons receive the great majority of all cases convicted in Lancashire, and some arrangement might be made by which the prison authorities would notify the police authorities when a prisoner had served two or three sentences for offences under Section 11., and had qualified to be dealt with under the Act. To facilitate proving the previous convictions, the prison governor's certificate of the previous sentence or sentences ought to be accepted as proof of previous conviction.

HALKETT (J. G. H.)

I am quite sure that were the 1898 Act ordinarily available to me the present Chief Constable of Hull would take care that I was informed of cases likely to fall within its purview. Formerly, when I was in the way of sending inebriates I found out their eligibility for myself. As the police authorities vary in their watchfulness, I suggest that the duty should be cast upon them of informing the court when prisoners are charged with drunkenness who have against them the requisite number of previous convictions of the fact.

NELSON (G.)

Yes, quite.

O'FARRELL (Sir G.)

I think they are sufficient in Ireland.

PARKER (Rev. Canon C. J.)

Better registration of all known recidivist habitual inebriates and greater facilities for the notification to magistrates of persons who are liable for committal to inebriate reformatories is greatly needed. The managers are of opinion that all police courts should be required to keep a record of cases of every description brought before them. In case of any person charged with drunkenness, etc., and placed by the court under the supervision of a probation officer, on proof that he has again lapsed, and that either before or since the original charge he was frequently drunk, the magistrate should be empowered to commit him to a reformatory.

RAMSAY (J. T. T.)

No. Habitual offenders are, as a rule, of the dissipated and dissolute classes. I submit table B with observations and an analysis. Were some such table sent by the committing authority to the governors and medical officers of local prisons to be again returned, its usefulness for further reference would be considerable.

During the year dealt with in Table B, 5,940 persons were charged with crimes or offences. Of that number 693 individuals made more than one appearance during the year. Had they only made one appearance each, the number would have been 4,872 instead of 5,940, or 1,068 less. Of the 693 persons referred to, 148 made from 20 to 150 appearances before the courts. Forty-five of these are qualified by law for treatment in an inebriate reformatory; 60 are suitable for work on a farm colony; 26 are suitable for detention in Magdalene institutions, while 8 seem suitable for detention in workhouses or similar institutions. The average age for the inebriate's reformatory treatment is 42 years; for farm colony work, 39 years; for Magdalene Institutions, 33 years, and that of those for detention in workhouses or poorhouses, 55 years. These 148 persons were respon-

QUESTION 35]

35. Are you satisfied that present police arrangements are sufficient to ensure the recognition of habitual inebriates when such persons are brought before magistrates in police courts? If not, can you suggest any amended procedure to meet requirements?

[Continued.

ANSWERS.

RAMSAY (J. T. T.)—*continued.*

sible for 462 of the 1,068 extra appearances already referred to. The frequent appearance of these persons before the police court largely increases the number of apprehensions chronicled in the returns.

I venture to submit that instead of sending such people to prison they should be compulsorily sent to work elsewhere for such periods as would afford some reasonable ground for believing that they were reformed, and would conduct themselves properly when again set at liberty. Habitual drunkards who come within the scope of the Inebriates Acts ought to get the benefit of reformatory treatment, where such as are able-bodied could be set to work on the farm, and after a varying period of detention, abandoned women might be transferred to Magdalene institutions on the indeterminate sentence system, while such persons as are old, maimed, or infirm could be transferred to and compulsorily detained in workhouses and poorhouses, or some such institutions. It is as unfair to the public to allow such people to be at large as it would be to allow a person suffering from smallpox, for they but pollute all around them, and by their vicious lives and habits drag others into the same whirlpool of crime.

Of the 693 persons above alluded to who made from 20 to 150 appearances before the courts prior to the date from which the return covers, the following table shows their appearances:—

No. of appearances.	Males.	Females.	Total.
From 20 to 30 -	29	20	49
„ 30 to 40 -	24	18	42
„ 40 to 50 -	5	8	13
„ 50 to 60 -	4	10	14
„ 60 to 70 -	2	5	7
„ 70 to 80 -	1	4	5
„ 80 to 90 -	2	0	2
„ 90 to 100 -	0	8	8
„ 100 to 110 -	0	3	3
„ 110 to 120 -	0	1	1
„ 120 to 130 -	0	3	3
„ 140 to 150 -	0	1	1
Total - -	67	81	148

Note.—Two of the 148 have since died.

All convictions for drunkenness should be recorded in such a way that the records can be promptly available from other courts in the same county on application; or, as already suggested, the governors of prisons have a "clearing house."

REYNOLDS (Sir A.)

No. There is much to be desired, and the best solution I can think of is the plan lately adopted in the County of London, by allowing Holloway Prison to notify to Scotland Yard the names of those committed to prison, qualified for inebriate homes by previous convictions. Scotland Yard notifies each Metropolitan Police Court, and if the records of the latter are carefully and correctly kept, it should be easy for the magistrate to have the record placed before him before trying the prisoner.

AMPSON (T. E.)

I think that the present police arrangements, so far as Liverpool is concerned, are sufficient to ensure the recognition of habitual inebriates when such persons are brought before the magistrates. There is usually a history of convictions, and if necessary further enquiries are made if it is considered that the person should be sent to a home.

SHORT (S. E.)

I think the police arrangements are generally satisfactory and their information accurate for initiating proceedings, but, of course, every effort should be made to have their evidence supported by independent witnesses.

SOLLY (G. A.)

In such districts as Birkenhead and Wirral I think they are. As to the metropolis, or Manchester, or Liverpool, I have no experience.

SOMERSET (Lady Henry).

No, I am not satisfied with the present police arrangements insuring the recognition of habitual inebriates. Many more would be detained if it were not for the fact that the police are often anxious to ignore drunkenness which is not violent. I think that the friends or relations of the habitual inebriate ought to be able to notify the habitual inebrity of any individual to the police, and that the names of such persons should, after due evidence having been taken, be registered by the police, and could be verified when such persons were brought before magistrates in police-courts.

SULLIVAN (W. C.)

See Answer to Question 32.

VINCENT (Sir W., Bart.)

No, we are not satisfied. There should be a thorough systematic registration of all persons known to be of drunken habits, and magistrates should be notified of persons who are qualified for committal to inebriate reformatories.

WRIGHT (J. B.)

Yes, so far as local inebriates are concerned; a remand for inquiry is obtained in doubtful cases from other districts.

WOMENS TOTAL ABSTINENCE UNION.

It is difficult to prove three convictions in one year if these convictions have not been in the same court. We would suggest that an official police court record be made of all such convictions.

QUESTION XXXVI.

36. Have you any remarks to make concerning the condition governing the establishment of Certified Inebriate Reformatories under Section 5 of the Act, with special reference to:—

(a) The bodies or persons authorised by the Act to establish Reformatories,

(b) The character of institutions which have been established, and

(c) The expense of establishment?

ANSWERS.

BENNETT (H. C.)

Such institutions should be supervised by a central authority, so as to co-ordinate the whole conduct, character and expense thereof.

BURDEN (Rev. H. N.)

(a) This subject seems to me one of the utmost importance, not only in connection with the phase of the question now under consideration, but also in its broad relationship to the economical detention and maintenance of other mentally and physically unfit persons who need control in the interests of the community.

I quite sympathise, and in the main agree, with those persons who advocate the principle of local government in reference to matters which are strictly of local importance; but, on the other hand, I am of opinion, for many reasons, that the detention of the unfit is a matter of national rather than local importance, and, therefore, one which should be in the hands of a central body acting in the interests of the nation.

I am satisfied that criminals, criminal lunatics, inebriates who are law breakers, and ordinary lunatics (who would be law breakers if they could, or, at any rate, are a danger) should be dealt with by the State. At the present time the principle has been accepted so far as the first two types are concerned—the ordinary convicted prisoner and the criminal lunatic. A unique opportunity now offers for a further step in the right direction by recommending similar methods for dealing with the next class—inebriates who are law breakers. Such persons are criminal in the ordinary acceptation of the term, and our experience shows that many of them are not far removed from that variety of lunatics called criminal. In the case of criminal lunacy, a diseased mental condition causes crime; in the case of the criminal inebriate an abnormal state of control causes crime, the difference between the two conditions is so infinitely small that (from a criminal standpoint) State control in the one case and not the other is difficult to justify.

Parish clergymen, successful manufacturers, business men, or larger farmers, with knowledge of local conditions and local requirements may be the proper persons to manage municipal affairs, education work, decide on matters of rating, the dispensation of poor relief, and the maintenance of roads; but, from want of special knowledge, they are quite unfitted for the management of prisons, or the compulsory detention and proper treatment of any class of persons who need restricted liberty for the benefit of themselves or the community. In my opinion restriction to person liberty should always be in the hands of the State.

To bring that position I advocate more clearly before you I have formulated for your consideration the following reasons why the State, and not local authorities, should be responsible for the establishment of inebriate reformatories, and for the maintenance of persons committed thereto.

(1) Because inebriates committed to reformatories are either derived from the actual criminal class, or are in a fair way to become members of that class.

> All persons who are familiar with the ordinary prisoner, and the typical inebriate committed to a reformatory, cannot but acknowledge that the characteristics of both are identical. Moreover, the previous history of the criminal inebriate is the same as that of the prison recidivist. In the majority of cases there is ample evidence of all phases of crime against person and property committed by him.

(2) Because the chief cost of these persons when not under detention in reformatories falls upon the State.

> The main charges are prison maintenance and police. In the Metropolitan area it is difficult to prove the latter a local charge, it is really more or less a State one, and even in provincial areas the State contribution towards police maintenance is a large one. The main cost of the disorderly drunkard is his charge to the State for prison maintenance, and his charge upon the State for committal to Assizes and Sessions for serious offences.

(3) Because all restrictions upon personal liberty, at any rate applied to those who are not certifiably mentally defective, should be in the hands of the State.

> The ordinary member of a local authority has no idea whatever of the circumstances which should govern the detention of his fellows. He has probably come into public life (at advanced age) without previous experience to guide him, and no expert knowledge of the treatment necessary or the amount of control desirable. There is no uniformity possible when 50 different bodies use as many different methods. One expert body should control with uniformity the same class of individuals, and this can only be done by the State.

(4) Because the power of committal to inebriate institutions is exercised by officials appointed by the State.

> There will never be any feeling of security on the part of judges and magistrates so long as conditions of detention are variable, or so long as they have to commit to institutions conducted by elected, or other more or less irresponsible bodies which cannot be coerced into doing what they may object to do.

(5) Because the penal detention of criminals and criminal lunatics has been transferred from local authority to State with exceedingly satisfactory results; consequently the attempt to throw back upon local authorities a section of the criminal class is retrograde.

> Little comment is necessary here. The unsatisfactory government of prisons led to their removal from the hands of local authorities into the hands of the State, and there is no reason to believe that local authorities are more capable of dealing with the criminal class (lunatics or otherwise) now than formerly.

(6) Because constant change in the personnel of committees of local bodies now managing institutions, renders them unsuited to the conduct of such work.

> No settled and continuous policy is possible, and no sooner does an existing Committee become accustomed to its work than it is supplanted by another composed of raw material. For this reason only, a central permanent board of trained experts, however small, is more likely to tend to economy and efficiency. With central management the local advantages, such as intimate knowledge of individuals, after-care, &c., could still be provided for by local committees on the lines of visiting boards of prisons. Changes of personnel would be no disadvantage in such case.

QUESTION 35]

36. Have you any remarks to make concerning the condition governing the establishment of Certified Inebriate Reformatories under Section 5 of the Act, with special reference to:—

(*a*) The bodies or persons authorised by the Act to establish Reformatories,

(*b*) The character of institutions which have been established, and

(*c*) The expense of establishment?

[*Continued.*

ANSWERS.

BURDEN (REV. H. N.)—*continued.*

(7) Because local authorities are admittedly extravagant in the establishment of institutions. The same work carried out by the State could be done on a uniform model at a uniform limited cost, with equally effective results.

The building committee of a local authority is composed of men who have little or no technical knowledge, and who, consequently, are in the hands of their professional advisers, who too often gain advantage from the amount they spend, rather than upon the amount they save. Many authorities building institutions pay percentage fees to architects amounting to thousands of pounds, which would practically all be saved by adherence to a State model, devised and altered to suit circumstances by one State official paid a regular salary.

We do not need to look further than our experience under the Inebriates Acts for justification of this assertion. I propose, however, to again refer to it in my answer to question 37.

(8) Because the maintenance cost of inebriates is greater if controlled by local authorities, than if controlled by one central body. This point, however, I will deal with more fully in my answer to question 37.

(9) Because as a State charge the burden of cost is more evenly distributed.

There is no need to enlarge upon the advantage of spreading such a charge over the country by taxation rather than locally by rate; the position is obvious. As a local authority charge the conditions are unfair; the criminal inebriate becomes a burden upon a restricted area, and generally upon borough residents. The criminal inebriate drifts into town, and country districts are spared their share of his maintenance.

(10) Because, so long as the maintenance of inebriates remains a local charge, magistrates, who are local residents, hesitate to use the Act to the increase of local expenditure. They do not hesitate to send an inebriate to prison as a charge upon the State, nor would they hesitate to send him to a reformatory under similar conditions.

(11) Because any attempt to place a further compulsory charge upon local authorities would give rise to great opposition.

There is a strong feeling already that local authorities are being burdened with many fresh charges upon their funds, without any adequate financial advantage being given towards relief.

(12) Because in the conduct of inebriate reformatory work the fullest possible attention to classification is essential.

Amongst committals to reformatories there are many varieties of individual—sane, feeble-minded, and more or less insane, educated and uneducated, moral and immoral, refractory and amenable, good workers, and idle persons.

It is a disadvantage to the good to mix them with the bad, and a disadvantage to the sane to be in association with the mentally defective. It is found by experience that however good may be the classification of individuals within one institution, a classification of institutions is infinitely better. It is impossible for one local authority to provide institutions for both sexes and all conditions; but it is essentially practical for a central authority with many institutions under its control, and efficient power of transfer, to inaugurate an ideal scheme of classification.

For these reasons I am of opinion that the care of inebriates committed from courts should be handed to the State, and that local authorities should not be burdened with any financial question bearing upon their control. They should not, in fact, be asked to exercise any control whatever further than to supply local committees to watch the individual treatment of inmates, ensure their moral welfare under detention, and their discharge under conditions which will encourage subsequent reformation.

Although I am strongly of opinion that the work should wholly fall upon the shoulders of the State, I am aware that some local authorities, either singly or in combination, have already established reformatories at large cost to themselves. I am also aware that the establishment by the State of an entirely new system to supply accommodation for all cases committed would mean a considerable outlay. To avoid excessive expenditure I would suggest that sufficient accommodation be provided by the State for the reception of all cases direct from courts, and that, from the number so committed, the better, more improvable, section should be transferred, on a boarding-out principle, to the care of local authorities or philanthropic societies willing to receive them. A contribution to maintenance being made in regard to these cases equivalent to what they would cost if detained in the State-established institutions from which they were transferred.

(*b*) Reformatories intended for the admission of cases direct from courts should be of substantial erection, simple construction, and of an inexpensive character. They most certainly should not be of the elaborated nature adopted by local authorities for the erection of inebriate reformatories and asylums for the insane. Reformatories intended for the reception of cases on transfer might be of a somewhat better character. For this class of reformatory a combination of the cottage system might be an advantage, but simple buildings and premises such as those described on pages 27 and 28 of H.M. Inspector's Report for 1906 would meet every requirement.

(*c*) For both classes of reformatory the buildings and premises generally should be inexpensive, costing no more than £100 to £120 per bed.

The cost of the Reformatory fully described in H.M. Inspector's Report above referred to, including the site, fencing, roads, water supply, sewers and sewage works, lighting, porter's lodge, superintendent's house, administration block, officers' quarters, receiving block, kitchen and laundry block, blocks containing day, workroom, dormitory, and bath accommodation for the main body of inmates, villas for superior cases, refractory block for the ill-conducted, hospital for the sick, assembly hall, and chapel, mortuary, water tower, engineer's and other workshops, and the necessary furniture and fittings, is less than £100 per bed.

HEARDER (F. P.)

The expense of establishment should vary according to whether it is designed for hopeful or hopeless cases. Whilst the best type of institution is justifiable for reformable cases the degenerate and hopeless should be housed and maintained at the lowest possible cost compatible with humane detention.

O'FARRELL (Sir G.)

No.

36. Have you any remarks to make concerning the condition governing the establishment of Certified Inebriate Reformatories under Section 5 of the Act, with special reference to:—

(*a*) The bodies or persons authorised by the Act to establish Reformatories,

(*b*) The character of institutions which have been established, and

(*c*) The expense of establishment?

[*Continued.*

ANSWERS.

RAMSAY (J. T. T.)

(*a*) County Councils should be given the power to co-operate on the lines of the Lancashire Act.

County Councils should be compelled to include all non-county boroughs within the county in their arrangements.

Power should be given to the Secretary of State to appoint local visiting justices to visit inebriate reformatories in the same way as they now visit prisons.

REYNOLDS (Sir A.)

(*a* and *b*) No. (*c*) The expense should be entirely borne, both as to establishment and maintenance, by the county authorities.

SOMERSET (Lady Henry).

I should like to remark that I think much vigilance should be exercised in regard to speculative homes opened by individuals for the purpose of money-making, and as to the proper vigilance exercised by public bodies establishing such homes, with regard to the happiness and welfare of the inmates.

SULLIVAN (W. C.)

On the matter of questions 36–40, I can only express some general views based on my knowledge of the class of prison drunkards, for whose detention inebriate reformatories were originally designed. I have very little direct acquaintance with the working of such reformatories, and am not, therefore, in a position to give the detailed answers to these questions which, I presume, are desired by the Committee.

If I may offer my opinion subject to this qualification, I should say that the power of founding and controlling inebriate reformatories ought to be entrusted only to public authorities, and that it is best exercised by the State. The persons committed as criminal inebriates are a very motley crew, and the first essential in treating them with a reformatory purpose is to apply to them an adequate system of classification, which can be best carried out when it is possible to treat the several classes in separate institutions under the control of a central authority. Moreover, as the discipline in these institutions—and more particularly in the institution or institutions for violent and dangerous cases—must be, to some extent, of a penal character, it is clearly desirable that they should be under the immediate control of the State.

The expense of establishment must, I conceive, vary pretty widely in the different classes or reformatory; in the reformatory for dangerous and quasi-insane patients, where the structural requirements are those of a criminal lunatic asylum, the expense must necessarily be considerable; while in the institutions for curable cases of chronic alcoholism, it might be relatively small. Expense for staff would, of course, be subject to similar variations. As regards expenditure for diet, clothing, etc., the maintenance cost in the prison population might, I think, be a fair standard.

QUESTION XXXVII.

37. Have you formed any opinion as to what should be the maintenance cost of habitual inebriates in certified Reformatories, apart from all charge for the provision of accommodation, rent, interest on loans, mortgage, etc.?

ANSWERS.

BURDEN (Rev. H. N.)

I am of opinion that the cost of maintenance of inebriates in many reformatories is greater than circumstances justify, and that it should be materially reduced. I propose to base my answer to this question upon the figure given in H.M. Inspector's Report for the year 1906, and I may say at once that I consider that if the work had been conducted on economical lines by the State alone it would not only be possible but comparatively easy to maintain twice the number of inebriates than were detained during the year 1906, without any increase in the amount expended by the country on the maintenance of inebriates during that year.

Your question excludes the cost of provision of accommodation, rent, interest on loans, mortgage, etc., and repayments. Much of this expenditure, however, is necessarily an annual expenditure, and may affect the maintenance cost. I will keep it as distinct as possible from other expenditure, but I feel it necessary to include it in my answer, especially as, in some instances, it has largely and unduly inflated the annual cost incurred by local authorities in the maintenance of their reformatories.

The payments made by local authorities for the maintenance of inebriates during the year 1906 were as follows:—

QUESTION 37]

37. Have you formed any opinion as to what should be the maintenance cost of habitual inebriates in certified Reformatories, apart from all charge for the provision of accommodation, rent, interest on loans, mortgage, etc.?

[Continued.

ANSWERS.

BURDEN (REV. H. N.)—*continued.*

Name of Reformatory.	Average daily No. of Inmates.	For what Paid.	Amount Paid by Local Authorities. £ s. d.	£ s. d.
Farmfield	93·74	Ordinary maintenance	1,848 9 0	
		Interest and repayment	2,267 18 0	
				4,116 7 0
Langho	130·70	Ordinary maintenance	3,071 13 6	
		Interest and repayment	5,490 0 0	
				8,561 13 6
Cattal	30·12	Ordinary maintenance	3,381 2 9	
		Interest and repayment	2,159 0 0	
				5,540 2 9
Brentry	214·20	Maintenances of cases	2,608 16 2	
Chesterfield	31·54	,, ,,	343 6 8	
Lewes	142·11	,, ,,	2,375 6 9	
Ackworth	60·68	,, ,,	772 14 11	
East Harling	187·83	,, ,,	2,914 12 2	
				9,014 16 8
	890·92			£27,232 19 11

It will be seen from the foregoing figures that the payment made by local authorities towards the maintenance of local authority reformatories (in which 254·56 were detained) was in 1906 - - - - - - - - - 18,218 3 3

And towards the maintenance of cases detained in other than local authority reformatories (in which 636·36 cases were detained) was in that year - - 9,014 16 8

Making a total payment for the year of - - - - - - - - - - 27,232 19 11

It will be observed that the payment in respect to local authority managed and established reformatories was five times the amount paid per case for cases maintained in non-local authority reformatories. This excess in expenditure was largely due to the heavy liabilities for interest and annual repayments.

The daily average number of cases maintained in 1906 was 910, made up of the 890·92 referred to above, plus 19·8 Section one cases maintained in other reformatories, and appears to include 153 cases committed under Section I. of the Act and 757 cases committed under Section II. The Treasury grant for 153 cases under Section I. at 16s. per week would equal for the year - - 6,382 6 6

And for 757 cases under Section II. at 10s. 6d. per week - - - - - 20,722 2 6

27,104 9 0

£54,337 8 11

The total payment from imperial and local authority sources for the maintenance of a daily average of 910 inebriates in certified reformatories in the year 1906 was therefore £54,337 8s. 11d., and was almost equally divided between grants from the Imperial Exchequer and payments made by local authorities from the rates. The sum is equivalent to £59 14s. 2d. per inmate per annum, or nearly 23s. per week, and is a sufficient justification for the remarks at the commencement of my reply to this question.

I now proceed to show what the payments would have been had the 910 cases been maintained by the State alone at a *pro rata* cost, equal to that of the East Harling Reformatory.

Reference to page 68 of H.M. Inspector's Report for 1906 will show that the cost per case per annum at that reformatory in that year was:—

For Reformatory Staff Expenses - -	£9 5 5	
,, Inmates' Maintenance - - -	12 18 4	
,, General Expenses - - - -	3 18 3	
,, Central Office and Management Expenses - - - - - -	3 2 5	
Total cost per inmate per annum - -	£29 4 5	
910 cases @ £29 4s. 5d. per case	£26,590 0 0	
Add One year's interest and repayments on cost of establishment of reformatory accommodation for, say, 1,000 cases at £100 per case, repayable in 30 years with 3½ per cent. interest - -	£5,437 0 0	
	£32,027 0 0	
Deduct Net proceeds of industrial occupations at 1/- per inmate per week	2,372 0 0	
	£29,655 0 0	

It will be observed that the amount of interest and annual repayments for reformatory accommodation for 1,000 inmates in the above statement is less than the sum actually paid under the same heading for the same period by the managers of one of the reformatories having accommodation for less than 200 cases.

Had the 910 cases been maintained in, say, two reformatories established and maintained by the State on the lines of the East Harling Reformatory, the expenditure would have been still less, probably from 8 to 10 per cent.

In round figures the reformatory staff expenditure would be reduced by £1,000; the inmates' maintenance and general expenditure by another £1,000 between them, and the central office and management expenditure by £600. This latter item would then stand at the same amount as is now expended under that heading by the group of reformatories forming the national institutions, and there is no sufficient reason for it to be higher. In this way £2,600 might be deducted from the total cost given above, reducing it to £27,055, a less amount than that shown above as contributed by the Treasury for the maintenance of the 910 cases, as well as a less amount than that paid by local authorities in respect to a portion of them.

In fine, the figures show that the inebriates under detention in 1906 might have been maintained by the State for a smaller expenditure than that incurred by either the Imperial or local authorities alone and separately, and consequently for less than one-half the amount expended by the two authorities jointly. Due economy would, therefore, have resulted in the maintenance of twice the number of inebriates without increased cost. It is, however, in my opinion, hopeless to expect thrifty management so long as the direction and establishment of reformatories is in the hands of a number of authorities. So far as I can see it can only be brought about by a central body having full

37. Have you formed any opinion as to what should be the maintenance cost of habitual inebriates in certified Reformatories, apart from all charge for the provision of accommodation, rent, interest on loans, mortgage, etc.?

[*Continued.*

ANSWERS.

BURDEN (Rev. H. N.)—*continued.*

State authority and direct control. My answer to this question is that inebriates could most certainly be maintained in inebriate reformatories under State management at an inclusive cost, including all establishment charges, of 11s. 6d. per inmate per week, and that while they are otherwise controlled the cost will always be materially higher, probably never less than 14s., and possibly the general average will be found to work out at a higher figure.

GILL (F. A.)

The cost per head must depend very largely on the number in a reformatory, and the greater the number the smaller should be the cost per head.

In the Langho Reformatory the present cost of superior officers, the general expenses such as fire, light, repairs, rates, taxes, insurance and the management expenses, would not be appreciably increased if the number of inmates were doubled.

The Prison Commissioners' report for 1905-6 gives £29 9s. 11d. as the average yearly cost per prisoner, a sum which represents about 11s. 4d. per week. Considering the advantages which a reformatory offers over a prison, its better food and clothing, greater freedom, and the semblance to domestic life which it allows I think a figure slightly in excess of this may be considered quite reasonable. Irreformable cases should be kept as cheaply as possible, hopeful cases might with advantage be maintained at greater cost. By herding large numbers in large rooms and dormitories, supervision can be effected more cheaply than where the cottage system with single bedrooms is adopted, but there can be no doubt as to the latter being much the better system, affording, as it does, opportunity for classification of inmates and enabling discipline to be well maintained even with refractory cases.

The cost of maintenance only, at Langho for 1907 was 13s. 3½d. per head per week, after deducting proceeds of industrial occupations.

GOMME (G. L.)

The weekly cost of maintenance at Farmfield, exclusive of charges for repayment of capital and interest, for the year ended 31st December, 1907, was 16s. 11d. a patient. It is anticipated that this figure will eventually be reduced to 15s. a week, which appears to be a reasonable sum for work of this description if it is to be done efficiently.

HEARDER (F. P.)

The cost of maintenance must largely depend on the number of inmates, the position and character of the buildings, the methods of heating and lighting, and the strength of staff necessary for safe working. If we had sufficient numbers to deal with I see no reason why the cost should not closely approximate asylum rate.

O'FARRELL (Sir G.)

The maintenance charge should not, I consider, in Ireland exceed eight or nine shillings a week.

PARKER (Rev. Canon C. J.)

The managers have given great attention to the maintenance cost of habitual inebriates in this reformatory. Copies of the last annual report are handed in with this paper from page 18, of which it will be seen that the annual cost of maintenance exclusive of all charge for the provision of accommodation, rent, interest on loans, &c., was for the year 1905 13s. 6¾d., 1906 13s. 4¼d., and 1907 12s. 10d. The managers hope to reduce the item in the near future to 12s. 6d., but they do not think it likely that they will at any time be able to bring about a greater reduction. In order to place the inmate in an improved state of bodily efficiency the diet should be more generous than in ordinary institutions.

RAMSAY (J. T. T.)

From 11s. to 14s. 6d. per week, the exact amount depending very largely on the type of institution and the number of inmates.

It stands to reason that a reformatory built on the cottage system like Langho must cost more to supervise than one built on the barrack system, with large sitting rooms and dormitories. At the same time, apart from the question of cost, the cottage type is far preferable to the other, as it enables classification of inmates to be effectively carried out. The larger the number of inmates the less would be the cost per head.

REYNOLDS (Sir A.)

I have no personal knowledge, but am informed the average cost per head per week was 10s. 10d. in 1906.

SOMERSET (Lady Henry)

Sixteen shillings weekly per head.

WILMOT (F. E.)

Inebriates require plain wholesome food in sufficient quantity. Prices vary in different places, but I think from 7s. to 8s. would be reasonable.

QUESTION XXXVIII.

38. Do you consider that provision for the reception and maintenance of habitual inebriates committed by a court of law should be compulsory?

ANSWERS.

ATKINSON (C. M.)

Yes.

BAGGALLAY (E.)

Yes—important.

BARRADAILE (W.)

Yes.

BENNETT (H. C.)

Such institutions should be supervised by a central authority, so as to co-ordinate the whole conduct, character and expense thereof.

BURDEN (Rev. H. N.)

It seems to me ridiculous to continue to permit judges and magistrates to commit cases to reformatories unless some body or bodies are required by law to provide accommodation, and places them in an extremely undignified position.

CARY (Mrs. E.)

Most decidedly I do.

DUNNING (L.)

Yes, because I regard such treatment as part of a proper system of prison treatment, in which the reform of the prisoner is subordinated only to the protection of the community.

FITZ-SIMMONS (W.)

No; except to make reception on the part of reformatories of all cases committed by magistrates compulsory.

FOX (R. E.)

My answer to this question is in the affirmative. At the present time there are, so far as I am aware, only two inebriate reformatories instituted and retained by local authorities outside London, viz., the Lancashire and Yorkshire Reformatories. I think there should be a reformatory for each county, or perhaps in the case of small counties, for a group of counties.

FULLER (L. O.)

If judges and magistrates are to be given power to commit inebriates to control, there should be no difficulty in finding accommodation. It seems a ridiculous position to ask a magistrate to commit and then require him to beg accommodation from persons not required to provide it. It should be the duty of some authority to provide accommodation, and until this happens things will not work smoothly.

GILL (F. A.)

Yes, certainly; legislation for committing habitual drunkards is bound to be an absolute failure, if the courts have no place to commit them to.

HALKETT (J. G. H.)

Yes, certainly; it is a national question of the most vital importance.

HEARDER (F. P.)

It is impossible to work an Act which permits judges and magistrates to commit to reformatories without making provision for cases compulsory upon some authority capable of carrying out the work.

HOLMES (T.)

Certainly.

O'FARRELL (Sir G.)

Yes.

PARKER (Rev. Canon C. J.)

Yes. If magistrates are to have the power to commit cases at discretion, then accommodation should be provided by some authority required compulsorily to supply it. The magistrates' hands should not be tied and their discretion liable to be made non-effective in consequence of the want of action on the part of some other authority.

38. Do you consider that provision for the reception and maintenance of habitual inebriates committed by a court of law should be compulsory?

ANSWERS. [*Continued.*

RAMSAY (J. T. T.)

Yes.

REYNOLDS (Sir A.)

Yes.

SAMPSON (T. E.)

Yes, I consider that the provision for the reception and maintenance of habitual inebriates committed by a Court of Law should be compulsory, and also that when a person is committed, or if the friends are willing, which has often been the case, and are able to pay, an order for maintenance should accompany the order for detention.

SHORT (S. E.)

Yes.

SOMERSET (Lady Henry).

Yes.

VINCENT (Sir W., Bart.)

Yes, we consider that when a person is convicted of being an habitual drunkard and is sentenced to a reformatory, it should be the duty of the local authority to provide accommodation, failing which the magistrate should be able to commit to any certified inebriate reformatory, the managers of which are willing to receive him, and the managers should have power to recover from the local authority sufficient sum towards the maintenance of the case for the period the person is under detention.

The operation of the Act would then no longer be confined to such localities as voluntarily provide reformatories for inebriates or voluntarily contract for their maintenance in reformatories. The same provision as regards retreats should apply as contained in the suggestions made in answer to questions 7 and 44.

WILMOT (F. E.)

Certainly.

QUESTION XXXIX.

39. What do you consider to be the relative responsibility of the State and Local Authorities:—

(*a*) In the establishment of Certified Inebriate Reformatories;

(*b*) In the maintenance of inmates?

ANSWERS.

ATKINSON (C. M.)

I consider that the responsibility should rest on the State, and that the State should have control of establishments to which committals may be made, as in the case of prisons. The refusal of the managers to receive cases unless for the maximum term of *three* years, has, in some instances, resulted in there being no committal. The Secretary of State would, of course, be free to discharge persons improperly committed, or persons unfit for treatment.

BURDEN (Rev. H. N.)

See Answer to Question 36.

FITZ-SIMMONS (W.)

State and local authorities should share the cost of establishment and maintenance.

FOX (R. E.)

Inasmuch as by the establishment of inebriate reformatories the State is relieved of *pro rata* expense in the matter of prisons, I think the State should bear the greater proportion of the burden of cost under both the heads mentioned in the question.

At the same time I consider that it is highly desirable in the interest of the satisfactory working of the Acts, that there should be the greatest possible measure of local control so as to arouse and keep alive the interest of the magistrates and local authorities, and that the administration of these reformatories should be as little like prison administration as possible, with a view of reforming the characters of as many as possible of the inmates in the hope of turning them out into the world free from their drunken habits.

I think, therefore, the proper way of adjusting the responsibility of the State and the local authorities would be for the local authority to provide the buildings, and for the State to provide the whole of the necessary sum for the maintenance of inmates and the upkeep of the buildings.

QUESTION 39]

39. What do you consider to be the relative responsibility of the State and Local Authorities:—

(*a*) In the establishment of Certified Inebriate Reformatories;

(*b*) In the maintenance of inmates?

[Continued.

ANSWERS.

FULLER (I. O.)

I think it would be much more satisfactory if the whole reformatory system were under State management. This would conduce to uniformity and would be an extension of the good results which followed the acquirement of the prisons by the Government. The persons we detain are either criminals already, or are potential criminals. When deprivation of liberty is essential it should be exercised by the State. Moreover, under State control, maintenance cost could be kept at a minimum, and there would be better facilities for classification.

GILL (F. A.)

I am of opinion that the State is primarily responsible for the provision of accommodation and maintenance of habitual inebriates.

The habitual drunkard is a bye-product of the liquor laws for which the State is responsible and from which both it and the local authorities benefit. Another reason for State responsibility which I have had very recently brought before me is, that a person who has only been a short time resident in a certain area may be committed to a reformatory by the local authority of that area, and maintained at their expense; in other words, a town may be saddled with the expense of maintaining a person for two or three years, although that person may have only been a few months resident in that town. For instance, a young woman was recently committed to Langho for three years; on inquiry I find she had only been in the town from which she was committed about three months; she had, in fact, come from a country district in Ireland, got into bad company and speedily became such a drunkard and nuisance to the community that they had to commit her to a reformatory. That borough has derived no benefit from this woman, yet has to bear the cost of her maintenance for three years. Moreover, this is not an isolated case, as I have seen several somewhat similar. If the habitual drunkard is a native of the committing area, then it is perfectly just that she be maintained by the local authority of that area.

For these reasons I think that the State is very largely responsible for the establishment of reformatories and the maintenance of the inmates. If I were asked to apportion the relative responsibility I should say as two to one. The State has assumed entire responsibility for the maintenance of prisoners, and, having done so, I do not see how it can very well repudiate responsibility for a slightly different class of prisoners, who, if not in the one institution, are pretty certain to be in the other.

GOMME (G. L.)

The nature of the work seems clearly to indicate that the State should be entirely responsible for the care and control of inebriates. There, however, appears to be no strong reason for objecting to local authorities sharing in the work provided: (*a*) that the scope of their action be limited to dealing with the question solely from a reform point of view as distinguished from the criminal and penal point of view; and (*b*) that adequate financial assistance for conducting the work be afforded by the State.

GORDON (Miss M. L.)

The State should assume both responsibilities. Certified inebriate reformatories are really institutions of the nature of prisons. The managers have power to forcibly detain the persons of the inmates over long periods of time. They also have power to direct their actions under penalties. Any effective working of an adequate Inebriates Act would make this work a very important and extensive one. The reformatories would fill as the prisons emptied. It would only be possible to administer such work in an impartial and effective manner in the hands of experts directed by the State. It would be as much too big an undertaking for local authorities as the prison department would be. The interests of the inmates, practically prisoners, and the other large issues involved, expenditure, &c., ought not to be dependent upon the changes and caprices of local politics; the public would probably not be satisfied with anything short of State administration. In the hands of a body such as the prison authority the transition to a new system of detention of a reformative nature would come naturally and work smoothly.

HEARDER (F. P.)

(*a*) The State should be able and willing to take over the care and control of all cases found after reasonable trial to be of a character detrimental to the reformation of their fellows and the smooth working of certified inebriate reformatories, local authorities providing accommodation for the remaining majority.

(*b*) In all cases the maintenance of inmates should be borne by the State on the ground that detention in a reformatory is of benefit to the community at large.

HOLMES (T.)

(*a*) Local authorities should confine themselves to those who are *bonâ fide* inebriates.

(*b*) The State should provide for "disorderly inebriates" who occupy our prisons.

O'FARRELL (Sir G.)

(*a*) Having regard to the general poverty and local indebtedness of Ireland, I consider, if the policy and intention of Parliament in framing the Inebriates Acts be taken into account, that a serious responsibility rests on the State to establish at least one certified reformatory for both sexes in Ireland.

(*b*) Once the reformatory has been established, I think it reasonable that the local authority should be required to pay one-half the cost of maintenance of every inebriate committed to the reformatory.

PARKER (Rev. Canon C. J.)

In the managers' opinion the respective responsibility of the State and local authorities as to the establishment of certified reformatories and the maintenance of cases therein turns largely upon the question as to whether the inmates are reformable or otherwise. If irreformable, then the whole cost should, in the managers' opinion, fall upon the State as in the case of prisoners; if reformable, then a proportion of the cost should fall on the local authority.

39. What do you consider to be the relative responsibility of the State and Local Authorities:—

(*a*) In the establishment of Certified Inebriate Reformatories;

(*b*) In the maintenance of inmates?

[*Continued.*

ANSWERS.

RAMSAY (J. T. T.)

Such persons as are alluded to under question 35 spend a large portion of their time in prison, being kept, while there, at the expense of the Government. The average annual cost for each person detained in prison is £20 10s. 10d.

When the Government took over the prisons of Scotland, in virtue of the powers contained in the "Prisons (Scotland) Act, 1877," there was, as provided for by Section 18, exacted from local prison authorities a contribution of £120 in respect of each prisoner belonging to such prison authorities for whom cell accommodation was not provided at the time when the said Act came into operation, viz.: 1st April, 1878.

The amount as stated in the 4th annual report of the Prison Commissioners for Scotland (year 1881–1882) to be recovered from the local authorities in Scotland for deficient cell accommodation amounted to the large sum of £87,722 4s.

The Government has since that date borne the whole cost of the Scottish prisons, including the maintenance of persons of the inebriate class while undergoing sentences of imprisonment.

It seems, therefore, fair to contend that the Government should defray the whole, or at all events, the larger share of the cost of keeping such persons in the institutions referred to. The Prison Commissioners should continue to have the chief supervision and control of the classes of individuals treated, but that there should be a blending of Government and local control over the several institutions recommended.

I firmly believe that the effect of adopting humane and enlightened methods would result in the population of the prisons being curtailed, and in a material reduction both of prison and police staffs. This would naturally lead to an important decrease in the expenditure of the prison and police departments.

REYNOLDS (Sir A.)

The *State* to undertake the establishment for, and maintenance of, those too unruly to be controlled in the county inebriate homes (as at Aylesbury and Warwick).

No need for counties to *build* so long as they can send cases at their expense (at nearly half the cost as if they had to establish homes and maintain inmates themselves) to the National Association of Inebriate Homes.

Both as regards establishment and maintenance the entire responsibility should rest with the county authorities.

SHORT (S. E.)

I think the practice at present followed in defraying the cost of lunatic asylums should obtain with regard to inebriate homes both for establishment and maintenance.

SOMERSET (Lady Henry).

I should prefer to see the State responsible for the establishment of inebriate reformatories with due contributions by the local authorities for the maintenance of their inmates. I should much prefer that the inmates should be as far as possible from the neighbourhood or locality in which they have originally lived, and therefore I think the distribution would be better effected by a central management than by local authorities.

WILMOT (F. E.)

I have not sufficient data to form an opinion, but I strongly aver that the responsible relations of the patient should, where possible, be compelled to contribute to the maintenance.

QUESTION XL.

40. Is your previous answer affected by the question whether or not the inebriate is likely to benefit personally from detention in a Reformatory?

ANSWERS.

ATKINSON (C. M.)

No.

BURDEN (Rev. H. N.)

See Answer to Question 36.

CARY (Mrs. E.)

My opinion is that habitual inebriates, whether likely to benefit *personally* from detention in a reformatory or not, should be so detained for the sake of society at large: *Firstly*, because by their example and habits they must be a great power for evil. *Secondly*, in order that they may by such detention be hindered from procreating their species and so bringing about much racial degeneration. *Thirdly*, that the money which the State is compelled to expend upon these people whether in frequent and useless short terms of imprisonment, etc., or for detention in a reformatory—should be expended in the wisest and most hopeful, which is, undoubtedly, the last-mentioned method.

FITZ-SIMMONS (W.)

No.

QUESTION 40]

40. Is your previous answer affected by the question whether or not the inebriate is likely to benefit personally from detention in a Reformatory?

[*Continued.*

ANSWERS.

FOX (R. E.)

My answer to this question is in the affirmative, as I am accepting the position that a percentage of the inmates of inebriates' reformatories have materially benefited personally from detention in those reformatories.

If this was not the fact I should be of opinion that there was no necessity whatever for inebriates' reformatories, and that the proper place would be the prison.

FULLER (L. O.)

My previous answer is not affected by any question of reformability. Reformable or otherwise, I think all inebriates should be under the care of the State:—

(1) If reformable, there should be no person interested in the detention of persons for longer periods than absolutely necessary.

(2) If irreformable, detention may last, more or less, a life-time, and it becomes more than ever desirable that such control should be in State hands.

GILL (F. A.)

My answer applies in either case, but in the case of irreformables I think the State's responsibility is much increased.

GOMME (G. L.)

Yes. In the opinion of the Council incorrigible inebriates should be provided for at the sole expense of the State.

HEARDER (F. P.)

No. I think provision should be made for all inebriates committed under the Act quite irrespective of the question of reformability for the reason given in the answer to the previous question.

HOLMES (T.)

Yes.

O'FARRELL (Sir G.)

No.

PARKER (Rev. Canon C. J.)

Inebriates who have become degraded by reason of repeated appearances at police-courts and frequent imprisonment, and whose offences other than drunkenness would, if they were not inebriates, cause them to be liable to be sentenced to a term of imprisonment, should, in the managers' opinion, be provided for wholly by the State as persons unlikely to benefit personally, while those likely to benefit personally from detention in a reformatory should be provided for as hitherto.

RAMSAY (J. T. T.)

I am not quite clear as to the meaning of this question. The system of dealing with habituals, who in many cases are mere creatures of circumstances, by repeatedly fining and imprisoning them for short periods is expensive, and ineffective from a curative point of view. It is rather recuperative, and tends to increase the number of such offenders.

I have good grounds for stating that as a deterrent reformatory treatment has been a success. In many cases these persons after a residence of a year or two, and probably in some special cases of a few months on a farm colony, in an inebriate reformatory, or in a Magdalene institution, might be liberated on parole on suitable situations being procured for them away from their former haunts and associates.

This would reduce cost all round and benefit the inebriate.

REYNOLDS (Sir A.)

No.

SHORT (S. E.)

No.

SOMERSET (Lady Henry).

Yes.

WILMOT (F. F.)

No.

QUESTION XLI.

41. Have you any remarks to make concerning the general condition of persons detained in certified Reformatories in regard to:—

(*a*) Their treatment and employment when under detention

(*b*) Their discharge on licence, and

(*c*) Their after-care?

ANSWERS.

ATKINSON (C. M.)

There are cases where it seems desirable that the inebriate, while upon licence, or for a limited period after his discharge, should be put under the supervision of some such person as a probation officer under the Probation of Offenders Act, 1907, who might also administer any gratuity.

BROSCOMB (J. H.)

Patients should not be discharged, but allowed to go on "ticket of leave."

BURDEN (Rev. H. N.)

In the treatment of persons in reformatories a great deal depends upon proper medical observation and attention. The more the condition is studied as an abnormal state, and medically treated with a view to recovery, the better will be the prospects of persons detained. A regular and sufficient diet is essential; it is of great importance to impress upon the ordinary inebriate the necessity for regular feeding, and resistance to the dictates of a depraved appetite. Although a good plain diet is indicated, excess (especially in meat constituents) should be avoided.

A great deal of the difficulty in dealing with inebriates arises from their instinctive dislike to anything approaching monotony. This applies to any occupation which keeps them regularly employed. It is essential that such persons be educated to understand the necessity for regularity in employment if they are to be made useful members of the community. Whenever possible any occupation given to them with this object in view should be of a character likely to be useful to them in after life. In addition to fulfilling these objects, work should be of such a nature as to materially reduce the cost of maintenance from the product of labour. All articles required in reformatories should be of home manufacture, and in some way or other it should be more possible to employ inmates in the making of articles for public sale. With the latter object in view some greater attempt might be made to produce goods now manufactured out of England, and compete with foreign rather than English free labour.

CAVENDISH (E. L. F.)

(*a*) I can speak only of the inmates of the Warwick State Inebriate Reformatory. Of them I consider a large proportion to be mentally unsound, and many of those forming that proportion are more suited for a lunatic asylum than for this institution. I cannot believe that persons of sound mind are capable of behaving in the manner adopted by many of the inmates. Some of the inmates behave in an exemplary manner, but the others are either sullen and disrespectful, or openly discontented and troublesome, and much given to working on the minds of others with bad intent. At times they appear quite unable to control their words or actions, and are by reason of their constant complaints of imaginary grievances, their intolerance of discipline and their love of intrigue—a most difficult lot to manage. Their letters to friends very often contain outrageous statements of the inhumanity of their treatment, and directly any little improvement in discipline is attempted, abuse of and threats towards officials are added.

The penalties which can now be inflicted upon inmates guilty of misconduct are not sufficient to enable an adequate state of discipline to be maintained without the possibility of an explosion taking place. I believe the granting of the power to earn remission with the liability to lose it for misbehaviour would render the men much more amenable to discipline. I would suggest that when an inmate at a certified reformatory misconducts himself he should be relegated either to a penal ward at that reformatory or to the State Reformatory for a fixed period, and that when that period exceeds six months he should be able to earn remission on it; at the expiration of either period he should leave the penal ward or State Reformatory and return to the certified reformatory.

I also consider that inmates of a certified reformatory should be given clearly to understand that removal to a penal ward or a State Reformatory means they will be subjected to penal discipline. If I am able to understand those under my charge I can say that with a fixed period of detention and remission on periods of over six months, they will not oppose stricter discipline. Their constant complaint is that they are treated worse than convicts as they cannot earn remission.

The dietary should be less generous than at present, certainly for those who cannot do hard outdoor work.

The waste of food is great.

I consider it objectionable from every point of view to have inebriates inside a prison. They should be in a place set entirely apart and self-contained. There should be *ample* ground upon which they can do *hard* manual labour. There should be careful classification. Felons, drunkards and weak-minded ones should be kept separate. Association of inmates in the same class should be strictly limited to working together and at recreation time.

(*b*) I am more in favour of discharging suitable cases to the care of a probation officer, as in some instances cases which might be licensed are unable to obtain a surety. If there were an official probation officer, he could take these cases into his care, and thus they would be given a chance to regain their position in the world.

DUNNING (L.)

(*a*) The surroundings should not be such as to present too great a contrast when the person returns to his original surroundings.

(*b*) They should not be licensed to return to their own home unless there is proof that the surroundings which led to the original lapse have improved.

EUGENICS EDUCATION SOCIETY.

See Answer to Question 27.

QUESTION 41]

41. Have you any remarks to make concerning the general condition of persons detained in certified Reformatories in regard to:—

(*a*) Their treatment and employment when under detention

(*b*) Their discharge on licence, and

(*c*) Their after-care?

[*Continued.*

ANSWERS.

FITZ-SIMMONS (W.)

(*c*) After-care is most important. I know of no "after-care" beyond that of police court missionaries at present.

FULLER (L. O.)

(*a*) In the employment of inmates a complete system of industries is essential owing to the varying capabilities of individuals. It should be possible to instruct inmates in some employment which would be useful to them after leaving. To this end it is necessary that occupation should be the same as they are likely to meet with on discharge. It is found difficult, however, to carry on such occupations in reformatories owing to trade opposition in the disposal of articles of manufacture. If possible, I think any future Act should contain recognition of the necessity for remunerative work in institutions.

(*b*) Already discussed.

(*c*) I think inmates discharged on probation should be given in charge of the probation officer of the district to which they are sent.

GILL (F. A.)

(*a*) Irreformables ought to be maintained as economically as is consistent with good health and fitness for work.

All inmates ought to be compelled to work. I consider the present working hours are too short. I think their working hours should be no shorter, their labour no lighter, and their lot generally no better than that of honest free workers, due care, of course, being taken that the weaklings do not suffer hardship.

(*b*) Discharge on licence is a valuable system so long as it is judiciously and sparingly used, and applied to suitable cases only. Mental defectives should not be released on licence.

(*c*) I think that with an improved system of "after-care" better results would be obtained. Discharged inmates often find great difficulty in obtaining work and are absolutely driven back to immorality and crime to obtain the wherewithal to keep body and soul together.

GOMME (G. L.)

(*a*) *Treatment and employment.*—In the treatment of patients at Farmfield moral suasion has been relied on as far as possible, as it is believed that these methods are much more likely to lead to permanent benefit than the resort to punishment which has been tried and has failed. The principle which has been followed in selecting the industries carried on at Farmfield has been that of fitting the women to earn their livelihood when discharged, but it has been found that the majority of patients, on admission, know hardly anything of useful work, and that a considerable portion of their sentence is occupied in teaching them.

Farmfield is certified for only 113 patients, a very large percentage of whom are required to perform the ordinary domestic service of the institution, and, as there is generally a number of patients unfit for duty by reason of physical infirmities, there is not a large amount of labour available for carrying on any organised industries on an extensive scale.

(*b*) *Licensing.*—The policy of licensing patients long before the expiration of their sentences has on several occasions been strongly commented upon by the committing authorities, the opinion being expressed that such authorities are the best judges of the time that those committed by them should serve in the reformatory.

The power to licence appears to have been given as an incentive to good conduct on the part of the patient, and with a view to testing the ability of the patient to resist temptation whilst still under control, and relapses in some instances might reasonably be expected. Owing to the comments referred to early licensing has ceased at Farmfield, resulting in much unrest among the patients, some of whom had been informed, when sentenced, that the full term would not have to be completed. In the opinion of the managers of Farmfield the power should be fully exercised, but if not, it is better that it should be withdrawn altogether, and that offenders should clearly understand that complete sentences must be served unless otherwise ordered by the Secretary of State.

(*c*) *After-care.*—The first few months after discharge is the most critical period for the patients, and to secure success a comprehensive scheme of after-care is undoubtedly necessary, and such scheme should include an arrangement for the employment of discharged patients in some way other than in the ordinary situations, at any rate, until they have had time to get used to their new surroundings. The greatest difficulties have been experienced in obtaining suitable employment for the women, particularly the physically unfit and those of mature age. The principal kinds of employment at present open are domestic service and laundry work. The majority of the women, however, are quite unsuited to the former situations, while work in a laundry, although a favourite one, has its drawbacks. No inmates of Farmfield are discharged without being placed either in a position to earn their livelihood or with friends or relations. Those employed in domestic service are placed in situations where the families are generally total abstainers and the situations are selected in districts distant from the patients' old surroundings.

Several methods of after-care have been tested but finally a visiting officer has been appointed, part of whose duties is to spend time with the patients in the reformatory with a view to obtaining their confidence. This arrangement has worked well and the visits of the officer, which are, as a rule, about every three months, are welcomed by the women on discharge or licence. Visits are also paid to those who have totally relapsed, and they are assisted as far as possible in the hope that they may be ultimately reclaimed.

It is, of course, impossible, on the score of expense, to visit the women located at great distances from London, but these are written to periodically.

It seems desirable that representative managers of each of the reformatories should meet and draw up a comprehensive scheme of after-care in which all authorities could participate.

The Secretary of State, in estimating the weekly cost of the maintenance of an inebriate, has apparently made no allowance for the cost of this part of the work.

41. Have you any remarks to make concerning the general condition of persons detained in certified Reformatories in regard to:—

(*a*) Their treatment and employment when under detention

(*b*) Their discharge on licence, and

(*c*) Their after-care? [*Continued.*

ANSWERS.

GORDON (Miss M. L.)

(*a*) Treatment.

(1) Segregate improvable cases.

(2) Transfer those too insane or too weak-minded to be regularly employed, or those perpetually recurrently insane, under a special certificate to an asylum for permanent detention.

Provide that should they improve so much as to be able to fully occupy themselves, and to be no longer subjects for asylum treatment, they should not be discharged, but returned to the Reformatory until judged fit for discharge.

(3) Remove very old, non-effective persons and detain in some institution apart, as helpless and easily controlled. A reformatory case is usually an old woman at 50. Inmates should not be older than 55.

(4) Place young inebriates up to 23 or 24 in some institution apart (in prison cases Borstal), and control and train with a view to reform.

(5) In the case of the able-bodied, middle-aged, improvable remainder, give an indeterminate detention, associated with probation, absence of licence, discharge under supervision, and easy return under detention upon relapse. For these cases, if taken early, the existing *régime* of the certified reformatories is an excellent one.

(6) Make a special feature of educational treatment such as will oblige the inmate to use his mind and intelligence. See that every inmate passes under a definite course of instruction. Specially warn and instruct the inmate upon drunkenness, causing him to thoroughly understand the method on which his treatment is being undertaken, and the kind of improvement which will gain his discharge. Demand a high standard of continuous industry.

(7) Provide a State inebriate reformatory, with hard labour and severe discipline, keeping this institution as a place of punishment or segregation for cases as we at present have them—rendered irreformable by long previous imprisonment, or for offenders against discipline, or for those who will not make an effort to improve in the Certified Reformatory.

Do not discharge any inmate from this institution, but only after return to, and proper use made of the certified reformatory, but let there be no question of discharge from the penal establishment.

(8) Allow for the earning of the utmost possible privileges of every civilising kind previous to discharge.

(*b*) As soon as possible after improvement appears to be well established, *i.e.*, from six months to a year:—

Begin the gradual earning of liberty. Continue and extend privileges until they include being at large and handling money. Ultimately discharge upon licence under guardianship or supervision; this depending on the circumstances of the individual inmate.

(*c*) Provide for easy return upon release.

In effect provide an elaborate system of safeguards which would be operative in cases needing it, but which would weigh very lightly on those doing well.

HALKETT (J. G. H.)

(*a*) I have heard from discharged inebriates many complaints about Brentry and some about Cattal—of uncomfortable surroundings and uncongenial work. Whether there was anything in these complaints or not I am unable to say. As to treatment, I can only state that it seems to me that they should be treated with the greatest care and consideration. As to employment—that it should be as interesting and as suitable to the individual as possible. If, under the term "treatment," I am invited to express an opinion as to the efficacy of drug treatment, I can only reply that I am not competent to form an opinion upon a medical question.

(*b*) I am opposed to their being discharged on licence, save in very exceptional cases, as I have found that premature freedom meant relapse. The court that commits, commits for a definite term after careful inquiry. Its considered act should not lightly be interfered with.

(*c*) As to after-care, I am in favour of removal from old cronies and former surroundings where possible, the procurement of suitable work and the general supervision of the police court missionary or some other benevolent agency.

HEARDER (F. P.)

(*a*) Employment must be compulsory, and when possible should be of a character likely to be of subsequent use. Greater facility for the freedom to manufacture for sale in public markets would enable the employment of remunerative labour and lessen the cost of detention.

(*b*) Owing to the degenerate character of committals discharge on licence has not been fully used; if better cases were forthcoming it would be of great value.

(*c*) There is plenty of opportunity for the establishment in Yorkshire of good after-care arrangements. At present the Discharged Prisoners Aid Society do the work largely, but so far the character of case has been so bad that no system would have kept many cases from drink.

NELSON (G.)

(*a*) I would suggest that there should be as little of the prison system as possible in the reformatories. That the work should be suitable as far as possible to each case.

(*b*) I suggest the establishment of a "Reception Home" or homes, to which all cases when discharged from the reformatories should be sent, and kept there till work has been found for them, or till they are handed over to the care of someone who would be responsible for them. That all police court missionaries be informed at least a week before any cases of theirs are discharged.

O'FARRELL (Sir G.)

I consider that all reformatories should be situated in the country, and that they should have sufficient land for purposes of recreation and employment attached to them.

PARKER (Rev. Canon C. J.)

The managers are of opinion:—

(*a*) That the treatment and employment of reformable inebriates when under detention should generally follow the lines adopted at Brentry, but better provision for dealing with refractory inmates is needed. No part of a period of unauthorised absence should count as if spent under detention in the reformatory; at present an inmate, by repeatedly escaping, may spend a great portion of his sentence at liberty.

(*b*) That the existing system of discharge on licence should be discontinued in favour of the scheme outlined in answer to question 34. All discharges from a reformatory should be subject to a period of probation in charge of a probation officer, and provide for the inebriate's return for further reformatory treatment immediately on his reverting to intemperate habits.

(*c*) That provisions should be made for supervision and guardianship for all persons discharged from inebriate reformatories under a probation officer.

QUESTION 41]

41. Have you any remarks to make concerning the general condition of persons detained in certified Reformatories in regard to:—

(*a*) Their treatment and employment when under detention

(*b*) Their discharge on licence, and

(*c*) Their after-care?

[*Continued.*

ANSWERS.

RAMSAY (J. T. T.)

Speaking for the Lancashire Inebriates (Acts) Board:—

(*a*) It is evident from the ages of the persons committed, together with the number of convictions, that very unpromising material for reformation is entrusted to the House Committee of the Board.

The result has been considerable difficulty in reconciling them to the regularity of the new life and surroundings, especially in inducing them to take part in the work of the place. This difficulty very largely disappears as the inmate becomes reconciled to detention. The medical director reports that "in the higher grade imbeciles, of which there are nearly 50 per cent., and still more in the weak-minded, there is an inherent incapacity for steady work." Of eleven new cases admitted in October and November, 1906, six are described as follows:—

"A woman of low mental type and defective education, but fairly intelligent."

"An old woman, mentally and physically feeble."

"Two women mentally defective."

"A refractory woman of low mental type, a discharged lunatic asylum patient."

"A young intelligent girl of 17 years."

This note of mental deficiency is sounded in every report, and in the case of 18 cases discharged between June and November, 1906, the director reports 10 as showing "a marked departure from the normal in their mental condition." The management rely entirely upon plenty of work, regular habits, good food, plenty of fresh air with pleasant surroundings, religious influences, and enforced abstinence from drink, to secure the much-needed personal reformation and to further train the women for work on discharge, everyone goes through a special course of house-keeping, baking, plain cooking, sewing and knitting.

The women work on the farm and grounds, in the gardens, and dairy, whilst recently mat-making, rug-making on looms, and plain and fancy needlework have also been introduced. About 30 are regularly employed in the laundry, where washing and ironing are done in first-class style for families in the surrounding rural areas, the average receipts from this source amounting to nearly £60 per month. The well behaved are sent out charing (without escort), average receipts £30 per month.

Besides helping the Committee to keep the inmates regularly employed, it also affords an opportunity during the two or three years' detention for the inmates to become expert laundresses. The same may be said of the cottage set apart for special instruction in domestic work, where each inmate in turn cooks every meal for the occupants. The daily routine, which illustrates the policy of the House Committee in keeping the inmates busy, may be of some interest:—

Rise at 6.30 a.m.; morning prayers 7.15; breakfast 7.30 to 8 a.m.; work 8 to 12.30 p.m.; dinner 12.30 to 1.30 p.m.; work 1.30 to 5 p.m.; tea 5 to 5.30; exercise and recreation 5.30 to 8.30; supper 8.35; prayers 8.50; retire 9 p.m.; all lights out 9.30.

Special efforts are also made to improve the education of the inmates, though such education is very difficult and not at all popular.

(*b*) However good the conduct of a prisoner may have been in prison, the critical period commences at the moment of discharge. The Discharged Prisoners' Aid Society, which works in active co-operation with the Commissioners of Prisons, is, it is said, doing excellent service. But here once more adequate consideration is not given to women. Yet their need is as great, nay greater. For women, when once convicted, find it more difficult even than do men to recover their position. Of the total number of convicted prisoners received into prison about one-third are women; but of those convicted previously about one-half are women, and of those convicted above twenty times a clear majority are women. Weak-minded girls, many of whom return to prison again and again, stand in special need of help and supervision. Last year 37 convicted women received at Holloway were reported to the Home Secretary as having been found weak-minded when serving previous sentences in prison. It is, however, only fair to say that the recently-formed Holloway Discharged Prisoners' Aid Society is apparently carrying on its operations with vigour and success.

REYNOLDS (Sir A.)

(*a*) The treatment should be consistent unswerving discipline, combined with simple practical definite instruction. The inmates should be thoroughly well occupied, and those able for it, in hard outdoor occupation in garden or farm. Indoors, the laundry kitchen should occupy a good many, and they should receive proper instruction in these and other subjects as well as in workroom, in order that they may be turned out fitter to look after their own homes and families, and *to become wage earners.*

(*b* and *c*) See answer to Question 25.

SAMPSON (T. E.)

(*a*) I think that there should be some classification of the individuals, both in their treatment and work.

(*b*) When a person is discharged on licence or at the end of his or her term, I consider that the case should be followed by regular visitation by some person other than a police constable in order that they should be advised, and prevented if possible from relapsing.

(*c*) The question of after-care is a very important one, and in a large number of cases I think it is very desirable that persons when discharged should if possible be sent to some place far away from their previous surroundings. That has been the difficulty which has arisen in my experience with regard to persons who have been discharged, going back to their old associates and being led into temptation, and consequently again relapsing and ultimately getting into the hands of the police again.

SHORT (S. E.)

(*a*) I think the practice followed at Brentry in finding suitable employment for persons during detention satisfactory; but if arrangements could be made, I should like to see a better classification of the patients made.

SOLLY (G. A.)

(*a*) I have no experience.

(*b*) I think a system of discharge on licence after the three years is essential. It is all important to get them to start in a new and steady way of life, and the fear of the withdrawal of the licence may help to this.

41. Have you any remarks to make concerning the general condition of persons detained in certified Reformatories in regard to:—

(*a*) Their treatment and employment when under detention

(*b*) Their discharge on licence, and

(*c*) Their after-care?

[Continued.

ANSWERS.

SOMERSET (Lady Henry).

First, in regard to their treatment, I should strongly urge careful classification, and after that, any industry which is as far as possible foreign to their usual employments.

Their discharge on licence to be subject to the judgment of the superintendent, but should they break down, the original sentence to be prolonged by the amount of time for which they have been out on licence.

Greater provision to be made for visiting and encouragement and the after-care of those who have been discharged.

TIBBITS (H.)

Speaking of the State Inebriate Reformatory at Warwick only, and speaking only as to its past and present condition and not its possible future:—As the penal establishment connected with institutions which have come into existence under the Inebriates Act of 1898, I consider that the means of enforcing discipline among inmates should be made stronger than at present, such means to be put into force when necessary. As the penal establishment, those sent to it should be sent for a definite period and should have power to earn remission on their sentences; there is far too much vagueness and uncertainty about the present method, which is a constant cause of discontent. Employment should be more varied in character; there should be more outdoor work, and for this purpose more land should be acquired and added to the Reformatory in order to provide useful manual labour in the form of gardening or agriculture. Considerable alteration is required in the buildings to entirely out of the Reformatory from the Prison; this is a long-standing grievance among inmates continually exaggerated in order to excite sympathy, or perhaps only to give trouble. The dietary unquestionably requires reconsideration; too much food is allowed per head, with the result that the inmate either eats too much and becomes obese or dyspeptic, or else he wastes his food. Classification of inmates is practically impossible, for as all spend a considerable amount of time in association, those whose past characters have not been bad are brought into contact with men of bad character, many of whom have had sentences of penal servitude.

(*b*) Discharges of inmates in the earlier years (1901-4) of the State Inebriate Reformatory, Warwick, by giving them licences before the expiration of their sentences, usually ended in failure; the issue of licences has therefore been discontinued. I consider this failure to have been due to the fact that, with very few exceptions, the class of case that was then sent to the Reformatory was an unsuitable one for liberation in this manner. Some system, however, of earning remission of sentence by licence or otherwise would undoubtedly encourage inmates to "assist in their own cure," and would greatly aid the maintenance of discipline.

VINCENT (Sir W., Bart.)

With regard to (*b*) and (*c*) the Committee of the After-care Association believe that it would be very helpful to their work if magistrates here had the power that is given to magistrates in America of passing indeterminate sentences to a reformatory, where an inebriate might be carefully watched and, after an inquiry by experts, sent thence to one of the small homes. The commitment should not be for any definite time, but until cure is apparently effected, and it should rest with the managers of the reformatories and retreats, under the direction of the Home Secretary, guided by information furnished by the managers, to decide in each case when the person should be discharged on probation, and it might be stipulated that in all cases after three years' detention, if not sooner, the case should be carefully investigated and a decision arrived at whether further detention were desirable. Persons discharged from an inebriate reformatory should remain on probation for a year or two longer, just in the same manner as a child or young person discharged from an industrial school remains, as a matter of course, under supervision for two years. In the case of the inmates of inebriate reformatories the person might be discharged to the care of a probation officer who would have power to bring an inebriate who is under his care before a magistrate in case of relapse.

WRIGHT (J. B.)

(*c*) As stated at Answer 25, I do not think that satisfactory results will be obtained till suitable provision is made for after care.

QUESTION XLII.

42. Have you any other matter, not covered by the preceding questions, in relation to the Act of 1898, which you desire to bring to the notice of the Committee?

ANSWERS.

BAGGALLAY (E.)

Suggest—to clear streets of drunkards—stipendiary magistrates should have power to sentence up to twelve months' hard labour (instead of one month's hard labour as now) persons frequently charged as drunk and disorderly.

These could, after sentence, be classified by experts—for curative treatment or punishment.

DUNNING (L.)

I repeat what I said in my general remarks, that provision should be made for the indeterminate detention of irreformables.

QUESTION 42]

42. Have you any other matter, not covered by the preceding questions, in relation to the Act of 1898, which you desire to bring to the notice of the Committee?

[Continued.

ANSWERS.

GILL (F. A.)

NOTIFICATION OF FEEBLE-MINDED INMATES.

To facilitate the possession by magistrates of full information regarding the reformability, general conduct, mental condition and degree of responsibility of any inmate sent to a reformatory either for a long or short sentence, some arrangement ought to be made for the supply to magistrates of a report affording information on these points; especially in view of the possibility and even probability of a certain class of cases being again before the court for offences due to drunkenness.

It is obvious, for instance, that knowledge by the magistrates of a condition of mental defect and limited responsibility on the part of a person charged with an offence under Schedule 1 of the 1898 Act would influence his method of dealing with the case.

For this purpose I suggest that, before discharge, all inmates who are mentally defective and likely to relapse or are unable to earn their own livelihood, be notified to the Secretary of State or some central authority who would then notify the police of the district into which the inmate is to be discharged. It should be the duty of the police to inform any court to which the inmate may be brought of all the facts concerning that inmate.

INDETERMINATE SENTENCES.

In these remarks concerning the committal of persons to reformatories under Section 1 and Section 2, I have endeavoured to suggest alterations in existing legislation which would minimise present difficulties and increase the usefulness of the Act without great revolutionary changes. I cannot help feeling, however, that even such steps as these are little more than palliative measures, and but pave the way towards a system of indeterminate treatment or sentence which must eventually prove necessary. So many of the cases we at present receive in reformatories are so incapable of self-management and control, that nothing short of practically life supervision will prevent them being dangerous to themselves or others, and a nuisance to the community. Although I feel that the Committee may perhaps consider the suggestion I now make as of too advanced a character for practical application, in justice to myself, and as the result of my experience and observation, I must express my desire for something simpler than the somewhat complicated suggestions already made, and something of a much more drastic character in the way of control than those suggestions convey. I am quite convinced of the necessity for the immediate recognition and treatment of habitual dunkenness—as soon as it is formed, or even before that condition is absolutely confirmed. Being also convinced of the absolute uselessness of penal sentence as a remedy, I am satisfied that no method of treatment will be of any practical value until it is possible for magistrates to send inebriates to a reformatory at the first possible moment, and repeat the sentence as often as may be required to bring about a condition which will reduce the probability of a relapse. When the condition proves permanent and relapse when opportunity occurs is shown to be a matter of certainty, then I think permanent detention is not only desirable but necessary in the interests of the community and the physical welfare of the race.

To enable this to be done I am of opinion, both as regards the milder offences under Section 1 and all cases now committed to reformatories under Section 2, that magistrates should have untrammelled power to commit any case proved to be a habitual drunkard, or likely to become one, at once to an inebriate reformatory for short periods of from three to six months. Such a short sentence may be repeated, relapse after the second repetition being followed by an order of detention in an inebriate reformatory without any reference whatever to the period of detention.

It seems to me just as illogical to commit an inebriate to a reformatory for a definite period as it is to commit a lunatic to an asylum under similar circumstances.

After a person has been thus indefinitely sentenced, such an inmate should be detained for a period of, say, two years, this because short sentences have been tried and proved useless. At the expiry of two years a report should be sent with full details as to conduct, mental condition and probability or otherwise of future sobriety to a central authority. On receiving such a report the Secretary of State or other central authority should have power to order the discharge of the inmate on probation for twelve months, or should be able to issue a continuation certificate for the further detention of the inmate in a reformatory for a further period of twelve months. This to be followed by an order for release on probation or further continuation certificate as circumstances may determine.

I consider that an habitual inebriate should not be released from a reformatory except on probationary licence, which should last for at least twelve months. During that period the licensee, although granted perfect freedom of action and work to earn his living, with full domestic possibility, should nevertheless be under kind and discreet but strict supervision. Should any licensee during such period of probation refuse to be restrained from indulging in intoxicating liquors or otherwise neglect to conform to the conditions of licence, he should be liable to immediate recovery and detention in the reformatory on yearly continuation certificate until further probation becomes justifiable. The carrying out of this scheme, in my opinion, necessitates the formation of a distinct Board, composed of two or three persons, who should be closely familiar with all the circumstances of reformatory establishments and the conditions of detention therein.

Such Board should have power in cases of doubt to take further evidence in regard to particular cases than would be contained in the report of the managers.

Having in view also the possibility, and indeed, many believe, the desirability, of the extension of the power of compulsory detention, applied on the petition of friends, to inebriates who have not yet become criminals, such a Board would become essential.

GOMME (G. L.)

Section 6 empowers the Secretary of State to make regulations as to certified reformatories. It would seem desirable that he should also be given power to alter or amend the regulations.

Under the same section it is provided that, in reckoning the period of the detention of any person detained in a certified inebriate reformatory, the time during which he is imprisoned (for breaches of regulations) shall not be computed. This provision should be extended so as to include the period of any unauthorised absence from the reformatory or by repeated absconding a patient might be at liberty for a great part of his sentence.

HEARDER (F. P.)

Section 18 (1), Inebriates Act, 1898—*re* escape—might with advantage be made applicable to certified inebriate reformatories as well as to retreats.

HOLMES (T.)

I would give power to magistrates to commit to special instructions disorderly women on their fourth conviction, regardless of time, and treat them as Mr. Gladstone purposes to treat habitual criminals.

42. Have you any other matter, not covered by the preceding questions, in relation to the Act of 1898, which you desire to bring to the notice of the Committee?

[*Continued.*

ANSWERS.

NELSON (G.)

I would suggest:

That cases completing three years in a reformatory should never be sent back to the *same reformatory.*

That after the second term of three years in some other reformatory they fail again, they should be sent to a *State reformatory,* with no time limit, where they would have to work, and, if possible, pay for their keep.

I have nothing to suggest *re* Section A, relating to the Habitual Drunkards Act of 1879.

O'FARRELL (Sir G.)

No.

REYNOLDS (Sir A.)

No.

SOLLY (G. A.)

Speaking as a member of a town council, I think there has been a growing tendency to doubt whether the results of sending persons to homes warrant the expense incurred. If cases could be committed earlier probably the results would be better and local authorities would be more willing to face the expense.

On the general question also I have considered a good deal how satisfactory evidence of habitual drunkenness can be obtained. The clergy and lay workers in a parish could often give it, but for many reasons it is not desirable to call upon them often. In the case of young persons, even hardened drunkards have a good deal of sympathy, and though drinking themselves will often say—"it is a pity to see So-and-So getting drunk." I think that if one conviction were proved neighbours and relations would often come forward. In the case of a young woman who has not become immoral but has a home to return to, I consider the prospects of reformation are good. I may add that last week I had before me a case where a man who had been put on the black list for a time and had become steady, but his wife was drinking and leading him into temptation, so she was put on probation and a condition to abstain from drink for six months. Her actual offence was using obscene language, and she was proved to be under the influence of drink at the time, and to be constantly drinking to excess. I shall watch the result of that case carefully.

SOMERSET (Lady Henry)

I should like to strongly urge that some provision be made in all reformatories for the reception of children under two years of age, if the circumstances of the family make it advisable. I should further like to see graded homes, where patients could be promoted for the last portion of their sentence to homes on more lenient lines should their conduct be good and should there be hope of their reclamation. I should like also to see more efficient training for those who have charge of such reformatories. I lay great stress on this.

VINCENT (Sir W., Bart.)

We would suggest that the Secretary of State should appoint local visiting justices and lady visitors to visit inebriate reformatories and retreats in the same way as they now visit prisons. It would give the public greater confidence in these institutions.

SECTION C.

Relating to powers for the control of Inebriates in other than the foregoing Acts.

QUESTION XLIII.

43. Are you aware that no cases have been committed to Retreats under Section 11 of the Prevention of Cruelty to Children Act of 1904? If so, can you inform the Committee what influences have rendered that section of no effect?

ANSWERS.

ATKINSON (C. M.)

In such cases when tried summarily, the evidence is rarely directed to the question whether or no the accused is an "habitual drunkard" within the definition, and still more rarely is there any sufficient evidence bearing upon this issue. The proviso also gives rise to difficulties.

BAGGALLAY (E.)

Police are rarely the prosecutors, consequently not sufficient evidence to prove "habitual drunkard." Magistrate has no means of obtaining evidence beyond that is put forward by prosecution.
Consent of person charged is necessary.
Applies only to parent or person living with parent.

Wife or husband may be heard to object. Court must see, if possible, that expenses of detention are provided for.
All these conditions and the definition of "habitual drunkard" make Section 11 useless.

BARNETT (F. W.)

The difficulty in such cases is the inability of the husband or friends of the person charged to meet the requirement of Retreats by providing the fees for the cost of maintenance.

BARRADAILE (W.)

The prosecutions under this section are generally initiated by the Society for the Prevention of Cruelty to Children, who ask for convictions and punishment. The children are frequently ordered to be emigrated.

BENNETT (H. C.)

Several cases have been committed for trial, where the intention was to obtain a committal to an inebriate reformatory.

Possibly proviso (c) as to provision for payment of expenses during detention may have proved an obstacle.

BURDEN (Rev. H. N.)

Section XI. of the Prevention of Cruelty to Children Act of 1904 has failed owing to the necessity for obtaining the consent of the inebriate to pay for his own maintenance therein. I see no reason for the existence of this section, on the ground that all cases to which it is likely to apply could be better dealt with under an Inebriates Act amended on the lines suggested in my answers to questions 30-34.

COPELAND (G.)

The weakness of this Section is that no person or body is made chargeable with the expense of maintenance. The Children's Society who prosecute could not bear it; the Guardians could not pay them as "costs and expenses of proceedings" under Section 21. The local authority would not seem to have any statutory liability to bear them.

DUNNING (L.)

The reasons are the difficulty of obtaining consent and the heaviness of the charge for maintenance.

HALKETT (J. G. H.)

I was not aware of the fact, but I am not surprised. In addition to the definition difficulty and the disbelief of many magistrates in the efficacy of inebriate reformatories, there are three provisos in the section which would deter most courts of summary jurisdiction from ordering commitment, and, in my opinion, these provisos should be modified.

O'FARRELL (Sir G.)

This section would seem to have failed through its restricting conditions: either the persons charged will not consent, or the husband or wife, as the case may be, objects, or the payment difficulty has proved insurmountable.

REYNOLDS (Sir A.)

My own experience leads me to say, that in all the (many) cases I have had before me, the people were so poor as to render Sub-section C, Section 11, inoperative.

SHORT (S. E.)

In dealing with charges under the Cruelty to Children Act of 1904, I have become painfully aware of the prevalence of habitual drunkenness as a fruitful cause of cruelty to children, but I do not think the magistrates' powers are sufficiently elastic. I should say that is the cause of its non-effect.

SOMERSET (Lady Henry)

It is chiefly owing to the fact that when an option is given to a woman of going into a retreat, that class of woman usually will not avail herself of it, and secondly, the heavy financial burden which is laid upon the Society to maintain her.

WRIGHT (J. B.)

See Answer to Question 44.

QUESTION XLIV.

44. Can you give any reason for the little use which has been made of the power to commit a wife who is an habitual inebriate, to a Retreat in lieu of making a separation order under Section 5 of the Licensing Act of 1902? Are you of opinion that the power is a useful one, and, if so, can you suggest any amendment to increase its value?

ANSWERS.

ATKINSON (C. M.)

I believe that applications by husbands, under Section 5, are infrequent because it is difficult to see what the husband gains by an order. He already enjoys the right to the custody of his children, and he is not forced to cohabit, against his will, with a drunken wife; while, if he pays maintenance *under a separation order*, he is liable to arrest on warrant (without any preliminary summons), if he happens to fall into arrear. Even if the husband apply, it must be noted that in no case under this section can the wife be committed except with her consent, which can rarely be obtained. Moreover, there is often great difficulty as to the extent and incidence of the costs of maintenance.

BAGGALLAY (E.)

Consent of wife is necessary. This should be altered.

BARNETT (F. W.)

At this Court not a single separation order has been granted by the magistrate, without an offer being made to the woman of a chance of recovery by treatment at licensed retreat, the rule being that when a man applies for a summons against his wife on the grounds of habitual drunkenness, a notification is given by the warrant officer who is responsible for the service of the summons to the missionary; and on the day fixed for the hearing of the case a retreat is ready, and it is interesting to note that since the Act came into force in January, 1902, only two women have refused the offer.

The provision is most valuable, as I can clearly demonstrate.

BARRADAILE (W.)

I do not think the "consent" of the wife could be obtained.

BENNETT (H. C.)

I consider, and am prepared to prove, that this is a most useful power, and productive of great good. When such an application is before the court, and the defendant comes to realise her position, arrangements can generally be made satisfactory to the husband, which render it unnecessary for the magistrate to proceed to an adjudication.

BROSCOMB (J. H.)

I do not think the option of going to a retreat is always put before the wife; and the wife is often in such a state that she is incapable of forming a judgment as to the best course to adopt.

I consider the power a most useful one, and I suggest that the wife be sent to a retreat for one year with power to extend on the certificate of the medical officer that another year is necessary.

BURDEN (Rev. H. N.)

The same difficulties which apply to my answer to Question 43 apply here also. I am of opinion that it is an exceedingly useful power, and one that should be more generally applied. I go so far as to say that no inebriate wife should be separated from her husband for drunkenness unless it can be shown that every effort has been unsuccessfully made to bring about her reformation. For suggestions as to the way out of the difficulty see my answer to Question 45.

CARY (Mrs. E.)

The principal reason seems to be the obvious reluctance of most magistrates to make suggestions in such cases or to in any way exceed their function of judgment between the parties. I have *never personally*, in these circumstances, known a magistrate to commit the wife to a retreat or advise her to enter one, although they—the magistrates—invariably co-operate with great kindness and courtesy when such a course is suggested to them. No amendment seems here necessary, but rather an extended use of already existing powers.

COPELAND (G.)

Section 5 of the 1902 Act is a useful section if only as a deterrent. Summonses are occasionally issued by suffering husbands against drunken wives and almost invariably result in the pledge being taken before the court day, and thus sobriety ensues for a greater or less term, but the wife's consent is essential to the making of the order, and when that consent is asked by the court it is almost invariably refused. Take away the necessity for that consent, and leave it to the discretion of the bench, and different results may be obtained; but it is largely a question of cost, only the well-to-do can afford it. It might be made plain that where a committal takes place under that section, the consent form is not also required to be signed by the patient under Section 10 of the 1879 Act.

DUNNING (L.)

The reasons are, the difficulty of obtaining consent and the heaviness of the charge for maintenance.

QUESTION 44]

44. Can you give any reason for the little use which has been made of the power to commit a wife who is an habitual inebriate, to a Retreat in lieu of making a separation order under Section 5 of the Licensing Act of 1902? Are you of opinion that the power is a useful one, and, if so, can you suggest any amendment to increase its value?

[Continued.

ANSWERS

FITZ-SIMMONS (W.)

If "wife's consent," now necessary, were removed, I would consider the power a most useful one and productive of much good, and one which would be much more frequently adopted. If done, a circular from the Home Secretary drawing magistrates' attention to the alteration would be useful.

HALKETT (J. G. H.)

When a man has a wife who is an habitual inebriate he, not unnaturally, wants to be rid of her and a separation order (a much more effective weapon against any likelihood of future cohabitation in the hands of a man than in those of a woman), is thus preferred by him to having her temporarily incarcerated in a reformatory as to the efficacy of which he knows nothing. However, the power would be most useful in very many cases were the definition altered, which, in its present form, equally deters me and others from sending to a retreat or separating. I can suggest no further amendment of the law as to this.

HOLMES (T.)

There is no compulsory power to commit, there ought to be. Wives will not consent, husbands for many reasons are not anxious that their wives should consent.

O'FARRELL (Sir G.)

Does not apply to Ireland.

PARKER (Rev. Canon C. J.)

There are, in the opinion of the managers, many reasons why so little use is made of the power to commit an habitual inebriate wife under Section 5 of the Licensing Act of 1908. The chief reason, however, is the difficulty as to the payment of cost of maintenance. Brentry is licensed under the 1879 Act solely for the purpose of receiving these cases, but, although many applications for admission have been made, no case has been sent. The managers are informed that the reason in every instance was the difficulty of providing the cost of maintenance. The power is undoubtedly a most useful one, and should not only be used, but extended. The managers see no reason why this class of case should not be dealt with by committal to a reformatory. The value of the measure would be much increased if evidence that previous steps had been attempted to reform an inebriate and failed, were necessary before a magistrate could grant a separation order for drunkenness under the section.

PENTITH (Mrs. S. A.)

We have had two such cases, one in 1904 for two years, she has been at home for two years, and a most happy home. The second was admitted only last week, and the paper filled in for six months only. The magistrates generally, we find, do not know the working of this and No. 43 rules. We receive very little help from the magistrates. We would suggest that the stipendiary, who has usually a fuller knowledge of the law, deal with these cases.

RAMSAY (J. T. T.)

The power of justices to grant a separation in cases of habitual drunkenness and the subsequent effect in the separations granted have, in my opinion, proved satisfactory in such cases without the necessity of putting into operation the larger powers of committal to a retreat. It must also be remembered that the committal cannot be made without the consent of the party in question.

REYNOLDS (Sir A.)

The reason is nearly always that the wife is not willing to consent.

RILEY (H. M.)

Section 5 of the Licensing Act, 1902, ought to be amended, and magistrates compelled to give the inebriate wife an opportunity of entering a home, or, better still, magistrates should be compelled to commit the wife to an inebriate retreat before a judicial separation under the Act could be granted. Magistrates, however, decline to offer the alternative of admission to a retreat, taking advantage of the "may" in this section, and grant a judicial separation, without giving the wife a chance to recover herself, and quite contrary to the spirit of the Act. Two cases came under my notice at the police-court here, in which a separation order was granted without giving the woman the alternative of going into a home. One was a very sad case, for the woman appealed to the magistrates not to separate her from her husband and children, for whom she had a great affection. But no notice was taken of her pathetic appeal. I wrote to the chairman of the magistrates, pointing out that the Act gave him discretionary powers, and in reply he wrote quoting the permissive character of the section, and saying he thought it was a case for a separation order. Now, what is to become of a poor woman in these circumstances, when she was quite unable to refrain from drink, even with the protection of her husband and children? It is only reasonable to suppose that she will sink lower and lower, not having had any opportunity to enter a home, where she might derive some benefit against her weakness.

I can therefore only repeat that no separation order should be granted by magistrates without first committing the wife to an inebriate home, and the money due from the husband for her support would pay for her maintenance in such a home.

44. Can you give any reason for the little use which has been made of the power to commit a wife who is an habitual inebriate, to a Retreat in lieu of making a separation order under Section 5 of the Licensing Act of 1902? Are you of opinion that the power is a useful one, and, if so, can you suggest any amendment to increase its value?

[*Continued.*

ANSWERS.

SHORT (S. E.)

The reason that the powers under the Licensing Act, 1902, to commit an inebriate wife to a retreat in lieu of making a separation order are not used is that the class of persons generally applying for these orders are not in a position to bear the expense of keeping the wife at a retreat.

SISTER SUPERIOR, Spelthorne St. Mary.

The desire of the wife to retain her liberty to continue the inebriate habit; the desire of the husband to rid himself as surely, and as completely as may be possible, of his undesirable wife. The power is undoubtedly a useful one, because it gives to the wife an opportunity to reform.

SOMERSET (Lady Henry).

I think that one of the chief obstacles in the enforcement of this Act is the general ignorance which prevails about it. I have received literally hundreds of letters from men about their wives entreating me to tell them how they can bring pressure to bear upon them and make them go into a retreat, and I have urged their using the power given them under the Licensing Act of 1902, and therefore I consider it of great value.

VINCENT (Sir W., Bart.)

The consent of the inebriate is generally difficult to obtain, but no doubt the chief obstacle is that of cost of maintenance. A separation order for drunkenness should not be granted without evidence given of every possible means having been adopted to reform the inebriate. The same evidence which would under the existing law justify a magistrate in granting a separation order for drunkenness should be sufficient to commit the offending party to a retreat. The cost of maintenance should be provided in the same manner as if the person had been committed to an inebriate reformatory. The magistrate to have power to make an order upon the husband for weekly contribution in the same manner as is provided in the case of a child committed to an industrial school.

The husband who is an inebriate should also be liable to detention in a retreat on the application of the wife.

WRIGHT (J. B.)

The powers given under the sections quoted are very useful, but they might be amended as regards the necessity for consent.

SECTION D.

Relating to the desirability, or otherwise, of further legislation for Inebriates who cannot be dealt with under any existing Act.

QUESTION XLV.

45. In view of the fact that the 1879 Act only empowers the detention of inebriates when they themselves desire treatment, and the 1898 Act only when the inebriate becomes criminal or degraded, are you of opinion that further powers are necessary to authorise the treatment, guardianship or detention of inebriates who cannot be treated or controlled under any existing power? If so, what further legislation is, in your opinion, desirable?

ANSWERS.

BAGGALLAY (E.)

See answers to Questions 28 and 42.

BROSCOMB (J. H.)

Yes. Power should be given to remove inebriates to inebriate homes *under due precautions* when they themselves decline to voluntarily enter such institutions.

The voluntary nature of the present law renders the care and treatment of habitual inebriates ineffective. A very large proportion of inebriates decline to sign.

Similar procedure to that adopted in the case of lunatics might be employed; the friends or next of kin might petition for the detention of an inebriate as in the case of a lunatic, such inebriate having similar powers of appeal.

Precautions similar to those in the Lunacy Acts would prevent an abuse of such powers.

BURDEN (Rev. H. N.)

No Inebriates Act will be of universal value unless it contains power to deal compulsorily with inebriates who refuse to take any steps towards their own recovery, and yet manage to avoid appearance before courts, for offences against law and order. Some power ought to exist applicable to such persons who cause poverty and distress to their families, notwithstanding the fact that they remain non-criminal. In devising such law there are many precedents in other countries which might act as guides. Without entering minutely into details I would recommend legislation giving powers of guardianship which could be applied on petition by relatives or friends, and if guardianship fails to bring about reformation, or prevent the inebriate from relapsing into drunkenness, the power to compulsorily commit to institution care. Whenever possible guardianship should precede committal to institutions, but should circumstances render guardianship difficult, direct committal to an institution should be possible.

Such power as this would enable a husband to apply to have his inebriate wife committed to a retreat because of her drunkenness, and render it possible for a magistrate to refuse a separation order under Section 5 of the Licensing Act until this course has been adopted without success.

When any inebriate is compulsorily committed to an institution by a magistrate on petition, the cost of maintenance should be borne in the same way as if the person were committed to a reformatory under the Act of 1898, power being given to the Treasury to recover cost of maintenance whenever possible.

CARY (Mrs. E.)

I am strongly of opinion that such further powers are necessary, and would suggest that upon *undeniable* proof of habitual inebriety—as defined in the Act of 1879—such inebriety being of at least two years' duration, it should be possible, after *official warning* repeated *three* times at *reasonable intervals*, if *disregarded*, to legally treat, control or detain in an institution such habitual inebriates, whether or not they have brought themselves within the scope of any *already existing* Act.

COOPER (J. W. A.)

I would respectfully ask the Committee to give the following their consideration: While recognising the undesirability of unduly interfering with the liberty of the subject, I am strongly of opinion that the Act of 1879, and that of 1898, both fall short in providing sufficient power to deal with the habitual inebriate, and that further powers are necessary to authorise the treatment, guardianship, or detention of inebriates who cannot be treated or controlled under any existing power. It has always seemed to me that to make it optional on the part of an habitual inebriate, unless he "becomes criminal and degraded," to put himself under treatment and control, is a very inadequate way of dealing with a person suffering from a *mental*, as well as physical, disorder. Persons suffering from other forms of mental unsoundness, rendering them infinitely less dangerous to themselves or others, and infinitely less capable of attending to their own affairs, are every day sent to asylums without any option on their part, while the habitual inebriate can with impunity ruin his own life, and that of all persons dependent upon him, can make himself a nuisance to his friends and neighbours, and go on from bad to worse till he either kills himself, or through some criminal act brings himself into collision with police regulations; unless in the meantime he consents of his own free will to place himself under treatment and control. I am of opinion that it is irrational to expect a person suffering from a mental disease like inebrity *to* recognise the necessity, and even if during a lucid interval he does so recognise it, of having the necessary will power to place himself under treatment and control; of the very nature of which treatment and control he has the haziest ideas (a very prevalent idea being that he will be watched night and day and not allowed out except with a keeper). My opinion is, I think, borne out by facts. Out of every dozen applications received from persons by managers of retreats (doctors and friends of inebriate patients) for admission of patients into a retreat, not more than one, or at most two, come to anything more than correspondence on the subject, the patient refusing again and again to put himself under control, and above all refusing to place himself under the Inebriates Acts, preferring, if he agrees to undergo treatment, to do so as a private rather than as a patient under the Inebriates Acts, because he thinks he can then throw up the treatment if it does not suit him to continue it. Many patients while recovering from an outbreak of inebriety are for the moment anxious for treatment when overwhelmed with alcoholic remorse, and will then consent to place themselves under treatment and control, but if arrangements are not immediately completed, the remorse passes off, as the patient's physical condition improves, and at the last moment he refuses to undergo treatment, and this will occur again and again unless his friends, guardians, or trustees are able to bring some compulsion to bear, and *force him* to sign a request for admission. To term admission to a retreat under the latter conditions (and this is the reason why nine patients out of ten sign the request under the Acts), a voluntary admission, seems to me a contradiction in terms. Again, if the request for admission is signed (as it

45. In view of the fact that the 1879 Act only empowers the detention of inebriates when they themselves desire treatment, and the 1898 Act only when the inebriate becomes criminal or degraded, are you of opinion that further powers are necessary to authorise the treatment, guardianship or detention of inebriates who cannot be treated or controlled under any existing power? If so, what further legislation is, in your opinion, desirable?

[*Continued.*

ANSWERS.

COOPER (J. W. A.)—*continued.*

frequently is) by a patient just recovering from a drinking bout, it is a very doubtful point as to whether he is in a condition to know and appreciate what he is doing, so that even in this case while he consents, it is not necessarily a reasoning consent, and it is, I think, very doubtful whether, if tested in a court of law, some requests for admission would not be held by the judge to have been obtained from the patient when he was not in a fit state to be reasonably answerable for his actions. One result of the above is that inebriates frequently bear a little grudge against the relatives, friends, or guardians responsible for obtaining their consent to place themselves under control by compulsion, or by getting their consent while they were ill, and did not care what they said or did. A state of mind that makes them determined that they will not, should occasion arise, do the same again if in any way it can be avoided. I am of opinion that the compelling of an inebriate to place himself under treatment and control should come not from his relatives, friends, or guardians, but from the Government. I would respectfully suggest that the method of dealing with persons of unsound mind be extended to the inebriate. That if any person has a relative or friend who is, in his opinion, an habitual inebriate within the meaning of the Act, that he shall be able, on signing a statutory declaration to that effect before a magistrate or commissioner of oaths, and on the certificate of two medical men that the patient is a fit and proper person for detention and treatment in an inebriate retreat, to send that relative or friend to such a retreat without the necessity of obtaining his consent. I am of the opinion that until something of this kind is done, only a very small proportion of inebriates will ever be got to submit to treatment, and seeing the misery and wretchedness that is caused by allowing the inebriate to be at large, I am of opinion that any reasonable measure that will ensure his being placed under control and treatment, while safeguarding others from being falsely so dealt with, is fully justified. In considering the justifiability of this measure the question of *heredity* should be taken into consideration, as also the desirability of getting the patient under treatment *early* in his career of inebriety, and not as is now too often the case, when every other attempt to improve him has failed, and when the disease is past all hope of cure.

COPELAND (G.)

It seems very hard that inebriates who take care not to be seen in public can defy everyone and inflict themselves upon their relations because of the refusal to "consent" under Section 10, might not the option be given of application to a justice after such a refusal, so that he might summon the party and inquire upon oath into the necessity of his committal, and then in his discretion commit or not?

DUNNING (L.)

Yes, the magistrate should possess powers similar to those they possess in lunacy.

I have in my mind the case of a respectable shopkeeper who appealed to me for advice, his wife, while he was in his shop, would strip his house even to the children's clothes, but she would not consent to a committal under the Act of 1879, and she never stirred outside the house when she was drunk.

This class, to my mind, provides the proper subjects for an authority created *ad hoc*, leaving the offenders against the law to be dealt with under prison rules.

EUGENICS EDUCATION SOCIETY.

In answer to the first part of this question, the Society is of opinion that the only successful method of dealing with most cases of inebriety is its literal *extirpation* by the exclusion from parenthood of persons whose children would probably become inebriates. The law should, therefore, give power to detain the eugenically undesirable inebriates who are outside both the Act of 1877 and the Act of 1898 by establishing and providing for the maintenance of institutions for the indeterminate care of such persons. The fixing of finite periods of detention of the habitual criminal is now generally recognised as a mistake. The same holds good for the habitual inebriate.

With regard to the certification of the habitual inebriate, the laws regarding the certification of insanity furnish a guide to legislation.

The principle on which the above answers are based is an induction from observation and experiment made and conducted by students of heredity in many parts of the world and under many different conditions. Only by studying this evidence as a whole is it possible to realise the force of the contention that the matter now before the Committee demands consideration from the eugenic standpoint and not only from the standpoint of the persons primarily concerned. The Society is satisfied that by the application of the principle of negative eugenics—in this case the exclusion of the alcoholised from parenthood—much may be done to prevent the recurrence, year in year out, of the evils flowing from the drink habit which we all deplore.

FITZ-SIMMONS (W.)

Yes. As in answer to question 34, larger powers to magistrates (London).

GILL (F. A.)

I am satisfied that the existing powers for the control of inebriates as contained in the Acts of 1879 and 1898 do little more than touch the fringe of the subject. At the same time these Acts are a step, though a halting one, in the right direction, and as they are of considerable value in dealing with certain classes of inebriates, I advocate their retention.

The great mass of habitual drunkards, however, do not become criminal, nor have any necessity to show their faces inside a police court, they are therefore beyond the scope of the 1898 Act. Notwithstanding this the distress they cause is great and widespread. An enormous amount of domestic misery, poverty and wretchedness, frequently arises from drunkenness in one or more members of a family. Yet there is no power at the present time by which this evil can be relieved or the drunkard prevented from squandering money which should go to the maintenance of his family. Many cases daily come to the notice of magistrates in police courts in the shape of applications by husband or wife for relief from a drunken partner.

Of all the mass of persons who do not come under the jurisdiction of the 1898 Act, very few, indeed only a small percentage, can be induced willingly to apply for detention under the Act of 1879. In fact, my inquiries lead me to believe that not 1 in a 100 of those persons who do consent to enter a retreat under the latter Act enter of their own free will and accord. Nearly every one of them submit to control by reason of moral or domestic compulsion. A husband or wife, because the sober partner threatens separation, an

QUESTION 45]

45. In view of the fact that the 1879 Act only empowers the detention of inebriates when they themselves desire treatment, and the 1898 Act only when the inebriate becomes criminal or degraded, are you of opinion that further powers are necessary to authorise the treatment, guardianship or detention of inebriates who cannot be treated or controlled under any existing power? If so, what further legislation is, in your opinion, desirable?

[Continued.

ANSWERS.

GILL (F. A.)—*continued.*

impoverished son or other relative because the provider of funds will only continue to do so if the drunkard will consent to place himself under control.

As a voluntary act it is of little practical value, but as a measure which enables compulsion to be exercised in an indirect way it has its value, it is however far short of what is required to meet the difficulty.

We really require powers for the application of compulsory treatment of some kind to all inebriates who do not become amenable to the Act of 1898, such powers being strictly safeguarded against abuse.

When a person becomes an habitual drunkard I should like to see some power given to relatives or friends to petition some properly approved judicial authority for an order giving power to supervise and control the actions of such inebriate.

It should then be the duty of the judicial authority in question to inquire into the circumstances of the case, call witnesses and interview the inebriate and, if necessary, grant an order which should be adapted to meet requirements.

I am not prepared to do more than outline the power to be given under such order. It is probable that such powers would have to be varied considerably to meet the requirements of each case.

It might be sufficient for instance to place the inebriate under the care and guardianship of some person or persons who would be authorised to prevent the inebriate from obtaining liquor, having power to order any person or persons to refrain from supplying the inebriate with intoxicating liquor and having, so far as the judicial authority may determine, power to administer his income or finances.

The guardians so appointed should be required to report from time to time the conduct of their charge and concerning all matters in relation to his business which may be required by the authority granting the powers.

If the guardians so appointed should report that they are unable to restrain the inebriate from indulgence in liquor, the judicial authority should have power to order his detention in some institution for inebriates, and such order of detention should have the same effect as if he had been committed thereto under the Inebriates Act of 1898.

HALKETT (J. G. H.)

The law now does not touch the case of the man who is quietly killing himself in his own house to the ruin of all domestic happiness. Many well-to-do homes are wrecked by this. After a certain period the man usually has delirium tremens. If he happens to reside in Scotland, medical practitioners there will ordinarily certify him insane and he is then committed to a lunatic asylum. In England this course is not so frequently adopted by doctors. I suggest that when a medical man attends any patient suffering from this disease it should be his duty to report it to the police; that legislation should be introduced to empower courts of summary jurisdiction to commit persons who have had an attack of it compulsorily to an inebriate reformatory for a term of not less than six months and not more than twelve months, to be increased after previous convictions for the same thing to maxima of two years and three years.

HEARDER (F. P.)

Further powers are necessary to authorise the treatment and control of cases who do not get into the hands of the police. They should not have to wait until they attempt suicide or commit some other crime before they can be treated.

People who drink privately to excess, who waste their property and ruin their businesses, family, and themselves thereby ought to be provided for by other means than moral suasion. Possibly this might be effected by petition such as is provided for the certification, detention and treatment of private patients under the Lunacy Acts.

HOGG (F. S. D.)

Certainly, under proper safeguards further powers are required for the compulsiry detention and treatment of inebriates who will not submit themselves to control. At present, unless an inebriate applies to be admitted into a retreat or becomes a criminal through his drinking habits, he can and does squander his money, ruin his family, set an evil example to others, and become a byeword and a nuisance to his acquaintances and neighbours. I receive every year numerous applications from persons, in various stations of life, asking advice as to what steps can be taken to deal with such cases, a general opinion being that something can be done under some law or other. I forward a Bill (marked C) which was drawn up by the Inebriates Legislation Committee of the British Medical Association, of which committee I was a member. As I possess no other copy, I shall be obliged if you will return the Bill to me in due course. As an addition to this Bill I suggest that work should be compulsory for these persons, and that refractory conduct should be punishable by transfer to a State reformatory; and, in the case of those with little or no means, a certain portion of the money realised on the results of their work shall be set apart to assist in maintaining those dependent on them. I would further suggest that the financing and management of these reformatories shall be entirely arranged by the State so as to avoid the friction and divided responsibility which may occur when local authorities bear a part in providing payments and control. As an alternative measure to legislation on the lines of this Bill, there is a very much simpler and less expensive method which I have advocated elsewhere, and which has been advocated by Dr. Claye Shaw in a paper which appeared in "The Lancet" of February 29th, 1908, which is, that inebriates of this class should be committed to retreats or reformatories under certificate, after the manner of the certification of lunatics. There is nothing novel in legislating to effect the compulsory detention of inebriates who are sane and not criminal. The following countries and States have adopted such legislation: Victoria, New South Wales, Queensland, Tasmania, South Australia, New Zealand, California, Connecticut, Delaware, Massachusetts, Chili, Cantons of Bâle, Bern, and St. Gall, Channel Islands, Nova Scotia, Maryland, Utah, and Orange River Colony. In Austria-Hungary, Germany, France, and Nova Scotia a curator or guardian can be appointed to administer the affairs of an inebriate who can be judicially declared to be a "spendthrift." Further, in Germany an inebriate who is obliged to seek help from the authorities for his own support or the support of those for whom he is bound to provide, is liable to arrest, and may be placed in a workhouse for a term not exceeding two years. For information on the laws relating to inebriety in various countries I am indebted to a Blue Book written by Dr. Branthwaite, and which appeared as a supplement to his report for the year 1901.

45. In view of the fact that the 1879 Act only empowers the detention of inebriates when they themselves desire treatment, and the 1898 Act only when the inebriate becomes criminal or degraded, are you of opinion that further powers are necessary to authorise the treatment, guardianship or detention of inebriates who cannot be treated or controlled under any existing power? If so, what further legislation is, in your opinion, desirable?

[*Continued.*

ANSWERS.

HOLMES (T.)

I would give power to parents, guardians, adult children, or near relations to proceed by summon and prove habitual drunkenness; if proved, I would give magistrates compulsory power.

O'FARRELL (Sir G.)

I consider power should be given to place habitual drunkards under control whether they desire it or not, and whether or not they have consented. In some cases the French system of control by guardianship would undoubtedly meet the requirements of the case.

PARKER (Rev. Canon C. J.)

The fact that any person who manages to drink to excess without committing crime, and who is able to avoid arrest, can continue his drunkenness with impunity, notwithstanding the fact that he may be causing poverty and misery to those around him, makes the limited value of existing statutes obvious, and is evidence that present legislation is inapplicable to all but the two extreme classes of inebriates: (1) Those (the very few) who realise their condition and submit to restraint, and (2) those who have become criminal or hopelessly degraded. The managers are, therefore, strongly in favour of compulsory control being extended to habitual inebriates who may not have committed any other offence or crime, and they consider that magistrates should have power to order them to be detained either in an inebriate retreat or reformatory, and that any member of an inebriate's family, his trustee, or guardian should have power, if supported by two medical certificates to make application for an order for his detention.

PENTITH (Mrs. A. S.)

Weekly we have letters of appeal from gentlemen and working men; is there no help for them? The inebriate will not sign, nor enter a home as a private patient. Two of the women written about died last week. We would recommend that a doctor's order be signed before a magistrate for the minimum term of twelve months, in cases where detention is necessary, and friends willing to pay. Twice have I been sent for, only to see the victim die.

RAMSAY (J. T. T.)

In 1857 the nation realised it had no right to populate new countries with criminals, and ceased to send its criminals abroad, so that the time has surely come for us to realise that we have no right to provide for our own future a feeble, helpless, half-imbecile population. That we are doing this, there cannot be any doubt, as the main cause of feebleness of mind is hereditary. It is true that idiots and imbeciles and lunatics, the blind and deaf mutes—all these are appropriately cared for. It is now time to make permanent provision for the feeble-minded—those who are described in the last report of the Commissioners in Lunacy as: "Persons who are known as the feeble-minded. They are not the subjects of such a degree of mental unsoundness as, in the opinion of the medical officers, renders them certifiable in the eye of the law, and they are, therefore, unable to be detained against their will, although they are not of sufficiently sound mind to be able to take care of themselves."

This permanence in the care of the feeble-minded would be ultimately a very great saving of money to the community.

Recognising that there are many who, owing to the acuteness of their alcoholic insanity, have to be placed in asylums, where they rapidly recover and from which they have to be discharged, an alteration in the lunacy law might be made which would give powers to asylums committees and the medical superintendents, to discharge the "proved" inebriate to a term of probation—to be extended as long as might be deemed necessary—to an inebriate home. As they recovered from their insanity it would not—see reply to (6) Section A—be advantageous to detain them in the society of the insane; but changed to conditions less stringent and painful, there to undergo a buffer-treatment, which would gradually accustom them to take on again responsible duties. Of course, they would be released from the asylum on certificates giving to the authorities of the home the power of detention and treatment during the prescribed time. The patients should be placed in the home upon the authority of two medical certificates somewhat similar to lunacy certificates, available for at least six months and capable of renewal for additional terms of six months.

Should the Legislature not see fit to give the power to two medical men, let the matter be so framed that the victims of the inebriates' conduct start in the nature of an inquiry by legal methods before an order of detention could be made, regard being had to the cost of such inquiry, as not to prevent the poor from having the advantages of it.

It is most desirable that power should be vested in justices of quarter sessions on indictment to deal, without the consent of the party charged, with all persons who drink to excess.

The present power of justices touch only the fringe of the evil, and deals almost exclusively with persons whose fault is not only drink but crime. Special treatment in retreats and reformatories should be made for those whose sole fault is drunkenness, and who are otherwise free from crime. The fact that in most reformatories most of the patients are persons convicted of offences besides drunkenness, causes a disinclination on the part of some justices to commit persons whose sole failing is *drink*.

REYNOLDS (Sir A.)

Yes.

SHORT (S. E.)

I am of opinion that further powers are necessary. I think these should be given to enable magistrates to deal with persons of either sex for whom separation orders are applied for when it becomes evident that the cause is really the habitual drunkenness of the defendant. At present when the case is proved there is no alternative but to issue a separation order, the result of which is often disastrous to one or both of the parties, and a sad thing for the young children belonging to them. If the magistrates had power to commit to an inebriate home instead it is quite probable that at the end of the term of detention the husband or wife may be restored to each other, the habit having been broken. The same remarks apply to the power under the Licensing Act, 1902. In case of any such commitment of a wife where a further order is made upon the husband to pay a weekly sum when a separation order is granted power should be given to order that such sum should be paid to the institution where the wife is detained.

QUESTION 45]

45. In view of the fact that the 1879 Act only empowers the detention of inebriates when they themselves desire treatment, and the 1898 Act only when the inebriate becomes criminal or degraded, are you of opinion that further powers are necessary to authorise the treatment, guardianship or detention of inebriates who cannot be treated or controlled under any existing power? If so, what further legislation is, in your opinion, desirable?

[Continued.

ANSWERS.

SISTER SUPERIOR, Spelthorne St. Mary.

Further powers are certainly necessary.

SMITH (G. M.)

I am of opinion that some legislation is necessary to deal with the treatment of inebriates who do not come under the 1879 and 1898 Acts, namely, of those especially who are married and have children. My answer to question 20 (first paragraph) applies here. A genuine dipsomaniac should be certifiable when on a drinking bout as an inebriate; not as a lunatic, criminal, and not as a sinner.

SOMERSET (Lady Henry).

I am of opinion that further power is necessary to authorise the treatment, guardianship or detention of inebriates, if it can be satisfactorilly proved that persons come under this head, and I think that the evidence of doctors, police court missionaries, and others who are brought into professional contact with such persons, together with that of their own relations, should be able to be given as evidence of the desirability of their detention.

TIBBITS (H.)

Yes; in my opinion some legislation is necessary to deal with persons who habitually get drunk in their own homes. Everyone probably, and medical men especially, are familiar with the cases of persons steadily drinking themselves to death in this manner, no one meanwhile having any legal right to stop them —one may not use force or detention but only give moral advice, which is generally useless. Such persons cause untold misery to themselves and their families, eventually reducing them to beggary or worse. I beg to suggest that an effort should be made to touch these cases on much the same lines as in dealing with a lunatic, viz., a petition from a near relative of the patient, and certificates from one (in some cases, two) medical men and the signatures of one (or two) magistrates. Detention in a retreat or certified reformatory would follow, with release on licence if thought fit. In making this suggestion I beg to point out that such inebriates are originally in some degree insane, in that they have a craving or mania for drink along with deficient will power to resist this craving. While under the influence of drink they certainly render themselves of unsound mind temporarily; chronic alcoholism ultimately renders them so permanently. In my opinion the border line between alcoholism to this extent and actual insanity cannot be easily defined. Some legislation may therefore be necessary to provide for the conducting of a man's business, or the management of his property while he is under detention and even afterwards. With proper safeguarding, I do not think the Act would be abused if this measure were adopted, especially as probably it would not be put in force except in extreme cases.

VINCENT (Sir W., Bart.)

We think that magistrates, judges of high and other courts should be able to order the detention of an habitual inebriate in a retreat, if he refuses to submit voluntarily to such treatment, and it should be possible for an application to be made for an order for an inebriate's detention in a retreat by any member of his family, trustee, or guardian, if supported by a certificate from two medical men. Some of the worst cases of inebriety never come under the cognisance of the police and should be dealt with in the manner suggested.

The 1898 Act leaves untouched the large majority of inebriates who are causing misery within their own homes.

WALKER (W. F.)

My opinion is that further legislation *is necessary* in cases where, on the evidence of two relations or friends, accompanied by that of a medical practitioner, any person can be declared, on oath, to have so far given way to stimulants that he is recognised as an inebriate, and is either a danger to himself, or his family, or surroundings, or in so much that he cannot carry on his occupation or restrain himself at all he should be legally free to enter a retreat for such time as was deemed necessary on the above testimony before a bench of magistrates, but care should be taken to guard the public against false charges by fanatical teetotallers and through malice by others.

WILMOT (F. E.)

Yes; it is extremely desirable that some legislation should be passed, which would make the statutory declaration as to habitual inebriates now signed before a magistrate, where signed by two responsible relatives of the inebriate, sufficient to empower the magistrate to commit a patient to a retreat, whether he is a consenting party or no. Always provided that such provision can be sufficiently guarded against as in the Lunacy Acts, and provided that the relatives are prepared to allow a certain and sufficient sum for the maintenance of such patient in a class suitable to his or her condition, and give security for the payment of such sum for the period for which the patient is committed.

WRIGHT (J. B.)

Consent to summary jurisdiction should not be required, and proof of habitual drunkenness should be sufficient to empower magistrates to deal with offenders by binding them over to be of good behaviour or by committing them to inebriate reformatories.

MEMORANDA

Submitted to the Committee on the Inebriates Acts.

Names of Senders.	Description.	Subject Matter.
Albutt, Sir T. Clifford, K.C.B., LL.D., M.D., D.Sc., &c.	Regius Professor of Physics, Cambridge University.	The law as to inebriates.
(2) Barradaile, William - -	Clerk to the Magistrates, Birmingham.	On the Administration of the Habitual Drunkards and Inebriates Acts in Birmingham. (*Supplemental to "Answers" already given, see pp.* 86–182).
(3) Barnett, H. Norman, F.R.C.S.	——	Suggested amendments to the Inebriates Act, 1898.
(4) British Medical Association	——	Concerning amendment of the Law relating to habitual inebriety and drug habits.
(5) Donkin, H. B., M.D., F.R.C.P.	One of H.M. Commissioners of Prisons.	On the working of the Inebriates Act, 1898, with special reference to the history and functions of the State Reformatories.
(6) Dore, S. L., J.P. - - -	——	The present powers of Justices in examining lunatics.
(7) Dunning, Leonard - -	Head Constable for Liverpool -	Supplemental to "Answers" already given (see pp. 86–182).
(8) Eugenics Education Society -	——	Supplemental to "Answers" already given (see pp. 86–182).
(9) Gomme, G. L. - - -	Clerk to the London County Council.	On the administration of the Inebriates Acts and as to the detention of persons in inebriate reformatories and retreats. (*Supplemental to "Answers" already given, see pp.* 86–182).
(10) "H.," W. - - - - -	An Inmate of Brentry Certified Inebriate Reformatory.	On the hardships of the present system of licensing.
(11) Haggard, H. Rider - -		
(12) Hall, G. Rome, M.D. - -	——	On the recognition of "periodicity" in inebriety.
(13) Inebriates Reformation and After-Care Association (Incorporated).	——	On amendments to the Inebriates Acts, 1879-1900.
(14) Irish Women's Temperance Union.	——	On the seclusion of inebriates in Retreats on the complaint of friends.
(15) Moore, T. - - - - -	Superintendent of the Executive Department of the Metropolitan Police, New Scotland Yard.	On the Habitual Drunkards' (or "Black") List issued in accordance with Section 6 of the Licensing Act, 1902.
(16) Nelson, G. - -, - -	Police Court Missionary, Marlborough Street.	Supplemental to "Answers" already given (see pp. 86–182), containing information as to prisoners sent to inebriate homes from Marlborough Street Police Court.
(17) O'Farrell, Sir George P., M.D.	Inspection of Lunatic Asylums, Ashfield Inebriate Reformatories and Retreats in Ireland.	On the Administration of the Inebriates Acts, 1878-1900 in Ireland.
(18) Osler, William, M.D., F.R.S.	Regius Professor of Medicine, Oxford University.	Concerning the desirability of extending legislation to permit the exercise of guardianship over inebriates.
(19) Parr, Robert J. - - -	Director of the National Society for the Prevention of Cruelty to Children.	On the experience of the N.S.P.C.C. in dealing with women committed to certified inebriate reformatories under Section 1 of the Inebriates Act, 1898.
(20) Ramsay, J. T. T., M.D. - -	Chairman of the Lancashire Inebriates Acts Board.	Supplemental to "Answers" already given (see pp. 86–182).
(21) Society for the Study of Inebriety.	——	On the most desirable and urgent amendments called for in the Inebriates Acts, and the additional powers required.
(22) Sullivan, W. C., M.D. - -	Deputy Medical Officer, H.M. Prison, Holloway.	Supplemental to "Answers" already given (see pp. 86–182).
(23) Vernon, Sir Harry, Bart. -	——	——
(24) Walker, Miss Jane H., M.D.	Member of the Visiting Board of the State Inebriate Reformatory, Aylesbury.	On the compulsory detention of habitual drunkards, etc.
(25) Winder, W. H., M.R.C.S., L.R.C.P. (Lond.).	Governor of H.M. Convict Prison, Aylesbury, and of H.M. State Inebriate Reformatory, Aylesbury.	On the working of State Inebriate Reformatories.
	Addendum.	
(26) Chapman, Cecil M. - -	Metropolitan Police Magistrate, Lambeth.	——

Sir T. Clifford Allbutt, K.C.B., LL.D., M.D., D.Sc.

MEMORANDUM concerning the Law as to Inebriates, by **Sir T. CLIFFORD ALLBUTT, K.C.B., LL.D., M.D., D.Sc.**, Regius Professor of Physics, Cambridge University.

As you suppose, I have had good opportunities, as a physician and as a sometime Commissioner in Lunacy, of witnessing the misery caused by drunken habits, both for the drunkard himself and for his family; and I am convinced that further powers are necessary. I am favourably disposed to the scheme adumbrated in your letter of the 15th inst.

The difficulties to be met with in such further powers are too well known to need my emphasis; but I may indicate those which come particularly before the physician. Taking typical cases, and for the moment cases lying near the extremes, we have, first, the drunkard who has fits of inebriation. In earlier adult life these persons, in whose inheritance are often found maladies such as epilepsy and the like, may pass many months in sobriety or total abstinence, and this without any great effort of the will, and then break out in a fury of drunkenness lasting some days—and this often in solitude. The difficulty of permanent restraint for persons whose outbreaks are so intermittent, and in whom they are rarely to be foreseen, are obvious. Moreover, in these cases no such method can be called curative; the outbreak is a kind of seizure, and is followed by no more remorse than is an epileptic fit. It is true that as these persons advance in life the sober intervals often—though not always—diminish; and restraint, if not very helpful as a cure, is justified by the continual sufferings of the victim himself. For some years, however, the fits, degrading as each may be, may yet be brief and the intervals long.

At the other end of the scale is the common drunkard, who boozes day by day, and, at first at any rate, in company, whose drunkenness is a vicious habit. He is generally remorseful, and by some external aid to a weakened will, is capable of reform. Some of this class, however, are naturally weak-minded, or, in other respects also vicious. Still, in any case it is for this class that disciplinary methods are best adapted, and most hopeful.

Then, of course, there is the large number of borderland cases, cases in which the drunkenness is in varying part an acquired habit, but partakes in part also of the paroxysmal quality. The means of restraint and the hopes of cure in such cases must depend on the features of the individual case, being, of course, more or less difficult as the habit is acquired or more or less ingrained. I do not feel sure, however, that in the extremer cases of the two kinds I have indicated the same methods could be employed.

As to the means of restraint, I am certainly in favour of the family council; when there is a family of responsible persons. In some cases, however, there is no very near kin; or such kinsmen as there may be—partaking perhaps of a neurotic character, or by defect of temper or education—are weak in judgment, irresolute in decision or divided in interest or sentiment. I fear such differences or defects of family council are frequent; still, if a beginning is made family disposition will more or less readily accommodate itself to the machinery, especially where there is property to be protected. There are well-known objections to permissive legislation, but in such a matter as this the opportunity of availing themselves of such advantages as the proposals would permit may hopefully be provided, even in England. In France such family orders work well, I believe; but in that country the Latin power of the family is traditional, and, as such, commands more obedience than in our own, where the family ascendancy over the individual in all directions is less.

The guardian, I think, should be a neutral person, indifferent to family cabals on the one hand, and to the patient's appeals or invectives on the other; he should be appointed by the court itself, and be to it responsible.

Another point of importance is that the duration of the period of restraint, or potential restraint, should be sufficiently prolonged. In a case such as that formal proceedings are needed at all, a year's control is insufficient. According to the degree of the case, "leave" may be granted at the end of twelve or even six months, at the guardian's discretion; but he should not thereby be divested of his office and delegated powers, but should hold them still in suspense, to put them again in action, without fresh mandate, if, in his opinion, and that of the Court, the patient's conduct seems to require further remedy.

H. N. Barnett, Esq F.R.C.S.

MEMORANDUM by **H. NORMAN BARNETT, Esq., F.R.C.S.**, 1, College Square East, Belfast.

I consider the Act of 1898 should be amended in the following way:—

SUGGESTED AMENDMENTS.

(1) Every habitual drunkard to be arrested whether guilty of being disorderly or not.

(2) Every drunkard, on his second conviction, to be, with or without his consent, he being incapable of judging, committed on medical certificate for at least one year to a Government Inebriate Home, one of which should be erected for every two or three counties, or for every large city. At the expiration of the year he would be released on the distinct understanding that he will be recommitted for *two years* if he again appears before *any* Court charged with drunkenness. At the expiration of his two years' sentence, if he again appear charged with a similar offence, he would receive a three years' sentence. If, after its expiration, he should once again come within the arm of the law, which would be only in very rare cases, he should be committed for life as an incurable dipsomaniac.

(3) While in the Government House he would be made to work at his trade, if he have one, if not, he should be taught one, and paid fair wages, one-third of which would go for the upkeep of the Home and two-thirds be given to his wife and family; or, if he be unmarried, the money kept for him till his sentence expires.

(4) The man, as a human being, as apart from a machine, must also be considered. He would be placed under skilled medical treatment, which would aim at building up his disordered nervous tissue by means of good food and suitable drugs, hygienic surroundings, and physical culture. The patient's mind should be improved by inducing a liking for literature about his particular trade, the history of the nation and country, of which it is hoped he may become a useful and happy citizen, and also healthy fiction. He should be encouraged to take part in games suitable to his age, for the place of detention should partake more of the nature of a home than a prison.

(5) The man would also be taught spiritually. Chaplains of the right sort should be appointed, not men who apply simply because they want a post, but those whose hearts would be in their work. The man's early aspirations will often be reanimated, his dormant sense of duty to God and his fellow-man awakened into life, for let it be remembered that his old jog trot from prison cell to home (!) and thence to the police court allows no man, struggling with a diseased state of brain, to realise his spiritual deterioration, nor the great danger he is in of altogether forgetting that he has any duty or any responsibility to anyone but himself. He forgets God as readily as he does his wife. He has no hope here or hereafter. He is literally "without hope or God in the world."

(6) For drunkards of the higher classes every reasonable consideration would be shown, a special home or a special part of the general one being set aside for them. They should have all the advantages of a private home, with the stricter discipline and the compulsory nature of a Government one. This class of inebriate would, of course, pay fees on a similar scale to those now in force in private homes. These latter should be abolished on the advent of the Government Home, as though having excellent results, they are not sufficiently rigorous in discipline, and besides, there would be no room for them.

The rich patients should be treated in exactly the same manner as the poor, except that if able to pay for greater comfort they could have it, and not be required to mix with their fellow-patients. They should be made to work either with brain or hand as a means towards their cure.

H. N. Barnett, Esq., F.R.C.S.

At the end of the period of detention, in very many cases, inebriates would be returned to the community as law-abiding, happy, and God-fearing citizens.

I would call attention to the following resolution:—

"That this General Synod of the Church of Ireland urges the Government to take into its consideration the amendment of the law relating to habitual drunkards so as to enable legal tribunals to commit such drunkards, with or without their consent, to inebriate homes, and that such homes be provided by the State."

The above motion was introduced by me in Synod of 1907, and passed unanimously, having been slightly recast and approved by Lord Justice Holmes, the Assessor to the House.

MEMORANDUM supplied by WILLIAM BARRADAILE, Esq., Clerk to the Magistrates, Birmingham.

W. Barradaile, Esq.

Habitual Drunkards Act, 1879.

No retreat has been established under this Act in Birmingham. I have been Clerk to the Magistrates here for over 26 years, and am able to state that very few cases under this Act have come before the justices owing to the difficulty in getting the drunkard to make an application in writing for his or her admission into a retreat. The cost of maintenance in the retreats to which they would have to be sent is prohibitory except to the wealthier classes.

I am unable to give any information as to the success or want of success in cases committed to these institutions. The questions under Section A could be best answered by officers and surgeons attached to the retreats.

The Inebriates Act, 1898.

In 1898 the City of Birmingham subscribed £2,000 towards the cost of establishing an inebriate reformatory at Brentry, near Bristol, and arranged for the maintenance of 15 beds for drunkards from Birmingham. The City Corporation pay to the managers sixpence a day in respect of the 15, and one shilling a day for all over that number. I send you a return of all the cases sent, with the record of their convictions subsequent to their discharge according to our court registers. I have no means of showing the convictions in other courts, nor can I furnish any report as to their conduct apart from our records. We find it to be difficult to select such drunkards as will not retard the work of reforming the other inmates in the reformatory. Some who are convicted the necessary number of times are so depraved that prison is the only fitting place for their detention. I attribute the relapse of the drunkards to their return to their companions and their old environment. I send herewith my answers to the questions submitted to me so far as I am able to do so. They are my personal opinions.

One of the City justices (Mr. S. E. Short) is a visitor at Brentry reformatory, and can give you better information as to the work done there and as to the various suggestions for reforming the drunkard. He informs me that he will forward you his views on the subject.

List of Prisoners sent to Inebriates Home.

No.	Date.	Initials.	Sentence.	Subsequent Convictions.	Remarks.
1	12 March, 1899	H. B.	3 years	(Nil)	
2	19 January, 1900	A. F.	3 „	11 times since discharge	
3	5 March, 1900	K. McD.	3 „	19 „ „	Sent twice, see No. 31
4	10 April, 1900	M. A. B.	3 „	15 „ „	„ see No. 28
5	2 June, 1900	M. B.	3 „	(Nil)	
6	9 January, 1901	N. McC.	3 „	(Nil)	
7	3 May, 1901	F. H.	3 „	2 times since discharge	
8	15 May, 1901	A. N.	3 „	5 „ „	Sent twice, see No. 23
9	15 May, 1901	A. N.	3 „	6 „ „	
10	20 May, 1901	K. A.	3 „	7 „ „	
11	11 February, 1903	S. M.	3 „	(Nil)	Sessions case
12	4 June, 1903	F. F.	3 „	(Nil)	
13	9 July, 1903	C. C. P.	3 „	7 times since discharge	
14	29 November, 1903	M. R.	3 „	Once since discharge	
15	1 December, 1903	E. H.	3 „	(Nil)	
16	19 January, 1904	J. S.	3 „	2 times since discharge	
17	16 February, 1904	M. O.	3 „	Once since discharge	
18	9 March, 1904	E. J. P.	3 „	(Nil)	
19	16 March, 1904	K. K.	3 „	Once since discharge	
20	16 March, 1904	J. B.	3 „	3 times since discharge	
21	8 January, 1905	A. H.	3 „	(Nil)	Sessions case
22	9 January, 1905	H. M.	3 „	2 times since discharge	
23	28 January, 1905	A. N.	18 mos.	6 „ „	
24	7 February, 1905	R. C.	3 years	Once since discharge	Sessions case
25	1 April, 1905	M. R.	3 „	(Nil)	
26	1 April, 1905	M. F.	3 „	(Nil)	
27	19 April, 1905	M. A. T.	12 mos.	(Nil)	
28	19 May, 1905	M. A. B.	3 years	Once since discharge	
29	16 June, 1905	M. R.	3 „	(Nil)	Query not yet discharged
30	5 July, 1905	S. A. H.	3 „	(Nil)	„ „
31	27 September, 1905	K. McD.	3 „	(Nil)	„ „
32	23 February, 1906	M. A. C.	3 „	(Nil)	„ „
33	22 February, 1906	F. C.	3 „	(Nil)	„ „
34	19 April, 1906	M. C.	3 „	(Nil)	„ „
35	1 August, 1906	E. H.	3 „	(Nil)	„ „
36	27 November, 1906	A. L.	3 „	(Nil)	„ „
37	18 December, 1906	J. B.	3 „	(Nil)	„ „
38	15 February, 1907	A. McD.	3 „	(Nil)	„ „
39	29 March, 1907	E. P.	3 „	(Nil)	„ „
40	15 April, 1907	M. A. R.	3 „	(Nil)	„ „
41	1 June, 1907	C. K.	3 „	(Nil)	Sessions case
42	19 June, 1907	M. H.	3 „	(Nil)	Query not discharged
43	20 June, 1907	C. C.	3 „	(Nil)	„ „
44	22 October, 1907	H. P.	3 „	(Nil)	„ „
45	21 December, 1907	C. H.	3 „	(Nil)	„ „

British Medical Association.

MEMORANDUM by the **BRITISH MEDICAL ASSOCIATION**, concerning amendment of the law relating to habitual inebriety and drug habits.

INTRODUCTORY.

1. The British Medical Association desires to submit evidence to the Departmental Committee of the Home Office on the Inebriates Acts, with special reference to the subjects included in Section D, paragraph 45, of the questions for the guidance of witnesses submitting evidence before the Departmental Committee.

2. In submitting evidence the Association would first explain for the assistance of the Committee the composition and constitution of the Association itself, and the procedure adopted in the investigation of this subject, in order that the nature may be clear of the authority upon which such evidence rests, namely:—

(*a*) That the Association is a voluntary organisation of approximately 21,000 members of the medical profession in the United Kingdom and abroad.

(*b*) That the Association is governed by a representative body composed of representatives annually elected and instructed by the divisions of the Association, which are the local units of this organisation and to which every member belongs.

(*c*) That the attention of the British Medical Association was first specially drawn to the subject of legislation affecting sufferers from inebriety and drug habits in April, 1905; as the result of the consideration of the matter by the Council and representative meeting in July of that year a special committee was appointed to inquire and report. The committee was composed partly of members of a standing committee of the Association, which deals with questions of public policy in which the medical profession is interested, and partly of members of the Association specially appointed on the ground of their expert knowledge of mental disease in all forms or of inebriety and drug habits in particular; the report was circulated to all the divisions of the Association, for consideration preparatory to the annual representative meeting of 1906; and the report was approved by that body as correctly expressing the experience and opinion of the Association upon the subject.

3. The conclusions of the Association thus arrived at have been set forth for convenience in the form of:—

(A) A statement of the reasons for which further legislation appears to be necessary, and

(B) Recommendations as to such legislation.

(A) CONSIDERATIONS AS TO THE NECESSITY FOR LEGISLATION.

1. From the considerations placed before the Association, it appears to be clearly established that there are in all classes of society persons who are, by indulgence to excess in intoxicating liquor, or in the use of stimulant, sedative or narcotic drugs or substances—

(*a*) at times incapacitated from performing their duties to themselves, their families, or the State; and

(*b*) by the same cause, at times rendered dangerous or offensive to themselves, their families, or the public.

2. The number of such persons is sufficiently great, and their conduct, in consequence of excessive indulgence in alcohol, &c., as aforesaid, is sufficiently noxious, to render it desirable that there should be means of restraining them from such excessive indulgence;

3. It is found by long and frequent experience that no means, except compulsory deprivation of the alcohol, or drug, is efficient in restraining such persons from their excessive indulgence;

4. There is at present no legal power by which such persons can be subjected to compulsory deprivation of alcohol unless they themselves so desire, or unless they have been repeatedly convicted of offences, and no legal power by which the takers of drugs in excess can under any circumstances be subjected to compulsory deprivation of such drug;

5. In the opinion of the Association, there is urgent need that legislation should be provided, by which such persons could be placed under suitable control and restrained from excessive indulgence in alcohol, or drugs, as the case may be, whether they are willing to be so controlled or no, and whether or no they have been convicted of an offence;

6. The Association recognises the gravity of a recommendation which, if carried into effect, will authorise the deprivation of some of the liberty of persons who may have committed no crime or offence recognised by the law; and would include in its recommendation safeguards against the improper application of the powers that it desires to be created. It is of opinion that efficient safeguards may be constituted in two ways, viz.—first, by requiring the consent of a judicial authority before any person can be restrained for such cause as is herein indicated; and, second, by giving power to such judicial authority to give costs against any applicant for a detention order, whose application ought not, in the opinion of the judicial authority, to have been made.

(B) RECOMMENDATIONS.

Persons to be placed under Restraint.

1. Subject to the safeguards stated in paragraph 6 of part (A) of this report, the Association is of opinion that powers should be given to a judicial authority to place under restraint, in spite of his own objection thereto, any person who is so addicted to the habitual use of alcohol or opium, or any stimulant, sedative, or narcotic drug or substance as

(*a*) to render him at times dangerous to himself or others;

(*b*) to render him at times incapable of managing himself or his affairs.

Form of Restraint.

2. If, in the opinion of a judicial authority, any person comes within the description of the last paragraph, then the judicial authority should have power to order that such persons be committed for any period not exceeding three years to the custody of (*a*) any person named in the order willing to act as guardian; or (*b*) the managers of any licensed retreat or inebriate reformatory who are willing to receive him. When any person is admitted to a retreat or reformatory under these circumstances, all conditions shall apply as if he had been admitted to a retreat or reformatory under the Inebriates Acts, 1879-1900. Power should be given to the Secretary of State to transfer the inebriate from the control of any guardian in whose charge he may be placed under order of Court—

(1) If the person in whose charge he was so placed declines to continue his responsibility or becomes incapable of properly exercising it.

(2) If the inebriate cannot be restrained from the use of alcohol or other substance as aforesaid.

Such power of transfer should include power to transfer the inebriate from the charge of the guardian to a licensed retreat or inebriate reformatory, or from a retreat to a reformatory or from one retreat or reformatory to another.

Power to deal with Estates.

3. Power should also be provided to deal with the estates of persons who are, by indulgence to excess in alcohol or drugs, at times incapable of administering their estates with ordinary prudence.

Procedure.

4. In the opinion of the Association the following matters should be provided for in any measure that deals with the persons under consideration:—

(A) The judicial authority should be set in motion by petition.

(B) The provision as to the person by whom the petition is to be presented should be analogous to that contained in Section 5, subsection (1), of the Lunacy Act, 1890.

(C) The petition should be supported by affidavits or by documents having the force of documents made on oath.

(D) The judicial authority should have power:—

(*a*) To visit or cause to be brought before him the person whose conduct is in question.

(*b*) To make such further inquiries and summon such witnesses, including the husband or wife of the person complained of, as he may think necessary.

(*c*) To adjourn the inquiry.

(*d*) To make an order for the immediate committal of the person as hereinbefore suggested.

(*e*) To make an order for the committal of the patient at any time within months of the date of the order, contingent on the behaviour of the patient and at the discretion of the petitioner.

British Medical Association.

(*f*) To dismiss the petition, without or with costs against the petitioner, according as, in the opinion of the judicial authority, the petitioner has, or has not, acted in good faith, and without malice.

(*g*) To make a maintenance order on the estate of the inebriate, or to require guarantee that maintenance expenses shall be met.

(E) Protection should be afforded to all persons who have in good faith and with reasonable care done anything purporting to be done under the legislation proposed.

MEMORANDUM by **H. B. DONKIN, Esq., M.D., F.R.C.P.,** one of H.M. Commissioners of Prisons, on the working of the Inebriates Act of 1898, with special reference to the history and functions of the State Reformatories.

H. B. Donkin, Esq., M.D., F.R.C.P.

1. In October, 1898, a Departmental Committee, consisting of Mr. Byrne, C.B., chairman, Dr. Brayn and myself, was appointed by the Secretary of State to advise him as to the regulations which should be made with respect to certified inebriate reformatories under this Act, and on the best course to be adopted with a view to the establishment and maintenance of permament State inebriate reformatories, etc. Previously to the appointment of this Committee, the Secretary of State had directed the Prison Commissioners to make temporary arrangements by the adaptation as a State reformatory of a portion of a prison; and to submit for approval regulations for the reception of persons who might be committed under Section 1 of the Act.

2. While this Departmental Committee was sitting the Prison Commissioners submitted to the Secretary of State draft regulations for State inebriate reformatories which were, by the instruction of the Secretary of State, considered by the Departmental Committee. The result of such consideration was submitted to the Secretary of State as an interim report in November, 1898. The gist of that part of the interim report, with which we are specially concerned, was to recommend:—

(1) The sanction of these regulations, subject to some modifications, and to reconsideration in a year or eighteen months; when experience would show whether the number of persons committed under Section 1 of the Act would justify the erection or purchase of a more suitable place than a part of a prison.

(2) That a preliminary term of imprisonment be imposed on all cases calling for substantial punishment, in addition to the moral and physical treatment of the inebriate, as proposed by the Act.

It was urged by the Committee that if such cases of crime as appear to the average judgment to call for punishment were sent direct to a reformatory, it would be impossible for the institution to be administered without a perpetual leaning to the punitive and coercive side of discipline; and that this would be contrary to the intentions of Parliament and injurious to the success of the experiment. They were of opinion that, if reformation was to be effected at all, it must be by means other than punishment; and that such means should be applied from the very beginning of the treatment. The method of treatment suitable in a prison would be useless in a reformatory for inebriates.

(3) That *discharge on licence* should be an important factor in the *régime*, and should be the usual practice at the end of twelve months, and possible after nine months. If an inmate were not licensed after one year, a report should be made to the Secretary of State, and after fifteen months a detailed report should be sent up with a view to deciding whether the inmate should be discharged on the ground that no cure could reasonably be expected. It was further deemed desirable that a temporary licence should be given whenever it was thought well to allow any inmate to leave the reformatory for a short period, either on business or as part of his probationary treatment. [N.B.—It is clear that these arguments apply *a fortiori* to certified reformatories; and I desire to lay all possible stress on this point. Licensing has now for some time been becoming more and more rare, especially in the case of men.]

(4) That provision should be made to help and encourage inmates after their discharge or release on licence. The Committee were strongly of opinion that unless some agencies were utilised or established for this purpose, the advantage of State inebriate reformatories might be discredited at the outset; and they considered that the Treasury might properly be asked to contribute to such agencies on the ground that they form an essential part of the reformatory treatment.

[N.B.—This is an important point for the Committee to consider. Some certified reformatories do thus contribute; the State does not.]

3. On the 12th December, 1898, the Departmental Committee submitted to the Secretary of State their report on the whole matter referred to them:—

(1) Their report emphasised that the whole scheme of treatment of inmates should be based on the principle that they are detained for reformation, not for punishment. "Towards this principle should be directed the dietary, the discipline, the recreation, the moral and religious training, and even the forced labour."

(2) For the sake of insuring personal influence, it was advised as to certified reformatories that not more than 100 inmates should be congregated together, although it was recognised that economy might necessitate larger institutions. In large institutions it was recommended that the superintendent should be a medical practitioner.

(3) Great emphasis was laid on licensing and temporary leave of absence: first under escort, then on parole. The Committee were of opinion that this would be the only practical test of the treatment which was the chief object of the whole scheme. They were of opinion, from the weight of the evidence given, which was unanimous, that the majority of the inmates who were not fit for licence at the end of a year would not benefit at all by longer detention.

4. Owing to various difficulties and to the fact of there being no immediate urgency to provide accommodation for persons coming under Section 1 of the Act, the rules for State reformatories, drafted by the Prison Commissioners, were not submitted in their final form to the Secretary of State until August, 1899. The rules were in time approved and a few male inmates were received, first into a part of Cardiff Prison temporarily recognised as a State reformatory, and subsequently into a part of Warwick Prison, set apart temporarily for the purpose in 1900, these inmates being transferred from certified reformatories (under a provision of the Act) by the Secretary of State, owing to their having been refractory to rules or having attempted to escape. Females were, in like manner, received into a wing of Aylesbury Prison. Early in 1900 the number of persons committed under the Act, especially under Section 2, showing signs of considerable increase, the numbers among them of turbulent and refractory inmates rendered it necessary to take steps to relieve the certified reformatories of the presence of these persons, and it was consequently decided by the Secretary of State to make provision in State reformatories for the reception of this class of inmates. A committee was appointed by the Secretary of State to report on this matter. Of this committee Sir Evelyn Ruggles-Brise, K.C.B., was chairman, and Major Clayton, Dr. Branthwaite, Dr. Brayn, and myself were members. We pointed out in our report that the object now aimed at was very different from that for which the existing rules had been drawn up and sanctioned, and pro-

H. B. Donkin, Esq., M.D., F.R.C.P.

ceeded to submit proposals to carry out the wishes of the Secretary of State. As a result State reformatories were finally established at Aylesbury and Warwick, and have, since that time, been almost wholly devoted to the reception of inmates reported on as refractory from certified reformatories.

[N.B.—It is to be especially noted here that the qualification for transfer to State reformatories from certified reformatories has now no relation to irreformability in the matter of drinking, but solely to the inmate's conduct in certified reformatories.]

5. Since the establishment of the two State reformatories experience has shown that of the turbulent and refractory women sent to Aylesbury a large proportion are mentally defective, many congenitally so; and that of the class of men sent to Warwick a much smaller proportion are mentally defective. It has also been shown that the existing conditions of the certified reformatories are such as to render it difficult for them to deal adequately with certain classes of refractory inmates, and that the presence of such refractory inmates disturbs the otherwise comparatively smooth working of these institutions; or, as has been urged, is "detrimental to discipline."

At the present time, notwithstanding the fact that all cases reported on as refractory are transferred to State reformatories, there are very few inmates of the certified reformatories deemed fit for licence, "fitness" being decided on the probability or otherwise of relapse into drinking habits. There is no leave on "parole," and even "licence" is rare, though still possible. For some time back licences have always been refused to those transferred to State reformatories, and after a discussion, in which it was admitted that scarcely any inmates could be released with any probability of their abstaining from drink, and that to license those who had been guilty of misconduct would be detrimental to the reformatories from which they had come, this practice was explicitly authorised by the Secretary of State in December, 1907. It will therefore be seen that with the exception of the slight difference above mentioned, the practice of licensing which, as has been shown, was at first regarded as the only test of success of the Act, has been to a great extent dropped. In fact, the institutions established under the Act of 1898 are custodial, rather than reformatory.

COMMENTS.

(*a*) An undeniably useful result of the working of the Inebriates Acts as a whole is the prevention of the crimes, nuisances and sundry other evils which would have occurred had all those committed under the Acts during the last 9–10 years been treated only as short sentence prisoners, according to previous practice. The economic value of this merely custodial result might perhaps be roughly assessed by a comparison between the probable costs of the present and past system with reference to the actual number of inmates treated under the 1898 Act.

(*b*) A second good result which is probable may be held to be the deterrent influence which the prospect of long detention may have upon some drunkards who otherwise would have continued to be a danger or nuisance to the community, leading them to avoid the streets and the police.

(*c*) Experience of the working of the Acts has demonstrated that a large majority of those committed have had a long career of drunkenness and have frequently been imprisoned. This is clearly one cause of the prevalent failure of such cases as were licensed in the early years of the experiment, and has been an important factor in the present system of minimising the practice of experimental licensing.

Another factor has been the difficulty of finding guardians for inmates on licence, the requirements being very stringent.

(*d*) The fact that licensing has largely fallen into desuetude is proof that the whole Act as at present worked is a complete failure from the point of view of its promoters, *i.e.*, as far as reform of the individuals treated is concerned.

(*e*) Experience of the three years' sentence to inebriate reformatories shows that detention of this length has been useless, most inmates being now discharged as practically hopeless cases without having been licensed or tested in any way; and many having been recommitted already.

(*f*) The fact, as has been shown by experience, that considerable numbers of the inebriates committed under the Acts are insane or otherwise mentally defective, points to the necessity of dealing with this class of inebriate as mentally defective, and of controlling them effectively and indefinitely. In the case of the committed women in whom mental defect occurs in much greater proportion than in the men, this lesson is of great importance.

(*g*) In the case of many of the men who are committed for three years, it has been shown that their families have suffered from the deprivation of the wages which were earned by the breadwinner when free. Several male inmates are such as get drunk more or less deliberately at times, and are able to earn good wages in the intervals. Many of the male inmates send to their families the small earnings that they make in the reformatory, and their families in many cases are anxiously awaiting their release.

The refusal of licence to men causes a degree of discontent and resentment which is not to be wondered at; and even when they do not complain of their treatment when in the reformatory they urge that they are deprived of liberty for three years, while a convict, whatever his crime, can earn remission of a quarter of a three years' sentence by good conduct in prison alone, quite irrespective of probable relapse into crime. It is admitted, moreover, that refractory conduct in the reformatory is in no way necessarily connected with incurability as to drink.

This difficulty is not so apparent in the case of women. Few of the women are intelligent or inquiring enough to raise these points, and scarcely any of them are wanted by their families, or are able to earn their living, except by prostitution.

A subsidiary reason for the discontent of some of the men is that at Warwick, which was intended only for about 30 inebriate men, in a building with some land, and a workshop specially set apart, there are now 60 men, half of whom have to be located in a part of the prison itself. It is impossible to provide a sufficient amount of good employment for these men. This extra number has been received on the instructions of the Secretary of State, in order to ease the working of the certified reformatories, and it has not been thought desirable at the present juncture to incur the expense of purchasing land or of building a more appropriate establishment for these inebriates, in view of the numerous other objections to the present system which are detailed above.

(*h*) The net result of the State reformatories as at present worked is that they effectively relieve and facilitate the working of the certified reformatories as far only as discipline and peace is concerned. The women at Aylesbury are employed well, and the conditions there are such as to satisfy requirements of health and of such improvements in personal habits as are possible. All of them, however, are considered unfit for licence, and practically all are certain to relapse into drinking habits unless they are permanently taken care of. A large number of them are mentally defective, requiring permanent control.

The men at Warwick have been shown to differ in many respects from the women, and they realise much more vividly than the women that they are sent to the State reformatory on acount of their behaviour at the certified reformatories, and that the certain refusal of licence from Warwick is thus entailed upon them. They therefore infer, and it is not surprising that they do so, that they are punished much more severely for their bad behaviour than they would be if they were prisoners, or if they were brought before an ordinary court of law.

Warwick, moreover, as has been urged by the Prison Commissioners from the beginning, is a very unsuitable place even for the present purpose, and this is a further cause of complaints made. On the whole, however, in view of all these drawbacks, the usually quiet behaviour of these men is somewhat remarkable. In present conditions it would certainly be impossible to render the discipline more severe or prison-like than it is.

The insuperable difficulty obtains, of course, at the Warwick Reformatory of obtaining appropriate work for the inmates, or such as would be really useful to them on release. This difficulty which, owing to

economic and political reasons, is a standing one in the prisons of this and some other countries, must be especially felt in the matter of institutions professing to be reformatories.

It must, I think, be clear that the prevalent three years' sentence to inebriate reformatories means only, to an immense majority of the inmates, imprisonment without remission. The practical abandonment of remission on licence implies that the element of reformation is no longer a part of the *régime;* the sentence is but a punishment for past drunkenness. Good conduct in the reformatory meets but rarely with the only valuable reward—remission; while bad conduct meets with punishment. The only incentive to good conduct in prisons is almost non-existent in inebriate "reformatories," especially in the State "reformatories."

H. B. Donkin Esq., M.D., F.R.C.P.

MEMORANDUM by S. L. DORE, Esq., J.P., Pinner Hill, Pinner, Middlesex.

S. L. Dore, Esq., J.P.

May I venture to suggest that one subject needing discussion is the present powers of justices in examining alleged lunatics.

I believe that in hundreds of cases the examining justices have to send patients to a lunatic asylum who are only suffering from the effects of drink. The alternative is, of course, dismissal, but that means risking the safety not only of the pauper patient, but of those at home under his control.

In 1903 I brought this subject before the London magistrates at the County Sessions House, and a committee was appointed. That committee reported in favour of approaching the Home Secretary, but nothing was done. Subsequently I wrote to the then Home Secretary myself, and he replied that the matter was a very important one, and had their serious attention. I never heard, however, that anything further was done.

I append the copy of the motion that my committee passed.

(Signed) S. L. DORE.

Appendix.

(*Copy Motion.*)

"That it is desirable that the powers of Justices in regard to the examination and discharge, or committal, of alleged pauper lunatics to Asylums, should be extended so as to give to Justices, under proper conditions, the same powers as are now possessed by Stipendiary Magistrates to commit persons suffering under confirmed habits of intemperance to Inebriate Homes."

MEMORANDUM Supplemental to Answers supplied by LEONARD DUNNING, Esq., Head Constable for Liverpool.

L. Dunning, Esq.

I am not prepared to express any opinion about the Act of 1879, because committals under its provisions seldom come within the duties of the police.

The Inebriates Act, 1898, purported to deal with inebriates, but confined its provisions to a limited class of inebriates, those who have committed offences against the law, and the Legislature by creating an authority to deal with them, instead of developing the authority which already deals with offenders against the law generally, and enabling it to deal with that particular class of offender in such a way as to render reform more probable, exemplified the tendency of modern legislation to create an authority *ad hoc* rather than to develop existing authorities.

But the framers of the Act seem to have fallen into the same mistake as those who are responsible for the framing of prison rules, they have been too eager to think that all alike are capable of reform. This mistake in the case of prison rules will, it is to be hoped, be rectified by the Prevention of Crime Bill now before Parliament, and among the amendments necessary for completing the utility of the Inebriates Act should be provision for the case of the irreclaimable drunkard.

Generally speaking, it was, to my mind, a mistake to remove the treatment of criminal inebriates from the Prisons Commissioners, special treatment for them is just as much within the province of the Commissioners as is the industrial training of those committed under Borstal rules, and just as it is proposed to move a prisoner from class to class as his progress or want of progress may suggest, so it should be possible to vary the treatment of an inebriate whose offence against the law has qualified him for loss of liberty; he may be an occasional offender whose offence merits mere punishment; he may be an habitual offender susceptible of reformatory treatment; he may be a hopeless drunkard, whose indeterminate segregation is demanded in the interests of this community as well as in his own. Under the present system he is ear-marked at the time of his committal as belonging to one of these classes, and if during his period of committal it becomes apparent that he has been wrongly marked, there is no way of changing his treatment.

For this reason I was, and still am, of opinion that the treatment of those whose drunkenness amounts to an offence against the law should be left to the Prisons Commissioners, with enlarged powers of classification for special treatment, and that the authority created *ad hoc* should turn their attention to the inebriates who have committed no offence against the law, for whom the present provision is utterly inadequate.

As I have already said, the Habitual Drunkards Act, 1879, lies somewhat outside my province, and the question to which I may justifiably direct my evidence is that of the irreclaimable drunkard, whose constantly recurring offences are a source of scandal and expense to the community, of suffering to children, and wreck of family life, while their recurrent periods of freedom merely give opportunities for the procreation and bearing of children with a heritage of vice. The Home Secretary proposes indeterminate loss of liberty for a small class of offenders against the law, and I suggest that amendment of the Inebriate Act, or transfer of the treatment of criminal inebriates to the Prisons Commission should provide indeterminate loss of liberty for a larger class, who are eating much further into the rights of the community and the public health.

Possibly, however, your Committee may prefer that I should confine myself to answering their specific questions, and I beg to enclose my answers to such of them as come within my experience.

MEMORANDUM Supplemental to Answers supplied by the EUGENICS EDUCATION SOCIETY.

Eugenics Education Society.

It may be pointed out that the children of the drunkard are, on the average, less capable of citizenship on account of:—

(*a*) The inheritance of nervous defect inherent in the parent.

(*b*) Intra-uterine alcoholic poisoning in cases where the mother is an inebriate.

(*c*) Neglect, ill-feeding, accidents, blows, etc., which are responsible, on the one hand, for much infant mortality, and combined with the possible causes before mentioned, for the ultimate production of adults defective both in body and mind.

It would appear, then, that the drunkard, if not effectively restrained, conduces to the production of a defective race, involving a grave financial burden upon the sober portion of the community, to say nothing of higher considerations. It therefore seems to the Eugenics Education Society of extreme importance that some substantial effort should be made for the reform of existing drunkards, and the permanent control of the irreformable.

Scientific warrant for the foregoing propositions is now to be found in no small abundance. Reference may be made, for instance, to the chapter on "Alcoholism and Human Degeneration" in Dr. W. C. Sullivan's recent work, "Alcoholism" (Nisbet, 1906). Dr. Sullivan quotes the results of more than a dozen observers in this and other countries, and special attention may be drawn to his own well-known study of the history of 600 children born of 120 drunken mothers. The works of Professor Forel, of Zürich, are widely known in this connection, notably "Die

Eugenics Education Society.

Sexuel Frage" and "The Hygiene of Nerves and Mind" (Translation, Murray, 1907). Parental alcoholism as a true cause of epilepsy in the offspring is now generally recognised. For numerous and detailed proofs from many sources reference may be made to page 210 of the last work named.

It is not necessary, however, to go over the ground which has doubtless been covered by the Royal Commission on the Care and Control of the Feeble-minded.

The existing laws comply to only a very small and almost negligible extent with the eugenic requirement. They only deal with (*a*) the very minute proportion of inebriates who can be induced to voluntarily sign away their liberty; and (*b*) those who are also criminal or all but hopeless, and who have done harm already, either as individuals or in becoming parents. The third group of inebriates (*c*), not included in (*a*) or (*b*), constitute the overwhelming majority of the whole. They are absolutely untouched by the present law, and further powers are urgently required to deal with them.

Such legislation would be by no means without precedent, and may avail itself of the experience of several of our own Colonies and various foreign countries. Such methods as compulsory control on petition, guardianship, and so forth are in employment, for instance, in the Australian Commonwealth and New Zealand, California, Connecticut, Massachusetts, various cantons in Switzerland, Nova Scotia, etc.

To sum up, the Society advocates the retention of the present law so far as classes (*a*) and (*b*) are concerned, but would most strongly urge the addition of powers to deal with that great majority of inebriates whom the present law does not touch.

G. L. Gomme, Esq.

MEMORANDUM submitted by **G. L. GOMME, Esq.**, on behalf of the London County Council, as to the administration of the Inebriates Acts, and as to the detention of persons in inebriate reformatories and retreats.

1. When the Inebriates Act, 1898, was put into operation by the Council it was the policy of the Council to deal from a curative standpoint only with the cases committed under the Act.

2. In pursuance of that policy, it was decided not to admit the criminal cases, that is, cases within the scope of Section 1 of the Act of 1898, to Farmfield Reformatory.

3. The regulations which were approved by the Secretary of State for the general management of the institution also provide: (*a*) That cases under Section 2 of the Act (drunk and disorderly cases) if over 45 years of age should not, except under very exceptional conditions, be admitted to Farmfield, as it was considered that the chances of reform after that age were remote (regulation 70); and (*b*) that if a patient be not licensed from a reformatory after 18 months' detention the Council is required to report the fact to the Secretary of State, so that he may decide whether the patient should be discharged on the ground that no cure can reasonably be expected (regulation 73).

4. Having regard to these regulations, it is clear that the Secretary of State was fully aware of the policy of the Council in carrying out its duties under the Act of 1898.

5. On 30th January, 1899, the Secretary of State addressed a letter to county and borough councils urging them to provide reformatory accommodation, and that letter contained the statement with regard to cases within Section 2 of the Act, with which the Council is principally concerned, that "the Treasury grant in these cases will be a weekly sum of 10s. 6d. in respect of each inmate committed to a reformatory certified for not more than 100 patients, a sum equivalent, it is believed, to two-thirds of the cost of maintenance. If, therefore, local authorities do not fail in giving practical effect to the intentions of the legislature, the reformatory system will come into operation under the favourable conditions secured by the certainty of an adequate income."

6. The interpretation by the Secretary of State, that the action of the Treasury, in making the order regulating the grant for a period of three years only, foreshadowed the possibility of a reduction of the amount of such grant at the end of that period, is illogical having regard to the statement in the above-mentioned letter that local authorities would be secured by *the certainty of an adequate income.*

7. The Council's experience has proved that the sum of 10s. 6d. is much less than the two-thirds of the cost of the maintenance of an inebriate, if a charge for the repayment of capital money expended on the provision of the reformatory be included. This matter is further dealt with in answer No. 37 already submitted.

8. Acting on the faith of the letter above mentioned, the Council decided on 28th February, 1899, to provide facilities for the reformatory treatment of a limited number of inebriates, at first by way of contracts with two of the three institutions which had already received certificates, and, subsequently, by the establishment of Farmfield Reformatory for the accommodation of 113 patients subject to the limitations already described.

9. In undertaking this work the Council was taking over responsibilities in regard to inebriates which the State had previously undertaken, and it was thereby saving the State expenditure.

10. The rapid establishment of this entirely new branch of work by the Council became at once the object of criticism from two opposing points of view. On the one hand it was urged that the Council had done too much for a class which deserved little sympathy, whilst on the other it was contended that its duty was to make a more extensive use of its optional power and provide reformatory accommodation for all classes of inebriates.

11. Whilst fully alive to the desirability of dealing in some way with all classes of inebriates and recognising the triple motive of the Inebriates Act, 1898, viz., reformatory, penal and deterrent, it appeared to the Council that, with regard to incorrigible inebriates and also the mentally deficient and hopelessly diseased, the hope of reform was so slight that the treatment must be regarded as almost entirely penal or as a matter of police administration. And, further, the Council felt that it could not be the intention of the legislature, in passing the Act of 1898, that local authorities should undertake such a duty as clearing the streets of an objectionable and disorderly class.

12. Owing to further representations from the Secretary of State and other quarters that the experiment was not receiving a fair trial, the Council temporarily suspended acting upon the principles above indicated, and in the year 1905 made arrangements for the reformatory treatment of all classes of committals from the county. In arriving at this decision, however, the Council was greatly influenced by a desire to meet the State on this question. This new departure involved the Council in considerable additional expenditure. The total sum spent by the Council on this work up to the 31st March, 1908, was £45,860 13s. 8d. on capital account, and £43,120 19s. 1d. on revenue account (excluding debt charges).

13. Soon after this arrangement was made the Government grant was reduced to 7s. a week per patient, which resulted in the Council being called upon to provide an additional sum of £1,000 yearly for the maintenance of patients at Farmfield.

14. As already stated, the Council's experience has proved that the sum of 10s. 6d. is much less than the two-thirds of the cost of the maintenance of an inebriate, if a charge for the repayment of capital money expended on the provision of the reformatory be included. The Government, however, assume that the maximum figure for maintenance should not exceed fourteen shillings a week, basing this figure, it is believed, on the average cost at other inebriate institutions in the country. These institutions are of varying sizes, controlled in some cases by private individuals and in others by public authorities, and in the cost of maintenance given apparently no pro-

vision has been included for repayment of debt charges. The figure stated, therefore, cannot be accepted by the Council, and, even if it be taken as a fair maximum of expenditure, the State, by offering seven shillings a week per patient (*i.e.*, one-half instead of two-thirds) is not, it is respectfully submitted, rendering the assistance promised in the letter of 30th January, 1899 (before referred to).

15. Several attempts were made, but without success, to induce the Secretary of State to revert to the original grants, and the Council was therefore compelled to reconsider its position. Accordingly on 14th May, 1907, it was decided that the Farmfield Reformatory should be reserved for the treatment of female inebriates committed from the County of London and specially selected by the Council as likely to be amenable to and benefited by reformatory treatment.

The contract for the maintenance of a limited number of male patients at the Brentry Reformatory was not interfered with, and by these arrangements the experiment was restricted within the limitation originally intended by the Council.

16. As regards the general character of persons committed to reformatories, it has been found that about 85 per cent. of the female inebriates committed to reformatories under Section 2 of the Act of 1898 are incorrigible. This figure includes those certified insane and sent to asylums (about 16 per cent.) and the mentally deficient.

17. As regards Farmfield, the Council's experience indicates that the mentally deficient average about 15 per cent. of the patients admitted, but this somewhat low figure may be due to the fact that the cases dealt with at that institution are specially selected. The dividing line between the criminal inebriate and the drunk and disorderly cases would appear to be an extremely narrow one, and the former cases are as a class more tractable and offer better prospects of good results. In fact, the Council understands that at the present time the State reformatory at Aylesbury, built for the accommodation of criminal inebriates, is now nearly, if not quite, filled with drunk and disorderly cases which have proved to be beyond the resources of the certified reformatory. The incorrigible inebriate, therefore, is so akin to the criminal inebriate that no distinction should, it is submitted, be made in the authority providing for their care. For this reason, it is submitted that the care of the incorrigible and mentally deficient inebriate is a matter for the State, which is the authority charged with the care of criminals and criminal lunatics; moreover, this arrangement would be more economical, as the State is already provided with the necessary machinery for carrying out the work.

18. In addition to the matters of principle already dealt with, the Council desires to place the following views on matters of detail before the Committee.

19. The provision as to the number of convictions under Section 2 of the Act of 1898 militates against successful treatment (1) on account of the opportunities afforded for excessive drinking before the person is eligible for committal to a reformatory, and (2) by the degradation of the inebriate who, being rarely able to pay the fine inflicted in respect of his misbehaviour, thereby comes under the pernicious influences of prison sentences and prison associations. *G. L. Gomme, Esq.*

20. It is suggested that one of the difficulties referred to might be overcome by simply recording convictions for the purposes of the Inebriates Acts and the hopeless task of curing an inebriate by subjecting him or her to a few weeks' prison discipline should not be attempted.

21. It is submitted that a person who has been detained in a reformatory should be re-committed thereto on the first offence of drunkenness after discharge.

22. It is further submitted that sentences of indefinite length for known incorrigible and mentally weak inebriates are desirable and considerable advantage would accrue to society through the removal, until reformed, of this class from their accustomed haunts where they act as a focus for disorder and crime. The discrimination of this class, however, needs care and a proper co-ordination of the committing and receiving authorities which is now lacking.

23. In the year 1902 the Council placed its views very fully before the Secretary of State in this matter, and suggested the desirability of causing some inquiry to be made into the certification, commitment and treatment of incorrigible and mentally deficient inebriates.

24. The Council is advised that it has power to spend money in assisting patients on licence, but not those who have been discharged. Experience has indicated that a little financial assistance would very possibly have prevented the complete downfall of several discharged patients who commenced well but ultimately relapsed. The Council suggest an amendment of the law to enable local authorities to give this assistance.

25. The Council is the licensing authority for retreats in London under Section 6 of the Habitual Drunkards Act, 1879, the provision of which is authorised for the detention of habitual drunkards who voluntarily submit to treatment. Any person, however, may establish and conduct a retreat without a licence, but such retreats are not subject to official inspection, and the managers have not the same powers of control over the patients as they would have if the retreats were licensed. It is submitted that all retreats should be brought within the scope of the Act.

26. The prospects of obtaining good results under the provisions of Section 14 of the Inebriates Act, 1898, relating to retreats, appear to the Council to be more hopeful than under those relating to reformatories.

27. Section 14 of the Act of 1898 empowers the Council and other authorities to contribute towards the establishment or maintenance of retreats, and it is assumed that the power would cover the establishment of a retreat by the Council itself. In Section 9 of the Act, however, it is specifically provided that an authority mentioned therein "may itself undertake the establishment and maintenance of a reformatory." As there is some doubt as to whether an authority could itself establish a retreat under Section 14 of the Act of 1898, the Council suggests that the law should be amended so as to remove that doubt.

MEMORANDUM by "W. H.", an Inmate of the Certified Inebriate Reformatory, Brentry, Bristol. *"W. H."*

29th April, 1908.

As I have learned there is a Commission in operation to inquire into the administration of the Inebriates Acts, and as among them there are several M.D.s., they may be interested in the opinion of the patients; therefore may I respectfully draw your attention to the long sentences given under this Act.

There are a number of respectable and hard-working inmates here who feel not only the loss of liberty, but the mode of living, and also the degradation very excessive as a punishment, and who at the same time acknowledge the good a shorter detention (say, of twelve months) has done in respect to the desire of drink, take it very much to heart that we cannot be released when cured.

The present system of obtaining licences make it very hard for inmates to obtain, although having exemplary characters here, and determined hopes for the future, and I take the liberty of suggesting that you would kindly put this matter before the Committee at their sitting with the object of getting a remission of some such time off the sentences as they may think fit, which, I can assure you, would be highly appreciated; and, taking into consideration the recent decision in respect to time allowed to criminals at present, I think, with just cause, we are harshly treated.

H. Rider Haggard, Esq.

MEMORANDUM as to the Inebriates Acts submitted by **H. RIDER HAGGARD, Esq.**

My views as regards habitual inebriates and drunkards, or, rather, the best way to deal with them, and the amendments that would be desirable in the present Inebriates Acts, which views are the result of many years' experience as Chairman of one Bench of Magistrates and as a senior member of another, may be briefly summarised as follows:

I would greatly extend the powers of Courts of Summary Jurisdiction in all such matters.

With reference to Section D, No. 45, in your paper of questions, my opinion is that either the police or the relatives should have the power to bring an habitual drunkard before a Court of Summary Jurisdiction composed, at any rate so far as county divisions and ordinary boroughs are concerned, of not less than three magistrates, who should be empowered to try the case *in camera*. If the Court thought it in the interests of the drunkard (who is practically a lunatic), of his family or of the public, that Court should be able to commit such a person for a definite period to a properly inspected home, quite irrespective of the consent of the inebriate or even of his family.* To prevent possible mistakes or miscarriages of justice, however, I think that a full, shorthand report of every such case should be forwarded to the Home Office, especially where such case was tried *in camera*, and that a right of appeal by any party to the cause who felt himself aggrieved by the order of the Court should lie to the Home Secretary. In the instance of impecunious inebriates these should, I think, be committed to a special department of the county lunatic asylum, which is always under proper control and inspection, and where a staff already exists that, with some enlargement, would be competent to deal cheaply with such cases.

It may be thought desirable by your Committee or others that there should be an intermediate right of appeal between the Court of Summary Jurisdiction and the Home Secretary. I do not think this necessary myself if the precautions I have mentioned are insisted upon, but in the event of the other view prevailing, such an appeal should in my opinion lie, not to Quarter Sessions, which is very much the same kind of Court (since it would not be easy to lay such matters before a Jury), but to a Judge of the High Court.

I would include all persons addicted to the excessive use of deleterious drugs in the definition of habitual inebriates.

I consider that it should be obligatory upon a Court of Summary Jurisdiction dealing with such cases to call competent medical evidence, whenever possible, before coming to a decision in such cases.

With reference to Nos. 30 and 31 of Section B of your paper of questions, I would certainly recommend that Courts of Summary Jurisdiction should have power in dealing with minor offences committed under the influence of drink when the offender is an habitual inebriate, of ordering detention in an inebriate reformatory. As regards the last part of this question, the answer is to be found in the word "minor." The Court of Summary Jurisdiction should only have authority to deal with such offences as would fall within its normal competence. Thus, if a rape or a murder were committed by the habitual inebriate, of course, his case would have to receive the consideration of a higher Court, as at present.

But, personally, I would go further than is indicated by the scope of this question (No. 30). My view is that the offence of public drunkenness should be dealt with much more severely than is the case at present. On the first offence of simple drunkenness I would dismiss the defendant with a caution. On the second I would inflict the ordinary fine. But on the third I would make it *obligatory* upon the justices to commit the offender, not to the common prison indeed, but to a specially organised department of it reserved for drunken cases, where they could be suitably but kindly treated with a view to their reformation.

If, however, the drunkenness should be complicated with violence or with the use of that filthy language in which drunkards are wont to foam out their own shame in public, or if the intoxicated person should be in charge of a vehicle or of children, then I think that the magistrates should commit upon the second, if not upon the first offence, and in some circumstances to the common goal.

I am quite certain that if public intoxication ceased to be treated as a kind of troublesome and malodorous joke, and if its repetition were punished by sentences of confinement increasing in length in proportion to the frequency of the offence, instead of being condoned by a five-shilling or even a smaller fine, we should hear and see a great deal less of it than we do at present.

I submit that the best way to promote sobriety is to make it exceedingly uncomfortable for the individual who gets drunk.

At the same time, I suggest that the law should be made more severe, or at any rate should be more frequently brought into action against those vendors of drink who supply intoxicating liquor to persons who are already under its evil influences. Of course, as a practical magistrate, I am well aware of the difficulties that surround its enforcement, notably that of obtaining the necessary evidence, to which may be added that of combating the familiar argument that it is not the beer or spirits within the tavern, but the malignant action of the "cold night air" without, which is responsible for the sudden drunkenness of those who leave its doors. In such cases, would it not be possible for the legislature to throw the onus of the proof of their innocence of a breach of the law upon those who last served the drunken person with alcoholic drink? Also, in all cases, it might be made an obligation of the police to keep a strict record, which should be included in their report upon licensing day, of the names of those public-houses whence persons convicted of drunkenness had last emerged, that is, whenever these could be discovered.

I do not know whether the above humble suggestions will commend themselves to the Committee on the Inebriates Acts, but my personal experience is that if they, or something like them, were adopted and embodied in legislation, the remedial effects would be considerable.

I have only to add that in this short Memorandum I have not attempted to deal with the paper of questions in detail. I should like to say, however, with reference to Question 39, Section B, that I think the lessening of the evil of drunkenness and its consequent misery and crime is a matter which involves the welfare of the whole community, and that, therefore, the State should make itself responsible, at any rate to a large extent, for the cost of the necessary certified inebriate reformatories, or, if existing prisons and lunatic asylums are enlarged and made use of, of those sections of them devoted to the detention and reformation of confirmed inebriates and other drunkards. Or, if this is thought too much, at any rate a contribution towards the cost might be made from the national funds, and, in return for this contribution, the general supervision of such places, or the sections of them devoted to the above purposes, kept in the hands of a central authority, which would, I presume, be the Home Office.

H. RIDER HAGGARD.

* P.S.—Since the above memorandum was written I have assisted in the trying of a case which exemplifies this suggestion very well. A farmer was convicted of being drunk while in charge of a horse and cart upon two consecutive days. The Bench hesitated long as to whether they would not send him to prison, but in order to avoid inflicting that degradation upon him ultimately inflicted the maximum fine of £2 in each case, an amount that probably did not seriously inconvenience the offender. I made enquiries about this particular defendant and was informed that when sober he is a most respectable and kindly person, but when drunk a public danger. Thus it is said that his wife and family have had to fly from him in their night clothes, being in terror of their lives. I submit that for his own sake, for that of his relations, and of the community, there should exist powers to enable such people as these to be dealt with, against their own will, or even that of their relatives if need be, before and not after some catastrophe occurs which probably involves the wellbeing and safety or even the lives of others.—H. R. H.

G. Rome Hall, Esq., M.D.

MEMORANDUM by **G. ROME HALL, Esq., M.D.**, 51, West Ferry Road, Millwall, London, E.

The following phase of the drink habit may be under consideration, or down for inquiry, but in case it is not I write the following:—

In mental disorders one group is that characterised by periodicity, not only by an intermittency of normal and abnormal behaviour, but by the fact that the ulti-

mate trend of events is for the good spell to diminish and the bad one to lengthen until a time comes when the bad becomes an acquired permanent habit.

This phase of mental disorder seems to be connected with the duality in heredity, the ancestry on the one side being good and on the other bad. Where these hereditary influences are equal and the environment good, the drink craving may never show; for many years conduct may be exemplary, the bad first becoming master under mental strain, over-work, physical disease, and in women—pregnancy and prolonged lactation.

In inebriety the importance of this periodicity being recognised is needful in the following points:—

1. Cases stated to have been cured by drugs. It must be found out whether or not the patient has started treatment at the beginning of a recurrent good spell or thereabouts.

G. Rome Hall, Esq., M.D.

2. It must be watched that the inebriate is not discharged from supervision at the commencement, or in the middle, of a good period.

3. If the fact of this periodicity were generally recognised the public would be better able to watch their relations and friends and guard against outbreak and the exciting environments.

When the good spell in chronic inebriates has been reduced to six weeks I have never known recovery, the person was then finished for.

(Signed) G. Rome Hall, M.D.

21st May, 1908.

MEMORANDUM submitted by the INEBRIATES REFORMATION AND AFTER-CARE ASSOCIATION (Incorporated).

Inebriates Reformation and After-care Association.

List of proposed amendments in the Inebriates Acts, 1879 to 1900, recommended by the Inebriates' Reformation and After-care Association for the consideration of the Home Secretary:—

Definition.

1. To amend the definition "Habitual Drunkard" so as to remove the objection raised by magistrates who claim that an "Habitual Drunkard" must also be more or less obviously mentally defective when sober before he can be dealt with under the Act, and to include the repeated intemperate use of alcohol, opium, morphia, chloral, chloroform, ether, cocaine, or any other such narcotic, or stimulative drug, or preparation.

Reformatories.

2. To require proper registration of all known recidivist habitual drunkards and to provide greater facilities for the notification to magistrates of persons who are qualified for committal to inebriate reformatories.

3. To give power to magistrates to commit to inebriate reformatories any person proved to be an Habitual drunkard who has committed an offence against the Inebriates Act, 1898, whether or not any previous convictions are recorded against him; or

3a. If previous convictions are still considered necessary for the first committal of a person to an inebriate reformatory, then to provide that when a person relapses after a reformatory sentence he may be committed to an inebriate reformatory without further proof being necessary of three previous convictions within the preceding twelve months.

4. To provide that the consent of an inebriate to be dealt with summarily be no longer necessary.

5. To provide that when a person is convicted of being a habitual drunkard and is sentenced to a reformatory, it shall be the duty of the local authority to provide accommodation, failing which the magistrate may commit to any certified inebriate reformatory, the managers of which are willing to receive him, and the managers shall have power to recover from the local authority the sum of 1s. per day towards the maintenance of the case for the period the person is under detention.

6. To provide that the Secretary of State may appoint local visiting justices and lady visitors to visit inebriate reformatories in the same way as they now visit prisons.

7. To provide proper supervision and guardianship under Home Office regulations over all persons discharged from inebriate reformatories, the regulations providing for the return to the reformatory of any person who relapses into drunken habits during the period he is under supervision, after the same manner as if they were discharged to the care of probation officers.

8. To amend Clause 10 of the Inebriates Act, 1898, so as to make the expense of conveying a person to a certified inebriate reformatory under *all* circumstances part of the current expenses of the police authority.

Retreats.

9. To provide that all retreats be licensed by the Secretary of State for the Home Department, and not by county or borough councils.

10. That all houses, institutions, and other places into which inebriates are received for care and treatment be licensed and periodically inspected by the Home Office, and that a penalty be fixed for receiving on payment into any house more than one inebriate for care and treatment without a licence, as in the case of lunatics.

11. To enable the Secretary of State to appoint visitors to inebriate retreats.

12. To enable judges and magistrates of the High and other Courts to order the detention of an habitual inebriate in a retreat if he refuses to submit voluntarily to such treatment.

13. To provide that application for an order for an inebriate's detention in a retreat may be made by any member of his family, trustee, or guardian, *if supported* by certificates from two medical men.

14. To amend Section 14 of the Inebriates Act, 1898, so as to enable guardians of the poor and the Treasury (as well as local authorities) to contribute towards the maintenance of destitute persons in inebriate retreats.

15. To prevent the granting of a separation order for drunkenness under Section 5 of the Licensing Act, 1902, without previously requiring evidence that effective measures to reform have been attempted.

MEMORANDUM by the IRISH WOMEN'S TEMPERANCE UNION.

Irish Women's Temperance Union.

Resolution.

That, the Irish Women's Temperance Union (having in 1902 founded, and since then managed, a retreat for women, which is certified under the Inebriate Acts) during their annual conference in Coleraine, on May 14th, 1908, realising more than ever that inebriety is a disease, and should be treated as such scientifically, and that as the law now stands the clause relating to retreats requires amendment, inasmuch as it only takes cognisance of voluntary patients, whereas many drink to such excess that they are ruining the lives not only of themselves, but of those connected with them, yet who will not consent to enter such a place as a certified retreat; taking advantage of the fact that the Home Secretary has appointed a Departmental Committee to inquire into the working of the Inebriate Acts, this Union of Temperance Women workers passed the following resolution, requesting him to have a clause such as the following added to those relating to retreats:—

"That on the complaint of friends interested in the reclamation of an inebriate, the inebriate should be brought before a suitable tribunal, and medically examined, and the case being proved against them, the person should be sent to an Inebriate Retreat for scientific treatment, as well as for seclusion from temptation for a period not exceeding three years; the regulation as to detention, licence, and grants from County and City Councils at present in force regarding Voluntary patients in a Retreat should apply to these committed cases also."

(Signed) J. Callender Moss,
President.

H. F. Hanna,
Secretary.

14th May, 1908.

Superintendent Thomas Moore.

MEMORANDUM by Superintendent THOMAS MOORE, Metropolitan Police.

I am the superintendent of the Executive Department of the Metropolitan Police Office, New Scotland Yard, which department is charged with the duty of issuing the Habitual Drunkards' List (or what is commonly called the "Black List") within the Metropolitan Police District.

Since January, 1903, when the Licensing Act of 1902 came into operation, 1,782 notices of convictions of habitual drunkards (1,437 females and 345 males) have been received by the police authority from courts situated within the Metropolitan Police District, 272 being under orders made by courts of assize and quarter sessions, and 1,510 by courts of summary jurisdiction.

The following are the number of orders made during each year:—

Year.	Number of Orders made	
	at Assizes and Quarter Sessions.	at Courts of Summary Jurisdiction.
1903 - - - - -	48	459
1904 - - - - -	62	236
1905 - - - - -	52	252
1906 - - - - -	36	224
1907 - - - - -	57	307
1908 (to June 30th) - -	17	32
	272	1,510

The effect of the decision in the Donovan case in April, 1903, was that inebriates could only be committed to reformatories (either summarily by consent, or at sessions), or discharged, and the powers of courts of summary jurisdiction were thereby largely restricted.

It will be observed that the number of orders made at courts of summary jurisdiction during 1904 were about half the number made in 1903, and this was undoubtedly attributable to the decision referred to. The increase during 1907 is probably due to the fact that in April of that year the Governor of Holloway Prison arranged to forward to police the names of all prisoners coming into his care, with three or more convictions for drunkenness recorded against them during the preceding twelve months, to enable police (should these persons be again in custody) to take steps to have them dealt with as habitual drunkards. The particulars of such cases are notified to all police stations by memorandum: and 98 such memoranda have now been issued with respect to 806 persons—379 of whom have been since convicted of drunkenness.

The result of the present system can only be regarded as unsatisfactory.

Police draw the attention of magistrates to the fact that prisoners are liable to the provisions of the Inebriates Act, when they can properly do so, and the suggested contributory causes for magistrates not dealing with prisoners as habitual drunkards are as follows:—

(1) Before a person can be committed to a reformatory there must be at least one remand to enable the reformatory authorities to be communicated with, and the result of such communication is frequently abortive. This probably induces the court to dispose of the case on the prisoner's first appearance, by imprisonment, fine or recognisance.

(2) An apparent desire on the part of the authorities of homes to receive only persons regarded as likely to reform, and in a few cases, the disinclination of courts to inaugurate arrangements in the case of hardened or violent offenders.

(3) At some courts not only proof of three previous convictions for drunkenness within the twelve months is required, but evidence to meet the definition of "Habitual Drunkard" set forth in the Inebriates Act, 1879, *i.e.*, inability to manage their affairs.

(4) Want of adequate reformatory accommodation and the refusal of the authorities to receive inebriates suffering from any form of contagious disease, mental or physical infirmity, or advanced age.

(5) The want of accommodation suitable to creed.

Since 1st January last these difficulties have been accentuated by the termination of the agreement between the London County Council and the six recognised inebriate reformatories. The result is that females appearing before courts for offences (committed within the County of London) in relation to drink, can only be committed to the London County Council Reformatory at Farmfield, and as only persons regarded as capable of reform are received in that institution, and the vacancies are few, the Inebriates Acts, in so far as the County of London is concerned, are rendered inoperative. Police cannot, however, withhold the preparation and distribution of the lists of previous convictions, nor abstain from representing to magistrates that prisoners before them are liable to be dealt with as habitual drunkards and committed to reformatories, nor from incurring the medical fee (21s.) for the examination of persons who are liable to be so dealt with.

Under the present conditions, police efforts are not productive of good results, and this is evidenced by the fact that during the six months ended 30th June, 1908, only 32 persons were committed to reformatories from courts of summary jurisdiction.

The following table shows (*a*) the number of cases in which police represented to magistrates that owing to having been previously convicted at least three times of drunkenness during the preceding twelve months, the defendant was liable to be dealt with as a habitual drunkard, and (*b*) the number of persons committed to reformatories:—

Year.	(*a*) Number of Representations made with respect to Individual Persons.	(*b*) Number of such Persons committed to Inebriate Reformatories.
1905 - -	561	283
1906 - -	533	248
1907 - -	607	336

The Habitual Drunkards' List (or "Black List") is issued in accordance with Section 6 of the Licensing Act, 1902, which provides that upon the conviction of an offender the court shall order that notice thereof, with such particulars as may be prescribed by a Secretary of State, be sent to the police authority. Regulations have been made by the Secretary of State, one of which provides that particulars of the notice of conviction shall be printed at such recurring periods as the Commissioner shall think fit, and together with the description and portrait (whenever practicable) of such habitual drunkard, served on licensed persons and secretaries of clubs.

The prosecutions of habitual drunkards for purchasing or attempting to purchase liquor have been as follows:—

Year.	Convicted.	Discharged.
1903 - - - -	9	5
1904 - - - -	6	4
1905 - - - -	6	2
1906 - - - -	1	—
1907 - - - -	1	2

and for aiding and abetting these offences:—

Year.	Convicted.	Discharged.
1903 - - - -	1	3
1904 - - - -	1	—
1905 - - - -	—	3
1906 - - - -	—	—
1907 - - - -	—	1

If all inebriates committed to reformatories were sent for the maximum period of three years, and were kept there during that time, it would obviously be unnecessary to "black list" them, but many are liberated on licence after completing a little over two years, while others are only committed for a period of two years, and are possibly liberated before that time.

When an inebriate is released on licence, the managers of reformatories acquaint police of the district in which the inebriate will reside, and request that the managers be acquainted if the conditions of the licence are known to have been broken, and further express the hope that police will *not* make any inquiries respecting the inebriate, "or do anything which would be likely to prejudice reform." This really means that police are not wanted to do anything unless the person comes into their hands for some offence in connection with drink.

Of the women liberated on licence, those married usually go back to the locality in which they resided before committal, but the unmarried may be placed in domestic or other service in a quite different neighbourhood, or may not return to the Metropolitan Police District. Considerable change in the appearance of these persons takes place between the time of committal and liberation, on licence or otherwise, and when it is considered that when the portraits are taken many of the persons have not wholly recovered from the effects of drink, privation, or exposure, it is apparent that such portraits are not of much value as a means of identification after two or three years in a reformatory. For these reasons it would appear that there is nothing to be gained by reproducing in the "Black Lists" the portraits of inebriates committed to reformatories. If the portraits are to be published, the inebriate should be photographed shortly before liberation. To accomplish this it would require a regulation to be made by the Secretary of State, but I am satisfied that the lists are not and cannot be of any practical utility in so far as inner London or the populous parts of the Metropolitan Police District are concerned. Some good might result in those parts of the country where everyone is known to everyone else, but it is in those districts that such legislation is least needed.

Superintendent Thomas Moore.

The labour entailed on metropolitan police is considerable, and, of course, there is some expense, and it may fairly be said that all this is wasted since the working of the arrangement is a failure from a police point of view.

It may also be pointed out that the licensees are under no obligation to take care of the lists, and it not infrequently happens that when a public or beer-house changes proprietorship or is closed, the lists cannot be produced, or only in part.

During the first few months of the operation of the Act, a number of persons who were imprisoned or fined, and ordered to be "black-listed" were several times similarly convicted in a short period. It is a very easy matter in inner London for a person to obtain drink without being identified by police or licensed persons, and the increasing forms of cheap locomotion make the matter more easy. 205 persons committed to inebriate reformatories since 1st January, 1903, are known to have been in the hands of police for offences in connection with drink since their liberation, and 122 of these on more than one occasion, and in five instances on no less than twelve occasions. It would therefore appear that reformatory treatment, as now applied, is ineffective.

MEMORANDUM Supplemental to Answers Supplied by **G. NELSON, Esq.**, Police Court Missionary, Marlborough Street.

G. Nelson, Esq.

29th April, 1908.

RETURN OF PRISONERS SENT TO INEBRIATES HOMES FROM MARLBOROUGH STREET POLICE COURT.

Total 140 sent to Inebriates Homes:—
9 sent to Home for the second time.
1 sent to Home for the third time.
44 have been convicted at this court since released from Inebriates Homes.
74 now still in Inebriates Home time not expired.

Date.	Initials.	For how long.	Home.
23-5-99	E. H. - - - - - - - - - - - - - - - - *This woman is now in an Inebriates Home for the third time, see dates 24-2-03 and 9-6-06.*	2 years	Ashford.
9-6-99	M. A. K. - - - - - - - - - - - - - - - *This woman there are 3 convictions for drunkenness since released from Home.*	3 years	Ashford.
2-6-00	N. S. - - - - - - - - - - - - - - - - *This woman is still in an Inebriates Home for the second time, see date 7-8-05.*	3 years	Ashford.
13-9-01	S. A. - - - - - - - - - - - - - - - - *This woman is still in an Inebriates Home for the second time, see date 27-12-05.*	3 years	Farmfield.
21-9-01	A. R. - - - - - - - - - - - - - - - - *This woman there are 5 convictions since released from Home.*	2 years	Farmfield.
5-10-01	M. M. - - - - - - - - - - - - - - - - *This woman there are 2 convictions for drunkenness and 2 convictions for dis. prost. since released.*	2 years	Farmfield.
14-6-02	J. H. - - - - - - - - - - - - - - - - *This man there are 7 convictions for drunkenness and 6 convictions for other offences since released.*	2 years	Church Army Home.
10-7-02	M. O'G. - - - - - - - - - - - - - - -	3 years	Ashford.
1-10-02	R. J. - - - - - - - - - - - - - - - - *This woman is still in an Inebriates Home for the second time, see date 23-1-07.*	2 years	Farmfield.
1-11-02	J. W. - - - - - - - - - - - - - - - -	3 years	Farmfield.
6-11-02	M. G. - - - - - - - - - - - - - - - - *This woman was charged with drunkenness once; it was reported that she had escaped from Farmfield, she was then sent back to Aylesbury.*	3 years	Farmfield.
11-11-02	A. S., or J. - - - - - - - - - - - - - -	3 years	Farmfield.
15-11-02	D. W. - - - - - - - - - - - - - - - - *This woman has 3 convictions for drunkenness and 6 convictions for other offences.*	3 years	Farmfield.
17-11-02	A. V., or V. - - - - - - - - - - - - - - *This woman is now in an Inebriates Home for the second time, see date 26-7-06.*	3 years	Farmfield.
21-11-02	L. D. - - - - - - - - - - - - - - - - *There are 4 convictions for drunkenness and 4 convictions for other offences since released.*	3 years	Farmfield.
11-12-02	A. C. - - - - - - - - - - - - - - - - *This woman there are 4 convictions for drunkenness since released from Home.*	3 years	Farmfield.

G. Nelson, Esq.

Date.	Initials.	For how long.	Home.
19-1-03	M. S.	3 years	Ashford.
	There are 3 convictions for drunkenness since released.		
21-1-03	A. D.	3 years	Farmfield.
24-2-03	E. H.	3 years	Ashford.
2-3-03	A. G.	3 years	Farmfield.
9-4-03	A. G.	3 years	Farmfield.
	This woman is now in an Inebriates Home for the second time.		
14-4-03	A. T.	3 years	Farmfield.
	Sent to Home second time from Bow Street, 27-12-07.		
18-4-03	R. M.	3 years	Brentry-on-Trym.
27-10-03	E. C.	3 years	Farmfield.
3-11-03	M. R.	3 years	Farmfield.
	This woman is now in an Inebriates Home for the second time, see date 7-10-07.		
25-2-04	M. H.	3 years	Ashford.
	There are 5 convictions for drunkenness since released from Home.		
15-3-04	K. B.	3 years	Ashford.
12-3-04	L. O'B.	3 years	Sent from Sessions.
	1 conviction for drunkenness since released from Home.		
18-4-04	M. H.	3 years	Sent from Sessions.
6-5-04	E. F.	3 years	Lewes.
25-5-04	A. H.	3 years	Lewes.
	1 conviction for drunkenness and 1 conviction for another offence since released.		
13-6-04	N. S.	3 years	Lewes.
14-6-04	G. F.	3 years	Lewes.
24-6-04	L. R.	3 years	Lewes.
	2 convictions for begging and 2 convictions dis. prost.		
27-6-04	E. B.	3 years	Lewes.
	This woman is now in an Inebriates Home for the second time, see date 6-8-07.		
29-6-04	N. O'C.	3 years	Lewes.
2-7-04	N. McC.	3 years	Lewes.
25-7-04	E. M.	3 years	Lewes.
26-7-04	S. W.	3 years	Lewes.
27-7-04	C. H.	3 years	Lewes.
13-8-04	N. L., or McA.	3 years	Lewes.
	1 conviction for drunkenness, 1 conviction for dis. prost., 1 conviction for obscene language, since released.		
19-9-04	M. S.	2 years	Lewes.
1-10-04	M. H.	3 years	Lewes.
	1 conviction for drunkenness since released from Home		
13-10-04	A. L., or T.	2 years	Lewes.
	Sent to Home second time from Bow Street, 14-12-06.		
24-10-04	A. W., or G.	3 years	Sent from Sessions.
27-10-04	R. M.	2 years	Lewes.
	Sent to Home second time from Highgate Petty Sessions 31-7-07.		
4-11-04	E. S.	3 years	Lewes.
	1 conviction for drunkenness since released from Home.		
12-11-04	J. B., or W.	3 years	Lewes.
21-11-04	E. H.	3 years	Lewes.
30-11-04	L. McD., or W.	3 years	Lewes.
	1 conviction for drunkenness since released from Home.		
2-12-04	A. W., or S.	3 years	Lewes.
9-12-04	A. A.	3 years	Lewes.
	1 conviction for drunkenness since released from Home.		
9-12-04	A. L.	3 years	Lewes.
	1 conviction for drunkenness since released from Home.		
12-12-04	E. L.	3 years	East Harling.
	1 conviction for drunkenness since released from Home.		
19-12-04	R. P.	3 years	Farmfield.
27-12-04	H. L.	3 years	Lewes.
	1 conviction for drunkenness since released from Home.		
27-12-04	L. D.	3 years	Lewes.
2-1-05	C. L., or S.	3 years	Brentry-on-Trym.
18-1-05	S. J.	3 years	Lewes.
23-1-05	S. D.	3 years	Lewes.
	2 convictions for drunkenness since released from Home.		
25-1-05	C. C.	3 years	Lewes.
	2 convictions for drunkenness and 2 convictions for other offences since released.		
28-1-05	L. K.	3 years	Lewes.
	1 conviction for misconduct since released.		
16-2-05	C. D.	3 years	Lewes.
	4 convictions for drunkenness since released.		
24-2-05	A. T.	3 years	Sent from Sessions.
	1 conviction for drunkenness since released.		
6-3-05	A. C.	2 years	Sent from Sessions.
	2 convictions for drunkenness since released.		
30-3-05	L. C.	3 years	Lewes.
	1 conviction for drunkenness.		
8-4-05	F. W.	3 years	Brentry-on-Trym.
15-4-05	E. McC.	3 years	East Harling.

Date	Initials.	For how long.	Home.
24–4–05	H. H.	3 years	Lewes.
29–4–05	E. G.	3 years	Sent from Sessions.
17–5–05	A. T.	3 years	East Harling.
22–5–05	M. H.	2 years	East Harling.
	3 convictions for drunkenness since released.		
12–6–05	E. J.	3 years	Lewes.
13–6–05	E. H.	3 years	East Harling.
20–6–05	E. M.	3 years	Brentry-on-Trym.
1–8–05	M. D.	3 years	Lewes.
7–8–05	N. S.	3 years	Lewes.
14–8–05	M. R.	3 years	Lewes.
23–8–05	A. D.	3 years	East Harling.
25–9–05	M. J., or B.	3 years	Lewes.
26–9–05	P. M.	3 years	Lewes.
10–11–05	L. D.	3 years	Lewes.
15–11–05	G. S.	3 years	East Harling.
17–11–05	E. B.	3 years	East Harling.
2–12–05	M. McD.	3 years	Sent from Sessions.
8–12–05	J. O'B.	3 years	Brentry-on-Trym.
13–12–05	P. L.	3 years	Brentry-on-Trym.
18–12–05	M. B.	3 years	Lewes.
20–12–05	F. L.	3 years	Lewes.
26–12–05	M. H., or O'G.	3 years	Lewes.
27–12–05	S. A.	3 years	East Harling.
	Second time to Home.		
29–12–05	S. N.	3 years	Sent from Sessions.
3–1–06	J. C.	2 years	Brentry-on-Trym.
	2 convictions for drunkenness since released.		
6–1–06	N. O'C. C.	3 years	Lewes.
10–1–06	L. R.	3 years	East Harling.
13–1–06	A. C.	3 years	East Harling.
15–1–06	A. B.	3 years	East Harling.
23–1–06	W. S.	3 years	Brentry-on-Trym.
5–2–06	H. H.	3 years	Brentry-on-Trym.
8–2–06	D. S.	3 years	Sent from Sessions.
9–3–06	T. M.	2 years	Brentry-on-Trym.
	2 convictions for drunkenness since released.		
10–3–06	E. D.	2 years	Brentry-on-Trym.
20–3–06	L. L.	3 years	East Harling.
27–3–06	A. F.	3 years	East Harling.
29–3–06	M. F.	2 years	Brentry-on-Trym.
14–4–06	M. D.	3 years	Lewes.
16–4–06	M. D.	3 years	Lewes.
17–4–06	B. F.	3 years	Sent from Sessions.
24–4–06	A. W.	3 years	Sent from Sessions.
25–4–06	T. J.	3 years	Brentry-on-Trym.
26–4–06	W. J.	2 years	Brentry-on-Trym.
26–4–06	H. H.	3 years	East Harling.
17–5–06	F. M.	2 years	Brentry-on-Trym.
9–6–06	E. H.	3 years	Lewes.
	Third time to Home.		
11–6–06	E. C., or S.	3 years	East Harling.
16–6–06	M. J.	3 years	East Harling.
25–6–06	A. McD.	3 years	East Harling.
19–7–06	M. J.	3 years	East Harling.
26–7–06	A. C., or V.	3 years	East Harling.
	Second time to Home.		
9–8–06	E. A.	3 years	East Harling.
16–8–06	A. P.	3 years	East Harling.
29–9–06	M. B.	3 years	Lewes.
11–10–06	W. H.	3 years	Brentry-on-Trym.
16–10–06	E. K., or G.	3 years	East Harling.
18–10–06	R. W.	3 years	East Harling.
18–10–06	A. C.	3 years	Brentry-on-Trym.
24–12–06	E. G.	3 years	East Harling.
26–12–06	M. B.	3 years	East Harling.
10–1–07	K. S.	3 years	East Harling.
23–1–07	R. J.	3 years	East Harling.
	Second time to Home.		
29–1–07	A. J.	3 years	East Harling.
3–4–07	N. H.	3 years	East Harling.
12–4–07	M. A. K.	3 years	Lewes.
7–6–07	M. W.	3 years	Lewes.
22–6–07	E. M., or C.	3 years	East Harling.
	E. M., or C., sent to Home on first occasion from Sessions on 12–2–03, for 2 years. Second time to Home.		
6–7–07	A. G.	3 years	East Harling.
	Second time to Home.		
6–8–07	E. B.	3 years	Sent from Sessions.
	Second time to Home.		
14–8–07	K. O'G.	3 years	Sent from Sessions.
29–8–07	M. O'C.	3 years	Lewes.
28–9–07	E. R.	3 years	Lewes.
7–10–07	M. R.	3 years	East Harling.
	Second time to Home.		

G Nelson, Esq.

Date.	Initials.	For how long.	Home.
7–10–07	M. L.	3 years	East Harling.
13–11–07	M. H.	3 years	Lewes.
20–11–07	M. C.	3 years	Lewes.
3–12–07	A. J.	3 years	Sent from Sessions.
7–12–07	V. G.	3 years	East Harling.
13–12–07	E. W., or M.	3 years	East Harling.
21–12–07	F. F.	3 years	Brentry-on-Trym.
24–12–07	C. B.	3 years	East Harling.
5–3–08	D. McM.	3 years	Farmfield.

B. M. was sent from West London Police Court for 2 years on 15–8–04.
This woman has 7 convictions for drunkenness and 4 convictions for other offences at this court since released.

F. D. was sent from Clerkenwell Police Court for 2 years on 28–1–05.
This woman has 3 convictions for drunkenness and 5 convictions for other offences at this court since released.

E. M., *alias* L., was sent from Thames Police Court for 3 years on 2–3–05.
This woman has 2 convictions for drunkenness since released from Home.

Sir G. P. O'Farrell, M.A., M.D.

MEMORANDUM submitted by Sir GEORGE PLUNKETT O'FARRELL, M.A., M.D.

I hold the Statutory appointment of Inspector of Lunatics in Ireland, having as colleague Dr. Maziere Courtenay, and our duties correspond very closely to those of the English Lunacy Commissioners. I also, at the request of the Irish Government, act as inspector of inebriate retreats and inspector of certified inebriate reformatories under the Inebriates Acts, 1879 to 1900. The law as regards inebriates is practically the same in Ireland as in England. All the provisions of the English Acts apply to Ireland, with the substitution of the "Lord Lieutenant" for the "Secretary of State," and with the omission of Section 5 of the Licensing Act of 1902, which does not apply to Ireland, see Section 34 (2).

The use of Existing Powers.

The Act of 1879 dealing with voluntary inebriate retreats and the Act of 1898, which enabled certified inebriate reformatories to be established, had scarcely passed before, as might be expected in a wealthy and benevolent country such as England is, advantage was taken of the provisions of the Acts by the opening of inebriate institutions, and this has been done not alone through channels of private benevolence, but also through the liberality of county councils who, in some instances, have devoted large sums of money for the purposes of the Act in their respective districts.

In Ireland, as also might be expected in a country where inebriety is a great national calamity, the same desire, and an even more urgent necessity for the establishment of retreats and certified inebriate reformatories existed, but, unfortunately, for many years nothing could be done through lack of the necessary funds. It is true the executive was bound under the provisions of the Inebriate Act of 1898, Section 1, which deals with habitual drunkards who are convicted on indictment of offences punishable with imprisonment or penal servitude (that is to say, all non-capital felonies, and most misdemeanours) where drink was a contributing cause of the offence—to establish a *State* inebriate reformatory corresponding to Warwick and Aylesbury, and accordingly the Irish General Prisons converted at a comparatively small cost the disused prison at Ennis, Co. Clare, into accommodation for persons committed under Section 1. The Ennis State Reformatory opened in the middle of 1899, while subject to the General Prisons Act, is governed under special regulations. Although I have no official connection with this institution, I am able to state as a result of personal knowledge that it is in every respect admirably managed, and the results of treatment are quite remarkable as regards percentage of discharged patients who continue to do well. This is, I believe, quite contrary to the English experience of Warwick and Aylesbury, which are looked on rather as places of detention for the period of a sentence rather than control for the purpose of reformation. The explanation probably is that the persons committed to Ennis, while smaller in numbers, are less unruly and violent than those committed to the English State reformatories.

The Irish Women's Temperance Union established in a villa near Belfast a *retreat* under the 1879 Act, which was duly licensed for the reception of 15 patients in May, 1903. This retreat has since been moved to a larger house, with an increased licence, and has done admirable work, principally among poor people whose friends can contribute 5s. a week towards their maintenance. This institution can only be described, through want of funds, as having a very precarious existence, and but for the activity of the honorary secretary, Mrs. McAleery, would probably have to close its doors.

Two or three futile attempts were made in Ireland to establish a certified inebriate reformatory, but the necessary funds to start this were not forthcoming until, in March, 1906, a poor religious community from Blackburn (Lancs.), the Congregation of the Divine Pastor, started, as a temporary expedient, in a small and inadequate way, a certified inebriate home for 30 men at Waterford, which received official sanction as a temporary expedient. This institution is, I regret to say, unfortunately, situated within the city boundaries, having its main entrance from the public street, and having no sufficient land for the patients' recreation and employment. The only ground attached to it is an old yard, measuring 150 feet by 110 feet, which has been converted into a little garden plot, with a pathway running round it.

These are the only three institutions established in Ireland under the provisions of the Inebriates Acts, and it will at once be evident how absurdly inadequate they are in a country where during 1907 43 per cent. of the total prison committals are due to drunkenness or drunkenness and disorderly conduct. There is, I submit, urgent want for a large certified reformatory for both sexes, but without substantial assistance from the Imperial Government it is impossible to see where the necessary funds are to come from, and in considering this question I would ask the Committee to bear in mind the vast gulf which separates the social condition of England from that of Ireland.

In the one case there is a great middle-class population, alike wealthy and benevolent, amongst which persons are to be found who willingly start and support, to meet urgent social requirements, institutions such as inebriate homes, whereas in Ireland we have, unfortunately, speaking in a general sense, practically no wealthy middle or upper classes, and so many charitable institutions, which are almost a necessity of civilisation, and which in England can be safely and best left to private benevolence, either do not exist at all in Ireland, or, if they do exist, have to maintain an uncertain and unsatisfactory struggle for their support

Mr. W. Gladstone fully recognised the inability of Ireland to pay, outside the statutory provision for the destitute poor, for a large class of want and suffering which ought undoubtedly to be provided for, and which, using his own words, "in every great community ought to be liberally met, but which can only be met by the expenditure of large and considerable funds."

The Treasury takes from Ireland nearly £6,000,000 per annum through the Inland Revenue for duty on intoxicating liquors and licences, and it would seem to me not unreasonable to ask that out of this vast sum some small allocation should be made for the establishment of at least one certified inebriate reformatory, sufficient for both sexes, and which, without Imperial aid, will not, I believe, be established in Ireland.

Sir G. P. O'Farrell, M.A., M.D.

MEMORANDUM concerning the desirability of extended legislation to permit the exercise of guardianship over inebriates, by **WILLIAM OSLER, Esq., M.D., F.R.S.**, Regius Professor of Medicine, Oxford University.

W. Osler, Esq., M.D., F.R.S.

In the course of my practice I have been consulted very often by inebriates or their friends. In looking back upon my experience, I find there are three groups of cases in which the power to appoint a guardian would be most beneficial. First, there is the open drunkard, who puts his family and friends to unutterable grief and shame by his habits. Often he is the intermittent drinker who has bouts of a week or ten days' duration, and in the intervals is able to conduct his business as well as anybody. Secondly, the steady drinker, who is never drunk, but whose ways are known to his family and intimate friends, and whose judgment is weakened by his excesses and whose financial position may be jeopardised by his habits. Thirdly, women drinkers, a most important group in the middle and upper classes, who give no end of trouble to their relatives and friends.

In these three groups I have known many instances in which power to appoint a guardian would have been welcomed. Very often the knowledge that such a power is in the possession of the family would be an important factor in the development of self-control in these cases.

MEMORANDUM of **ROBERT J. PARR, Esq.,** Director of the National Society for the Prevention of Cruelty to Children, on the experience of the Society in dealing with women committed to Certified Inebriate Reformatories under Section 1 of the Inebriates Act, 1898.

Robert J. Parr, Esq.

The total number of women committed to certified inebriate reformatories at the instance of the Society in England, Ireland and Wales from April 1st, 1902, to March 31st, 1908, was 316.

These women had been convicted on indictment under Section 1 of the Prevention of Cruelty to Children Act, 1894, and 1904, for neglect of, or cruelty to, their children. The number of children involved in these cases was 1,041.

As illustrating the condition of the women and the nature of the neglect of the children some typical cases are given.

Six Typically Bad Cases.

Blackburn, 4964.—Age 36; started to drink to excess 14 years ago, continued seven years, then for three and a half years was steady, afterwards relapsed, and for three and a half years had been drunken. She frequently accosted men in the street in order to obtain drink. There were six children involved, the eldest 13 years, the youngest one month (this child was blind with gonorrheal ophthalmia).

The husband a respectable, hard-working man. Average earnings 28s. weekly. The woman had pawned the clothing and household goods as far as possible; other furniture and windows broken. Rooms dirty; bedding black with dirt.

The children were fairly nourished, but they were very dirty, as was their clothing. That their condition was not more deplorable was due to the efforts of the mother's sisters.

Committed for three years' detention on 18th October, 1907. The previous convictions were:—

October, 1904.—Woman reprimanded by magistrates and given chance to reform.

November, 1904.—Husband got a separation; remained apart a few months.

February, 1906.—Six months for neglect.

1906 and 1907.—Several fines and imprisonment for being drunk and disorderly.

Sydenham, 2218.—Aged 53; had been drunken for past ten years. One girl child affected, aged six years.

Husband steady and industrious; average wage about 20s. weekly.

Child constantly left alone for hours while woman was out drinking. It had not been out of one room for nearly six months. Its condition was deplorable: hair matted, head a mass of running sores, sores also on chest, back and limbs. Child dwarfed, not larger than a child of three.

Clothing verminous. There was one bed for the man, wife and child; bedding scanty and verminous. Anything the woman could pawn she did. In drink she was very violent, and her language and bearing toward the child was disgraceful.

Committed for three years' detention on 9th January, 1908.

Previously bound over, and in November, 1902, two months hard labour for neglect.

C. O., 59263.—Aged 27. Had been drunken for two years. Husband sober and industrious; average wages 33s. weekly.

Four children from seven to two years. All very thin, caked with dirt, having only one garment each, filthy, verminous, and without stockings or boots. Elizabeth, four years, was ricketty.

The children were often without food from morning until evening, and were frequently left alone for hours, sometimes the whole day.

The scanty bedding was a mass of filth; there was no covering. The rooms were dirty and foul. Everything the woman could sell had been sold, down to the brass knobs off the bedstead.

Committed for three years on 17th February, 1906.

16th February, 1905.—Six weeks hard labour for neglect, and since then several convictions for drunkenness.

C. O., 57621.—Had been drunken four years. Husband sober and industrious, earning 30s. to 35s. weekly.

Two girls involved, nine years and eight. They were much emaciated, black with dirt, their heads a mass of discharging sores, hair matted, the whole a living mass of lice.

Their clothing, very scanty, was in rags, filthy, and swarming with vermin; their bed disgusting.

Their boots and decent clothing had been pawned for drink.

Committed for three years' detention on 14th September, 1905.

Swansea, 1895.—Had been of drunken habits for seven years. Husband sober and industrious, earning 50s. weekly. Four children involved, 11 years to two.

Robert J. Parr, Esq.

The children were quite brown with dirt; their clothing scanty and ragged; their boots and the bedding had been pawned. The mother had taken the boots off the children's feet to pawn them.

The baby, two years, was puny, 14 lbs. instead of the normal weight 24; in a serious condition with broncho-pneumonia, but was allowed to run about all day almost naked, its medicine being thrown away.

There were two beds both filthy, saturated and stinking with urine; there was no bed covering.

The floors were caked with mud and dirt.

Imprisoned for 10 weeks and committed for two years' detention on 30th November, 1904.

Previous conviction: *November, 1903*, six weeks hard labour for neglect.

Portsmouth, 3543.—Drunken for 10 years. Husband a warrant officer R.N., good character; allowed his wife £7 monthly.

Seven children from 12 years to five, black with dirt, their clothing scanty, filthy and ragged. Two children had deformed legs, two had St. Vitus' dance, one had a very badly swollen foot with blood poisoning causing great pain, three of them had open sores; none were receiving any attention.

The house and its scanty furniture was all filthy with dirt. There were three broken bedsteads with stained and saturated mattresses, and practically no covering.

A great deal had been done to assist the woman.

Imprisoned for 14 days and committed for three years' detention on 8th April, 1907.

Six Cases, Examples of those which are Less Serious.

N.B.—This class of case is a small minority.

Wallsend, 375.—Aged 36; drunken for 14 years. Husband steady and industrious, earning 38s. weekly; an elder boy also gave 10s. weekly for his lodgings.

Three children affected, 15 years to four.

The children were clean, well nourished, and fairly clothed, but this was owing to the father's attention. He had also kept the house clean and fairly tidy. The woman entirely neglected her home and all its duties; would do no cooking.

She stopped away daily for hours, and frequently for one or more nights.

She had pawned clothing and many other things, and borrowed money all round, and nearly lost her husband his job through his being pestered at the works for repayment.

One month's imprisonment; three years' detention on 4th July, 1906.

Previous convictions:—

In 1902 prosecuted and acquitted.
In 1903 prosecuted and reprimanded only.
In 1904 three months' imprisonment.

Cardiff 1153.—Drunken seven years; alternate fortnightly spells of drunkenness and sobriety. Husband, sober and industrious, 27s. weekly. Six children involved, 15 years to six. Owing to the father's care they were not in a very bad condition.

The woman stayed out all day. Everything she could sell or pawn she had disposed of. The beds were mattresses only with no coverings. In the living room there was barely any furniture. There were no cooking utensils. She had sold the bread the father brought for the children's food, and had stripped one child to pawn his clothes.

Committed to two years' detention on 12th October, 1905.

York 2193.—Drunken three years; husband at one time was drunken, but reformed, and is now steady and respectable, earning 26s. 6d. per week.

Three children, 12, 10, 7 years. Not seriously neglected, as they had been fairly well attended to by their father and by mission visitors. The latter had given a quantity of clothes and household linen, but the woman had pawned it all.

Committed for two years' detention on 13th July, 1905.

C. O. 50461.—Drunken four years; husband of good character; 27s. weekly.

Two children eight and two years. Eldest child practically all right owing to father's care. Youngest frequently left with only a nightgown on, cold, wet and dirty. The landlady would attend to the child and then be abused for her kindness.

The rooms were dirty and almost without furniture, the woman having pawned or sold all she could.

Committed for two years' detention on 27th April, 1904.

C. O. 49802.—Drunken nine years; husband of fair character, 15s. per week wages; the woman also was employed at one time. Two children affected, seven and five years.

They were well nourished, fairly clean and free from vermin, but had been fed and cared for by the father and by lodgers.

Committed for two years' detention on 24th February, 1904.

Walsall 2547.—Drunken ten years; husband steady and industrious; 37s. weekly.

The children were not now in a very bad state, but the woman had been discharged six months previously after serving four months' hard labour for neglect; on the day of her release she got drunk. House very dirty and neglected, woman pawned all she could and stayed away two or three days at a time.

Committed for three years' detention on 2nd July, 1906.

Previous conviction: *November, 1905*, four months' hard labour for neglect.

Previous Convictions.

A number of the women sent to reformatories had been previously convicted by the police, and at the instance of the Society.

The number of police convictions cannot be taken as complete in the instances shown, nor as including all those women who may have been convicted:—

Folio.	By Society.	By Police.
19	—	1
22	—	several
24	1	—
27	2	—
28	1	—
35	3	—
35	—	several
38	—	several
41	5	—
47	5	—
51	—	several
55	4	—
57	1	—
58	1	—
60	1	—
61	1	—
68	1	1
75	2	2
78	—	1
80	—	1
83	4	—
84	2	—
92	—	at least 7
93	1	—
94	1	1
96	3	—
98	3	—
123	2	—
137	1	several
4	—	6
6	—	5
7	6	—
14	—	33
17	1	2
21	1	—
24	1	—
26	1	—
29	—	several
31	1	several
32	4	—
34	1	—
37	1	—
38	1	—
45	1	—
47	2	—
49	1	—

Folio.	By Society.	By Police.
53	—	6
57	3	—
60	1	several
61	1	—
62	—	1
65	1	—
68	1	—
69	1	2
76	3	—
77	—	9
78	—	2
80	3	11
81	1	—
83	—	3
85	1	—
87	—	2
94	—	2
106	1	—
108	—	several
120	1	—
122	1	2
123	1	1
124	6	1
126	1	—
134	1	several
141	2	—
142	—	several
143	1	12
149	1	—
152	2	—
2	4	—
3	1	—
4	1	—
5	1	3
7	1	—
10	1	—
12	1	—
18	1	—
19	—	2
20	—	several
22	—	several
24	—	1
26	1	—
29	2	—
31	3	—
32	1	several
34	2	several
36	4	—
38	5	—
39	1	—
40	1	—
46	1	—
48	2	—
50	1	several

Influence while under Treatment.

Six months after a woman's committal the Society procures a photograph of her children; this is sent to her in the reformatory in the hope of encouraging her and to keep her in touch with her family. Further photographs are sent at the termination of the two succeeding years.

Almost without exception the condition of the children has considerably improved at the end of six months as the result of proper care and kind treatment.

Deterioration of Children.

The system of having children photographed has disclosed the important fact that when a woman has continued her drinking habits during the period of child-bearing there is a distinctly traceable deterioration in the family from the eldest downwards. I shall be able to produce photographs which clearly show this tendency. In some cases the physical and mental deterioration is most marked.

Results of Treatment.

For the purpose of testing results of treatment a period of two years has been taken from April 1st, 1902, to March 31st, 1904. The number of women committed was 133, and the number of children involved was 426:—

Summary of Results in 133 Cases.

Detained.	Died or Asylum	No record.	Relapsed.	Reformed	Total.
3 years 2 11/12 „ 2 9/12 „ 2 8/12 „	3	9	13 (25 °/₀)	27 (51·9 °/₀)	52
2 6/12 „ 2 3/12 „ 2 2/12 „ 2 1/12 „ 2 „ 1 9/12 „ 1 8/12 „ 1 6/12 „	2	5	35 (48·6 °/₀)	30 (41·6 °/₀)	72
1 year ½ year	—	1	6	2	9
	5	15	54	59	133

Some Considerations.

As will be seen from a glance at the typical cases, many of the women had been drinking heavily for many years. They should have been committed long before.

The women who were committed for shorter terms, or who were licensed after detention from eighteen months, to two years and three months, were:—

(*a*) Those whose offences under the Prevention of Cruelty to Children Act were less serious, or,

(*b*) Those whose antecedents, character, and mental condition made it probable that they were more likely to be amenable to reformative influences.

It is submitted that on the ascertained results it would be fair to assume that had all the women been detained for the full term of three years the cures would have averaged from 75 to 80 per cent. of the whole.

From the Society's standpoint the longer term of detention is advantageous apart from the possible cure for two reasons:—

(*a*) It gives the children who have been neglected an extended opportunity to recover from the effects of their ill-treatment and to regain a normal standard of health; and

(*b*) Prevents the mother from having more children until she has been restored to a healthy condition.

Influences on a Woman's Release.

As affecting the results, it may be said that it is part of the Society's method in dealing with families to induce the husband to correspond with his wife during her detention, and if possible, to remove to entirely new surroundings on her discharge.

When a woman returns home it is the practice to find a lady who will befriend her and encourage her to remain steady. In a few cases the visits of the Society's inspector are preferred, and in many instances this officer pays over by weekly instalments the gratuity made by the managers of the reformatory.

Such visits are usually paid once a fortnight or three weeks, and extend over fifteen or eighteen months. Sometimes, however, ladies maintain their interest over a longer period.

Of the 133 cases referred to in the summary of results there were:—

(*a*) 25 cases in which the husband showed hostility to or neglect of his wife during the term of her detention.

(*b*) 12 cases in which the husband placed obstacles in the way of return.

(*c*) 22 cases in which the conduct of the husband was a hindrance to his wife after her return.

As far as the objections of husbands could be discovered they were found to be:—

(*a*) 10 cases where the husband was living with another woman.

(*b*) 6 cases where the former drunkenness of the wife was made an excuse.

(*c*) 3 cases where the objection was the former immorality of the wife.

Robert J. Parr, Esq.

Robert J. Parr, Esq.

These facts are worthy of note in connection with the records of reformation.

Reformatories to which the 133 women were committed.

—	Reformed.	Relapsed.	No record, died or Asylum.
National Institutions - - - - -	50	37	14
Duxhurst - - - - - - - -	5	12	2
Ennis - - - - - - - -	2	4	3
Farmfield - - - - - - - -	—	—	1
Ashford - - - - - - - -	1	—	—
High Flats - - - - - - - -	1	—	—
Fallowfield - - - - - - - -	—	1	—
	59	54	20
Total - - - - -	133		

INEBRIATES ACT ADVISED BUT NOT APPLIED.

Here are some instances where the Society asked for committal under the Act without success. The results of the cases are also given:—

Branch.	Date.	Plaint No.	Reasons.
Newport (Mon.) - -	March 12th, 1906	2130	Bench dealt with case as defendant desired it. Six months in the second division.

Result.—The six months' detention had a salutary effect.

Dowlais - - -	May 5th, 1906	1251	Bench yielded to appeal from husband, and adjourned case against his wife for one month. She eventually received two months' hard labour.

Result.—Most unsatisfactory. Continued her drinking habits, and is about to be prosecuted again.

Stockport - - -	May 18th, 1906	2993	Bench dealt with case summarily, giving four months' hard labour. No reason given in newspaper report.

Result.—Parties subsequently separated by order of Court. Both, however, gave trouble in consequence of drinking habits.

St. Helens - - -	June 8th, 1906	2049	Bench does not believe in Inebriates Act according to officer, and bound woman over.

Result.—Most unsatisfactory. Broke out again and gave trouble by drinking and pawning.

Sheffield - - -	June 29th, 1906	4371	Solicitor asked for application of I. Act, but Bench adjourned it for a month for b.b., and then gave the man one month hard labour.

Result.—At first most unsatisfactory, but after three supervision visits improvement resulted, and on 7th May, 1908, very remarkable improvement was found. Father in good situation, earning between £3 to £5 a week, and the children were happy and comfortable.

Sydenham - - -	July 17th, 1906	1918	Committed to quarter sessions to be dealt with under Inebriates Act, but simply bound over.

Result.—Since case before the Recorder woman much better than before, but not altogether satisfactory.

Bootle (Lancashire) -	Sept. 17th, 1906	681	Solicitor asked for case to be dealt with under Inebriates Act, but Bench refused to comply and thought six months would have a better effect. The Bench and their Clerk state they have no confidence in the Act.

Result.—Most unsatisfactory. The woman broke out again and was further prosecuted and sentenced to a further term of six months. Bench again asked but declined to administer the Act. Woman, after serving her second sentence, left the district and her present whereabouts are unknown.

Leigh - - - -	Sept. 19th, 1906	70	Application made to commit under Inebriates Act, but sentenced to six months hard labour instead.

Result.—Parties now living apart. Wife obtained a judicial separation 23rd January, 1908. On Good Friday last (17th April, 1908), she was then intoxicated.

Northwich - - -	Sept. 27th, 1906	1691	Application made to commit under Inebriates Act, but sentence of three months passed. No explanation given in newspaper report. The solicitor is responsible for this, as he failed to carry out his instructions.

Result.—Unsatisfactory. Broke out on the drink again and continued to give trouble.

Robert J. Parr, Esq.

Branch.	Date.	Plaint No.	Reasons.
York - - - -	Nov. 21st, 1907	2814	Case committed for trial under Inebriates' Act, and went to quarter sessions, but accused only bound over under Probation of Offenders Act.
Result.—Remarkable improvement. Last Report 21st April, 1908.			
Sheffield - - -	Feb. 2nd, 1908	4915	Application made to commit under the Act, but 3 months' imprisonment given. No explanation in newspaper report.
Result.—Woman promised the officer she would mend her ways.			
Hertford - - -	Feb. 17th, 1908	1160	Case came before Mr. Justice Walton at the Herts Assizes, who dealt with the woman under the Probation of Offenders Act.

Confusion as to the law.

In some instances justices hold that the Society's cases should be taken under Section 11 of the Prevention of Cruelty to Children Act, 1904. An example is given of the confusion that arises in the minds of some authorities:—

Carmarthen, 616, 4th March, 1908.—Ill-treatment and neglect of five children. The accused mother sold and pawned practically everything she could lay her hands on for drink. The home was filthy and children dirty and ill-clad. On one occasion she kicked the boy of 14 on the eye while she was drunk—he was trying to prevent her from hitting his sister of 11. The woman was prosecuted by the Society on the first occasion in October, 1907, when she was sentenced to 21 days' imprisonment for neglecting her children. She was said to have been converted, and some lady evangelist intervened. She, however, subsequently became worse than before, and was again prosecuted for neglect at the same quarter sessions and given four months' imprisonment. Application was made on this occasion to have her dealt with under the Inebriates Act, but the clerk of the peace contended that the section of the Act of 1904, which enables the court to order a defendant who consents to be sent to a home, in effect repealed Section 1 of the Inebriates Act, 1898, so far as the cases under the former Act were concerned. The chairman interposed during the argument between the Society's counsel and the clerk, and said whichever view was correct he was not disposed to send the woman to an inebriates' home, and sentenced her to four months' imprisonment.

Suggestions.

That inebriate women should be committed earlier and not be permitted to continue in their drunken habits until the possibility of reform is considerably lessened.

That in order to secure the permanent reform of these women they should be committed for the full term of three years.

That steps should be taken to secure that the provisions of the Inebriates Act, 1898, shall be enforced by hitherto unwilling justices.

That, subject to certain conditions, power should be given to justices to commit a woman direct to an inebriates' reformatory instead of first sending her to quarter sessions.

That Section 11 of the Prevention of Cruelty to Children Act, the terms of which have been included in the Children's Bill, should be repealed.

MEMORANDUM Supplemental to Answers supplied by J. T. T. RAMSAY, Esq., M.D., Chairman of the Lancashire Inebriates Acts Board.

J. T. T. Ramsay, Esq., M.D.

It is useless to ignore the great amount of adverse criticism directed against the work of inebriate reformatories and the general prediction of failure. The women are, it is admitted, at least saved from themselves for a period of three years, the towns from which they come are so much the better by their removal, their evil example to family and friends has ceased, and in these days, when the influence of heredity is so widely studied, there is a greater gain which need only be hinted at. Time after time statements have appeared in the Press to the effect that inebriates have been discharged from reformatories, only to be ordered back again by the magistrates; while in not a few, physicians have been blamed because more real cures have not been effected.

Are our inebriates reformatories a failure? In so far as they fail to cure the confirmed inebriate they are a failure, and must remain such. They are not a failure in other respects. In so far as they detain these poor people who have, perhaps, never had any will power to guide and control their actions, they are not a failure. In so far as the confirmed inebriate is imprisoned so as to prevent such from marrying and bringing forth a family, the "reformatory" (so-called) is not a failure.

A study of the statistics relating to inebriate reformatories proves the contention that it is impossible to cure the confirmed inebriates. Of 1,873 persons admitted to these "reformatories," 48 were insane, and sent to an asylum; 271 were imbeciles, degenerates, and epileptics; 851 were defectives, and 697 were of "average mental capacity"; that is, 62·7 per cent. were mental degenerates, and 37·3 of average mental capacity.

I ask, how can any honest physician hold out a hope of cure for such patients? He cannot. Perhaps he could if ordered to do so, and taking the reports of the Commissioners of Lunacy as his guide. In their last report it is stated that of 121,979 certified insane in England in January, 1906, no fewer than 8,170 were discharged as "recovered." Yet it is known that a very large percentage of these cured (?) are re-admitted inside twelve months after being "cured." Thus, the taxpayers "get value for their money" by encouraging a scheme in which the insane are allowed to marry, to return to married life, or to become parents.

Of 352 females admitted to reformatories in 1905, no fewer than 200, or 56·8 per cent., were mental defectives. Here a sad feature of our somewhat "swollen-headed" Western civilisation must be noticed; to the effect that 93 females admitted had been permitted to bring forth 850 children—all cursed by parental neglect and denied the child's birth-right—to be happy and healthy—and cursed with alcoholic craving. God help these poor little children.

If the justices of the peace in the entire county realised the importance of these facts, I feel certain that their refusal in so many cases to commit would cease, and young females starting on the downward grade would receive a timely check before becoming confirmed in the habits so strongly marked in the great majority of the Langho cases. In a few cases of young women committed there is every sign that a complete cure will be attained.

Some provision should be made to allow managers to maintain children born in reformatories beyond nine months. The Local Government Board auditor may surcharge if no provision is made. The presence of children has a most humanising effect on the women.

Society for the Study of Inebriety.

MEMORANDUM presented on behalf of the COUNCIL OF THE SOCIETY FOR THE STUDY OF INEBRIETY.

The council of the Society for the Study of Inebriety, a scientific body devoted to the study of inebriety, in the following Memorandum indicate what in their opinion are the most desirable and urgent amendments called for in the present Inebriates Acts, and also the additional powers required for rationally dealing with those inebriates for whom no legislative powers for insuring care and control are at present available.

The question is considered under two separate and distinct heads:—

I. Defects of, and necessary amendments to, the already existing Acts dealing with inebriates (the Habitual Drunkards Act of 1879; the Inebriates Act of 1898).

II. Additional powers necessary to extend existing Acts and to make them applicable to all classes of inebriates.

I. AMENDMENTS OF EXISTING ACTS.

1. The Habitual Drunkards Act, 1879.

1. The term "Habitual Drunkard" as used in the Habitual Drunkards Act, 1879.

Suggestion.—It should be replaced by that of "Inebriate," as is allowed by the Inebriates Act of 1898. This is desirable on the following grounds:

(*a*) It is less opprobrious.

(*b*) It is more comprehensive, and should apply to drug habitués, as well as to alcoholic inebriates.

(*c*) It connotes a diseased condition.

(*d*) "Drunkard" implies drinking, and does not include drugging by hypodermic medication, inhalation, etc.

2. It has been held by many that the Habitual Drunkards Act of 1879 was passed to permit of the control of inebriates *solely* for the purpose of cure, and therefore persons not obviously curable are to be considered and dealt with as exempt from its provisions.

Suggestion.—An amending, consolidating, and extending Bill is needed, and it should be definitely stated that its object is to facilitate the reformation of inebriates, or, failing reformation, to provide for their more or less continuous control in the interests of the community.

2. Definition of Habitual Drunkard.

1. According to Section 3, Clause 3 (*b*), "habitual drunkard" means "a person who, not being amenable to any jurisdiction in lunacy, is notwithstanding, by reason of habitual drinking of intoxicating liquor, at times dangerous to himself or herself, or to others, or incapable of managing himself or herself, and his or her affairs." It is desirable that for the word "drunkard" there shall be substituted the designation "inebriate."

2. There is no object in retaining the words "not being amenable to any jurisdiction in lunacy," for if the inebriate is a lunatic he can be dealt with under the lunacy laws. If he is sane it may be held, and it has been held, that no inebriate can be dealt with under the Inebriates Act unless he is to some extent mentally deficient.

3. The words "at times" have been held not to apply to "incapable of managing," etc. The definition should include drug habitués.

Suggestion.—In view of the above considerations the following definition is suggested: "The expression 'inebriate' means a person who habitually indulges to excess in any intoxicating, sedative, narcotic, or stimulant, drug, or preparation, and as a result is, or is likely to be, dangerous to himself (or herself) or to others, or is, or is likely to be, temporarily or permanently incapable of managing himself (or herself) or his (or her) affairs."

3. Establishment and Licensing of Retreats.

1. According to Section 6, the power to grant retreat licenses is at present vested in County and Borough Councils (Section 13, 1898), but the responsibility for the subsequent good management of the retreat and the duties of inspection are placed upon the Secretary of State (Section 13, 1879). This dual control leads to constant difficulties, for no licence can be withdrawn by the State, and only letters of advice can be written to the licensing authority, which may consist in part of those persons directly interested in the management of the retreat in question.

2. Ignorance on the part of a council of the conditions necessary for the conduct of a retreat has on more than one occasion led to the granting of licenses to retreats where the effective working was almost an impossibility.

3. The establishment of a retreat means a considerable outlay of capital, and if there should be a slight delay in application for a licence renewal, or if conditions such as are referred to under Section 8, 1879, arise, owing to the infrequency of Council meetings, the retreat may be for months without a licence. Those patients who are under the Act will have to be discharged, to their detriment, and there would be loss of money and a general unnecessary upset, which would be entirely avoided if licenses were granted by the Secretary of State, to whom application could be made at any time.

Suggestion.—The Secretary of State should have power to grant the licence in the same way as he now grants a certificate to a reformatory, and to make regulations, prescribing the conditions under which a licence shall be granted, held, withdrawn, transferred, or resigned. Power to grant licenses should be withdrawn from local authorities. Police protection must be afforded as with persons temporarily or provisionally licensed for sale of intoxicating liquors.

4. There is at present an absence of compulsory licensing. Many retreats, therefore, have sprung up unlicensed, and are not subject to any State inspection or supervision. Well-managed retreats, for the most part, are licensed. Naturally, those that exist by practically obtaining money under false pretences do not invite Government inspection.

Some of these unlicensed retreats are insanitary, overcrowded, situated in unsuitable neighbourhoods, and the proprietors have little or no care for the welfare of their patients.

Suggestion.—Compulsory licensing of all inebriate retreats should be enforced on the lines of the Lunacy Acts.

4. Licence Tax.

According to Section 14, 1879, a licence tax has to be paid of 10s. per head for each patient for which the retreat is licensed, with a minimum of £5.

The amount collected for revenue purposes is negligible. It is not obvious why those who try to cure inebriety should be taxed while those who endeavour to cure other diseases should escape taxation.

Suggestion.—The tax should be abolished.

5. Conditions of Admission.

1. Application may be made by an inebriate for admission into a retreat for a term not exceeding two years (Section 10, amended by Section 16, 1898).

It is held by some licensees that two years is too long a period. Application can, however, be made whereby the inebriate (under Section 19) can be allowed out of the retreat on leave of absence, total abstinence being a condition of such leave.

It is possible that other licensees will not agree to a leave which will affect them pecuniarily.

Suggestions.—1. There should be a statutory requirement that the second year may be spent on leave of absence (with an additional period, if considered advisable, by the licensee) unless circumstances make this undesirable.

2. The Secretary of State or the Inspector of Retreats should have the power, if appealed to by the patient, to decide whether leave shall be granted. As the patient on leave of absence is liable at any time to return to the retreat, the licensee shall retain the right of applying for the discharge of the patient, should the Secretary of State or the Inspector decide, against the opinion of the licensee, that leave is desirable.

6. Discharge of Inebriate Patient.

A judge of the high court or a county court judge may order the discharge of a patient (Section 18, 1879).

A patient was discharged by a judge in Chambers, and the licensee received no notice of the hearing of the case, and was therefore unable to give evidence.

Suggestion.—The licensee should receive due notice of proceedings under Section 18, 1879.

7. Leave of Absence.

1. Leave of absence from retreat may be granted only *for the benefit of health* (Section 19, 1879).

There are many conditions, other than health, under which leave may be desirable and considered advisable, and which may outbalance for the time being the question of cure.

The licensee must either take a very elastic view of what constitutes health, or must apply for a discharge.

Suggestion.—Delete the words "for the benefit of his health."

2. Forfeiture of leave of absence through taking drink (Section 21).

The section fails to indicate, to the minds of some magistrates, the procedure by which an inebriate may be recovered and sent back to the retreat when he is taking drink while on leave of absence, but has not escaped from the person in whose charge he has been placed.

Suggestion.—The procedure should be made clear.

In Section 21, 1879, the words "or indulging in any sedative, narcotic, or stimulant, drug or preparation" shall be inserted after the words "from drinking intoxicating liquor," thus including drug habitués.

8. Licensee's Deputy.

Licensee may appoint a deputy during his temporary absence from the retreat (Section 3, 1888).

The approval for the appointment of the deputy must be obtained from the local authority (County or Borough Councils).

It is frequently impossible to obtain this approval from a committee that sits but four times a year.

Suggestion.—That application for approval should be made to the Secretary of State instead of to the local authority.

9. Admission to Lunatic Asylums.

The following question has arisen: Would it be of advantage to grant licences to those conducting lunatic asylums for the reception of inebriates?

There are a certain number of inebriates who are temporarily insane, others of weak intellect, and others who are borderland cases.

An ordinary retreat for inebriates is not a suitable place for some of these persons. It is not always advisable for the sake of the patient and his family to certify those whose insanity is likely to be of short duration.

The two latter classes cannot be certified.

Suggestion.—It would be an advantage to be able to place a certain class of inebriates in an asylum under the care of an expert in lunacy.

10. Powers of Committal.

An order can be made by a magistrate to commit a wife, who is proved to be a habitual drunkard, to a retreat providing she consents (Section 2, Licensing Act, 1902).

A woman may be committed under a similar order (Section 11, Prevention of Cruelty to Children, 1904).

Suggestion.—Such persons should not be discharged except by order of the Secretary of State.

Under the present law the order can easily be set at naught, and the person can be discharged by any magistrate on the licensee's application.

II. ADDITIONAL POWERS.

1. The Care and Control of Inebriates.

On the desirability of further legislation for the control of inebriates who cannot be dealt with under any existing Act, the following considerations are presented:—

There is a very large number of inebriates who do not commit criminal acts—at any rate, in public—and who will not consent to be controlled in any way. They can with impunity, and do, squander their money, ruin their families, set an evil example to others, and become a byword and a nuisance to the community.

There is nothing novel in legislating to effect the compulsory detention and control of such persons.

The following countries and states have adopted such legislation:—Victoria, New South Wales, Queensland, South Australia, Tasmania, New Zealand, California, Connecticut, Delaware, Massachusetts, Chili, Cantons of Bâle, Bern, and St. Gall, Channel Islands, Nova Scotia, Maryland, Utah, and Orange River Colony.

In Austria-Hungary, Germany, France, and Nova Scotia, a curator or guardian can be appointed to administer the affairs of an inebriate who can be judicially declared to be a "spendthrift."

Further, in Germany, an inebriate who is obliged to seek help from the authorities for his own support, or the support of those for whom he is bound to provide, is liable to arrest, and may be placed in a workhouse for a term not exceeding two years.

Suggestion.—Further legislation is required. That non-criminal inebriates may be committed for a period not exceeding two years to licensed retreats, State-controlled certified reformatories, or to the inebriate side of institutions for lunatics. That with regard to the method of committal, the simplest and least expensive method appears to be committal by certification and urgency order, after the manner of certification of lunatics.

2. Concerning the Inebriates Act of 1898, and the Compulsory Control of Criminal Inebriates.

In relation to the working of this Act, we as a Society have no practical experience. Many complaints, however, have reached us, or have been referred to at our meetings, which we think it our duty to bring to the notice of the Committee.

We consider, in regard to cases dealt with in police courts, that detention under proper conditions is an essential prelude to treatment; and, further, that when treatment is not likely to result in benefit to the individual, that compulsory detention is desirable in the interests of the community.

As regards duration of detention, no definite period should be fixed. Duration should depend entirely on individual indications, and be capable of variation from a few months for improvable cases up to something approaching to indeterminate detention for unimprovable cases likely to prove a danger or nuisance to the community.

We understand the cases hitherto sent to reformatories are of such advanced or mentally defective character as to render it improbable that many will benefit from detention. We urgently press for such alteration in the law as will enable the earlier committal of cases who cannot at present be dealt with, and the consequent supply of really reformable material.

We believe that the necessity for proving three previous convictions is no criterion of habitual drunkenness, and precludes the possibility of dealing with cases during improvable stages; and further, that it is misleading as suggesting that it is in itself a proof of inebriety. Under these conditions we urge that this condition be removed.

We consider that the definite period of three years for which persons are now committed too arbitrary—much too long for some cases, and too short for others. We recommend committal to reformatories in the same way as persons are committed to asylums, with power of release on probation at early date, repeated relapse following release on probation being considered the criterion for continued detention under proper safeguards.

We consider that under all circumstances medical evidence should be given that the individual is an inebriate before procedure for committal, and that the medical certificates presented to that effect should be based on adequate observation.

We are of opinion that all reformatories for committed inebriates should be established and managed by the State. This would seem to be the only remedy for the present unsatisfactory position—divided responsibility between State and local authority—which up to now has been the main influence against progress.

W. C. Sullivan, Esq., M.D.

MEMORANDUM Supplemental to Answers supplied by **W. C. SULLIVAN, Esq., M.D.**, Deputy Medical Officer, H.M. Prison, Holloway.

The points on which my personal experience justifies me in expressing an opinion are those dealt with in the questions under Section B, referring to the Inebriates Act of 1898. Before taking these questions severally, I should like, however, if I may be allowed to do so, to submit some general observations regarding what I have seen of the working of that Act, so as to avoid repetition and to make clear the sense in which I have understood certain of the terms used in the questions.

The prison drunkards who have come under the operation of the Act of 1898 may, from a medical point of view, be roughly divided into two classes, connected, of course, by cases intermediate in character. On the one hand, there is the class of the congenitally feeble-minded, who by reason of their native weakness of brain are specially susceptible to alcohol, so that they very readily get drunk, and get drunk, it may be added, in a peculiarly noisy and riotous manner. As their drinking excesses are generally of a purely relative sort, these persons do not suffer much physically from their intemperance, and they very rarely develop delirium tremens, at all events in prison. Men, and in an even larger degree women, of this type are an important part in the recidivist population in all the local prisons with which I am acquainted. The other class of drunkards met with in prison is that of the alcoholic proper, whose disorders of body and mind are the consequence and not the primary cause of their habitual intemperance. Their convictions for obtrusive drunkenness may be, and in many cases are, very few, but they are frequently guilty of serious crimes — homicide, wounding, attempting suicide, larceny and sexual offences. Prisoners of this type suffer from the various bodily disorders of chronic alcoholism, and they contribute most of the cases of delirium tremens that occur in gaol.

So far as my personal experience of prison drunkards enables me to judge, I should say that most of the female recidivists either actually committed or qualified (*i.e.*, by the number of their summary convictions for drunkenness) for committal under Section 2 of the Act have belonged to the first-mentioned category, viz., that of the congenitally feeble-minded. I believe that this does not hold true, at all events to the same extent, with regard to the men who have been dealt with under this section of the Act, but my personal knowledge on this point is too limited to allow me to express a positive opinion. The total number of men sent to inebriate reformatories up to the present has been extremely small, and it has included only a very few of the many prison recidivists with whom I am acquainted. Some of these few, I may remark in passing, were merely intermittent convivial drinkers, and therefore, I conceive, hardly in need of treatment in an inebriate reformatory. As regards the drunkards, male and female, whom I have known to be committed under Section 1 of the Act—also a very limited number—the case is quite otherwise: a considerable majority of these individuals were genuine alcoholics whose mental condition was really due to their intemperate habits, and not *vice versâ*.

I am anxious to insist on the distinction indicated in the foregoing remarks, because several of the questions put by the Departmental Committee cannot, in my opinion, be answered alike for the class of weak-minded pseudo-inebriates and for the class of genuine alcoholics.

Sir H. F. Vernon, Bart.

MEMORANDUM submitted by **Sir HARRY F. VERNON**, Bart., of Hanbury Hall, Droitwich.

I am a member of the Worcestershire County Council, and have been requested to represent that Council before the Departmental Committee. I am also one of the Council's representatives on the Brentry Board, and am Chairman of the Droitwich Petty Sessional Bench.

On the 28th of May last the Clerk of the County Council sent the following circular to the Clerks of the Justices of the Petty Sessional Divisions and Non-County Boroughs in Worcestershire:—

"Shirehall, Worcester.
"28th May, 1908.

"Dear Sir,

"INEBRIATES ACTS.

"The Secretary of State has appointed a Departmental Committee to inquire into the working of the above-named Acts, and it is understood that the Committee have been requested to report as early as possible.

"The honorary secretary of the Brentry Certified Inebriates Reformatory has written me suggesting that evidence should be given on the following points:

"1. As to whether stronger powers should be given to magistrates to commit inebriates, whether those inebriates consent to committal or not, and as to the continuation of three previous convictions as a qualification for committal.

"2. As to the mode of payment for inebriates while under care. Whether the State or the local authority is the body most concerned. If jointly, in what proportion should each bear the expense; and

"3. As to amendments of the Act necessary to facilitate the internal working of inebriate reformatories.

"Sir H. F. Vernon, Bart. (one of the County Council representatives of the Brentry Board), has made the following observations on the above suggestions:

"(1) I think magistrates in petty sessions should have power to commit inebriates for detention at homes whether they consent or not; and that two previous convictions within twelve months should suffice to render a defendant liable to be committed.

"(2) That the payment formerly made from the Imperial Exchequer towards the maintenance of inmates should be renewed.

"Mr. Malins agrees with No. 1.

"I am requested to ask the Justices' Clerks to kindly bring the matter before their respective benches with a view to any suggestions or observations the Justices may have to offer as to the treatment of inebriates and the working of the Acts and any other amendments being embodied in evidence to be given by a representative from this county before the Departmental Committee.

"Kindly favour me as early as practicable with any suggestions or observations your bench may have to offer on the subject.

"Enclosed I send you ten copies of this letter for the use of your Justices: if you require any further copies kindly let me know.

"Yours faithfully,
"(Signed) S. THORNELY,
"Clerk of the County Council.

"P.S.—Since the above was drafted the enclosed list of questions has been received from the Home Office. This will no doubt assist you in framing your reply.

"The Clerk of the Justices of the Petty
"Sessional Division."

The following is the effect of the replies received from the respective Petty Sessional Divisions and Boroughs:

1. *Blockley* (Campden).—No observations.
2. do. (Shipston on Stour). No observations.
3. *Bromsgrove.*—No observations.
4. *Droitwich.*—Agree with my observations.
5. *Evesham.*—No observations.
6. *Halesowen:*—Agree with my observations.
7. *Hundred House.*—In favour of my observations.
8. *Kidderminster.*—No observations.
9. *Malvern.*—No observations.
10. *Northfield.*—(1) Justices should have power to commit inebriates for detention in Homes whether they consent or not; (2) there should be three previous convictions within twelve months; and (3) Imperial Exchequer should pay towards the maintenance of inmates.
11. *Oldbury.*—Matter left in my hands to be dealt with as I think fit.
12. *Pershore.*—Agree with 1 and 2 of my observations. Has happened repeatedly that persons have come before the court twice in the same year who could have been more suitably dealt with under the Inebriates Act if two convictions had sufficed, but in

none of these cases has there been a third offence within the 12 months.

13. *Redditch.*—Agree with No. 1 of my observations.

14. *Stourbridge.*—No observations.

15. *Stourport.*—Agree with my observations.

16. *Tenbury.*—No observations.

17. *Upton-on-Severn.*—No observations.

18. *Worcester.*—No suggestions; but Clerk believes his Bench would approve of Justices having larger powers of committing inebriates without their consent.

19. *Yardley.*—(1) That all Retreats and Homes should apply for licence.

(2) That the licensing under the Inebriates Acts of part of an institution for lunatics for the reception of a certain class of patient might be an advantage.

(3) That power to commit to Reformatory be given to Justices where application for order of detention is made and the court finds it is expedient to make order.

(4) That power of detention for short periods be given to Justices without convictions being necessary.

(5) That detention for short periods might replace proof of convictions.

(6) That the same power as now exists under Section 1 of the Inebriates Act, 1898, when the offender is tried on indictment, be extended to Courts of Summary Jurisdiction to be exercised where offender consents to be dealt with summarily.

(7) That Courts of Summary Jurisdiction have power to deal with such offences as attempted suicide where attributable to habitual or excessive drinking.

(8) That the Prevention of Cruelty to Children Act, 1904, Section 11, be extended to cases where the Court finds it expedient to make detention orders without consent to the order being necessary.

(9) That the Licensing Act, 1902, Section 5 (2) be amended so as to give the court power to act without the consent of the wife to the detention order. *Sir H. F. Vernon, Bar*

(10) That provisions somewhat similar to those conferred upon the judicial authority under the Lunacy Act, 1890, might with advantage be entrusted to Justices to make orders for reception of habitual drunkard or inebriate into Retreat or Home.

20. *Bewdley Borough.*—Magistrates should have power to commit inebriates for detention whether they consent or not; and that the whole cost of the maintenance of such inmates should be borne by Imperial Exchequer. Three previous convictions should remain as qualification for committal.

21. *Droitwich Borough.*—No reply.

22. *Evesham Borough.*—No observations.

23. *Kidderminster Borough.*—Great diminution of drunkenness in borough during last three years. No useful observations to make.

From the above it will be seen that:—

(1) Ten are in favour of power being given to magistrates to commit whether inebriate consents or not, and 12 have no observations to offer.

(2) Six are in favour of two previous convictions as necessary to qualify for committal; two in favour of three convictions; one that power should be given to commit without any previous conviction; and 13 offer no observations; and

(3) Seven consider that the payment formerly made by Imperial Exchequer should be renewed; one that whole cost should be paid by Imperial Exchequer; and 14 have no observations to offer.

(Signed) H. F. VERNON.

Shirehall, Worcester,
17th October, 1908.

MEMORANDUM by **Miss JANE H. WALKER, M.D.**, a Member of the Visiting Board of the State Reformatory, Aylesbury. *Miss Jane H. Walker, M.*

What knowledge of this subject I have is confined to Section B—that relating to the Inebriates Act of 1898.

I am a member of the Visiting Board of the State Reformatory at Aylesbury, and my knowledge is practically based on the experience I have gained during the tenure of that office, *i.e.*, during the past fourteen months.

I am distinctly of opinion that compulsory detention of habitual drunkards is imperative, both for their own sakes and for that of the community. The period for which they should be detained is so difficult to define that it might be better to commit them, leaving the time of their detention an open question to depend on their future progress and behaviour. I think, in any case, they should not be discharged unconditionally, but should be let out on probation for whatever time is considered advisable, if they are considered in a fit state to be allowed out at all. But there is a large proportion of the inmates of the institution to which I am attached whose mental and moral state is of such a character that they should never be allowed at large at all either for their own sakes or for the sake of the community. I think legislation is urgently needed in dealing with such cases as those.

Legislation is most urgently needed to facilitate the return of inebriates who are drunk and disorderly within 24 hours or so of their discharge. At present they have to qualify by being found drunk and disorderly three times within twelve months before they can return. We have had several examples at Aylesbury of inmates being convicted of being drunk and disorderly within a very few hours of their discharge from the reformatory.

MEMORANDUM by **W. H. WINDER, Esq., M.R.C.S., L.R.C.P., Lond.**, Governor of H.M. Convict Prison, Aylesbury, and of H.M. State Inebriate Reformatory, Aylesbury. *W. H. Winder, Esq., M.R.C.S., L.R.C.P.*

I should like to explain in the first place that I have had no experience of the Inebriates Act of 1898, except such parts of it as apply to State Inebriate Reformatories. The same remark applies also to the management of retreats and of certified inebriate reformatories. Any statements I may make in this report are therefore limited to the working of State Inebriate Reformatories, and more especially to the establishment of which I am Governor. Its existence dates from August, 1901. During the first 18 months I held the office of Medical Officer, and afterwards, up to the present time, have had entire charge of the institution.

I may add that at the commencement of my prison service I was attached for five years to Millbank Prison, which at that time was used for the reception of all female prisoners convicted in London.

The buildings of this reformatory are now complete in themselves. They consist of two pavilions, each containing accommodation for forty inmates, a refractory block of twenty cells, surgery, stores, cookhouse, laundry, chapel, and quarters for female attendants. A ward in one of the pavilions has been specially set apart for the location of the worst cases of the semi-lunatic class of inmates.

The majority of our population is recruited by transfer from certified reformatories, the chief offences necessitating removal being: assaults on officers, fighting with other inmates, destroying reformatory property, escaping from reformatories, and persistently noisy and abusive conduct. A few well-known and violent cases have been sent direct from London courts, their characters being such that they were considered from the first to be unfit for the milder discipline of certified reformatories. Only seventeen women convicted under Section I. of the Act have been admitted to this institution. The chief offences of which they were convicted—in addition to being habitual drunkards—were: attempted suicide, neglect of children, malicious damage to property, and feloniously stealing. Probably the chief reason for the restricted use of Section I. is due to the necessity of committal to higher courts. Magistrates can deal with many offences which come under Section I. by committal to prison, and no doubt they usually prefer to deal summarily with these cases rather than send them for trial. Again, too, some authorities may hesitate to commit a person to a reformatory for two or three years when the offence is not of a serious character, apart from the individual being a habitual drunkard.

There seems to me no reason why magistrates should not deal under the Act (Section I.) with many minor offences. This would enable many cases to be adjudicated on earlier in their career, and would dispense with the procedure of committal for trial.

It will be gathered, I think, from the preceding remarks that the individuals sent here are the most violent and troublesome of all the cases committed

W. H. Winder, Esq., M.R.C.S., L.R.C.P.

under the Inebriates Act of 1898. The majority have been sent to prison for drunkenness and allied offences —such as assaults and wilful damage to property—time after time for many years. There are women who have been sent to this institution who have served terms of imprisonment, some as often as three hundred times, and nearly all have been convicted on at least twenty occasions. I would suggest that some alteration in the law with respect to the recommittal of persons who have already undergone a period of detention in a certified or State reformatory is strongly indicated. In my opinion recommittal after a period of reformatory detention should be greatly facilitated. It is undesirable that all the processes of proving three previous convictions within twelve months should be repeated in cases which are well known to be habitual drunkards. I am of opinion, too, that power should be given to magistrates to commit habitual inebriates, who may be convicted under Section I. of the Act, to reformatories for short periods, as a preparation for a subsequent long period, if the short period could be made to replace the necessity to prove three previous convictions before committal. Earlier conviction is certainly necessary because many cases would then be dealt with before degenerative changes had injured the prospects of recovery, and many with congenital weakness might have been taught a regular life if taken in hand earlier.

The causes of frequent relapse after detention are, in my opinion, due to the unstable mental condition of a large majority of the individuals, too long continued alcoholism and confirmed habits, advanced age, inability and often unwillingness to obtain work, and the application of reformatory treatment too late.

The mental condition of the habitual inebriate is, I think, of great importance. Of the 248 cases received into this reformatory, 18 have proved to be certifiably insane, and have been sent to asylums under the usual certificate. They were nearly all cases of delusional mania, and congenital imbecility. One woman suffered from recurrent melancholia, with strong suicidal tendencies.

About 25 per cent. of the total number may undoubtedly be described as feeble-minded, high grade imbeciles for the most part, and lunatic in all but actual delusions. They are nearly all noisy, violent, vicious and destructive, and their care is at all times extremely difficult. Under the term "feeble-minded," may, in my opinion, also be included all those individuals who are abnormally excitable, subject to attacks of uncontrollable temper, inconsequent in ideas, of feeble reasoning powers, and unable to acquire knowledge beyond the most elementary principles. They are usually so helpless as to be incapable of earning their livelihood on equal terms with their normal fellows.

Many cases are, and have been, under detention here, who in my opinion are quite unfit for discharge at the termination of sentence unless their relatives will be responsible for them, but owing to their waywardness and violent conduct this is usually impossible. The majority of these individuals have lost touch with their relatives and are practically friendless. Some have been sent to homes, but they can seldom be persuaded to remain for any length of time. Permanent detention, in my opinion, would be the most satisfactory method of dealing with them, not only for their own sakes, but for the good of the community at large.

ADDENDUM.

Cecil M. Chapman, Esq.

MEMORANDUM submitted by **CECIL M. CHAPMAN, Esq.**, Metropolitan Police Magistrate, Lambeth.

I have the honour to submit the following memorandum on the working of the Inebriates Acts to your Committee for your information:—

1. The present definition of an habitual drunkard is too wide and should be revised. The artisan who keeps his employment for many years with credit to himself, but who gets drunk every Saturday, is not an habitual drunkard, but he is a recurrent source of danger to himself and his family, both in person and property. The two classes should be distinguished by using the word "habitually" for Class I. and the words "frequently or recurrently" for Class II., and the danger in both cases should be applied to "person or property."

2. The punishment of drunkenness by fines with the alternative of simple imprisonment is neither preventive nor deterrent, and should only be regarded as a warning of severer penalties to follow. The increase of penalties with repetition of offence should be certain and unmistakable.

3. The law requires to be strengthened for the purpose of dealing effectually with recurrent offences of drunkenness as distinguished from habitual drunkenness. It might with advantage be enacted that:—

(*a*) A man who has been previously convicted three times within one year but is not an habitual drunkard shall be liable to the vagrancy laws.

(*b*) Any person who periodically suffers damage in person or property, or is put into danger by the drunkenness of another, shall be entitled to summon the offender before a magistrate to show cause why he or she should not give security against the repetition of the offence. Security against the evils of recurrent drunkenness should be obtainable in the same manner as separation for habitual drunkenness.

(*c*) All persons who have been previously convicted three times for ordinary drunkenness within one year or twice convicted of drunkenness on licensed premises should be black-listed for a period of not less that 12 months, although not coming within the definition of habitual drunkards.

4. In reference to habitual drunkards, the law requires to be strengthened by enabling any person who is habitually put into danger or made to suffer in person or property by an habitual drunkard, to summon the offender before a magistrate that he or she may show cause why they should not be dealt with as habitual drunkards, although there has been no previous conviction before a magistrate:—

(*a*) In cases where magistrates are entitled to grant separations for habitual drunkenness, the right to send the drunken person to a home for treatment should be absolute, because experience shows that consent is very rarely obtained, and separations without such treatment are a constant source of disaster.

(*b*) Where a man is convicted as an habitual drunkard he should be committed to a house of detention for not less than three months or more than 12, after which he should be released on probation for a period not less than twice that of his original sentence, with liability to recommittal on the first repetition of his offence.

A period of three years for curable cases is too long, and for incurable cases too short. But to prove a case to be incurable periods of probation are absolutely necessary. Many victims of alcoholism are restored within a short time by curative medical treatment, and, in this way, the danger of diminishing the power of work, or of destroying skill in any particular trade, may be avoided.

(*c*) All detention should be accompanied by work of a useful and suitable character, and no release should be granted except upon probation with liability to recommittal. It is desirable in every case that before release employment should, if possible, be found for the offender in changed surroundings.

5. Where crime is traceable to drunkenness, in addition to, or in lieu of, the punishment for the crime, the magistrate should have the power to treat the offender either as an habitual drunkard or a vagrant. The reason why magistrates have not used the powers for drunkenness in this connection is the fear of weakening the force of the dictum that drunkenness is no excuse for crime.

6. As drunkenness in itself is essentially different from crime, it is expedient that there should be separate houses of detention for drunkards, or that some portion of every prison should be set aside for them, in order that medical and specialist observation and inquiry may be made in all suitable cases.

7. Public notices of the laws dealing with drunkenness should be posted in every public-house and in every police cell so that nobody could be taken by surprise at the increasing penalty for a repetition of the offence.

APPENDIX.

COPY OF CORRESPONDENCE between the Home Office and the London County Council with regard to the Treasury Contribution in cases under Section 2 of the Inebriates Act, 1898, and correspondence with the Treasury.

[N.B.—See the evidence of Mr. W. P. Byrne, C.B., Q. 77 above.]

B27526H/76. Home Office,
13th November, 1905.

Gentlemen,

I am directed by the Secretary of State to inform you that the question of the Government contribution to certified inebriate reformatories has for some time past formed the subject of correspondence between the Lords Commissioners of His Majesty's Treasury and himself.

Their lordships have decided that the present arrangement, which was of an experimental nature, must now be revised in the light of the experience gained since the Inebriates Act, 1898, came into force, and that from the 1st of April, 1906, the Government contribution shall be payable as set out in the enclosed table.

You will observe that:—

(1) For cases committed under Section 1 of the Act the grant will be 14s. per week, with power to the Secretary of State to increase it to a sum not exceeding 16s. in the case of those reformatories the managers of which have, with his concurrence, incurred heavy expenditure for land and buildings.

The amount of 14s. has been arrived at from a review of the financial returns for 1904 from certified inebriate reformatories, which show that, with two or three exceptions, these institutions can be carried on in a satisfactory manner at a cost, exclusive of rent, of less than 14s. per inmate, and that in many cases the average weekly expenditure per inmate, including rent or equivalent charge, is only about 14s.

(2) For inmates committed under Section 2 the grant will be 7s. a week for the next five years, on condition that a contribution of not less than 5s. 6d. a week is received from a local authority in each case, and on the understanding that a further reduction may ultimately be made if the facts ascertainable at the end of five years should warrant it.

The Treasury has fixed the Government contribution at 7s. in these cases, as being one-half of the amount which experience has shown to be sufficient for the proper maintenance and custody of this class of inmates, their lordships considering that the balance is not more than a local authority may properly be called upon to contribute. The condition previously in force which required a reduction of the Government grant per head in the case of institutions detaining more than 200 inmates is withdrawn.

The above-mentioned rates are, however, qualified by a concession which the Secretary of State is glad to say the Treasury has, on his strong recommendation, consented to allow, viz.: that the present grant for cases under Section 2 shall continue to be paid to any existing reformatory until six years have elapsed since it was opened. In the case of the Farmfield Inebriate Reformatory, therefore, the present scale will be in force until the 27th August, 1906. All reformatories which may be certified after the 30th September, 1905, will be paid under the new scale.

(4) The rules regarding the continuance of the grant while an inmate is in hospital, the payment of removal expenses, and the allowance of 3s. 6d. weekly for a maximum of three months to inmates on licence, remain unaltered, and the Secretary of State has, in addition, obtained the sanction of the Treasury to the grant of a small sum of money in exceptional cases, on the special recommendation of the Inspector, to enable an inmate discharged on license to procure an outfit of tools or the like.

I am, etc.,
HENRY CUNYNGHAME.

The Managers,
Farmfield Inebriate Reformatory,
Hookwood, Horley.

London County Council,
County Hall,
Spring Gardens, S.W.,
22nd December, 1905.

Sir,—I have laid before the Council your letter (B 27,526/76) of 13th November, 1905, forwarding an amended scheme relating to the Government contribution towards the expenses of the detention of persons in certified inebriate reformatories.

With reference thereto I have been directed to ask you to be so good as to remind the Secretary of State of certain facts in connection with the matter, to which the Council would invite his special consideration.

On 30th January, 1899, the Secretary of State caused to be sent to the committing and receiving authorities under the Inebriates Acts, 1898, circular letters urging the former to avail themselves of the provisions of that Act, and the latter to provide the necessary accommodation for the reformatory treatment of inebriates either by building and equipping reformatories or contributing towards the expenses of the detention of offenders against the Act in institutions established by others. In these letters the Government intimated its intention to exercise the powers enabling it to assist in defraying the cost of the maintenance of inebriates in certified reformatories, and in the letter to the receiving authorities there appears this statement:—

"The Treasury grant in these cases (*i.e.*, Section 2) will be a weekly sum of 10s. 6d. in respect of each inmate committed to a reformatory certified for not more than 100, a sum equivalent, it is believed, to two-thirds of the cost of maintenance. If, therefore, local authorities do not fail in giving practical effect to the intentions of the legislature, the reformatory system will come into operation under the favourable conditions *secured by the certainty of an adequate income.*

When the question was considered whether the Act should be put into operation and reformatory accommodation provided, this statement greatly influenced the Council in arriving at the decision it did in the matter. It is therefore with surprise that the Council observes that under the new scheme it is proposed with regard to Section 2 cases that the Government shall contribute only "*one-half*" of an amount, viz., 14s., which it assumes to be sufficient for the maintenance of an inebriate at a reformatory. The Council does not know how this figure has been arrived at, but it presumes that it has been based on information included by H.M. Inspector of Inebriate Reformatories in his report for the year 1904.

In fixing this figure it would appear that no account has been taken of the repayment of the cost of providing the necessary buildings, etc. In the case of the Farmfield Reformatory the charge in respect of this expenditure amounts to about 10s. per week per patient, the maintenance charge for the same period being 19s. 4d. per patient. The Council is effecting certain economies in management by which it hopes to reduce the latter amount, but the smallness of the institution and the amount of supervision required by inebriates seriously militate against any substantial reduction being made. It is probably unnecessary, however, for the Council to emphasise this point, of which the Secretary of State must be aware, having regard to the fact that the cost of the maintenance of an inebriate in a State reformatory for the year ended 31st March, 1905, appears to be about 24s. 6d. a week exclusive of the cost of the provision of new buildings, etc. Experience has therefore proved that, even without taking the capital charge into account, the sum originally fixed

by the Government as its contribution is much under the two-thirds of the cost of the maintenance of an inebriate, and if the capital charge be taken into account, as obviously it should if the total cost is to be arrived at, the Council is placed in a still more unfavourable position.

Under these circumstances, and particularly having regard to the terms of the letter above referred to of 30th January, 1899, the Council is of opinion that the Government contribution towards the expenses of the detention of persons in certified inebriate reformatories should be increased rather than decreased, and I am therefore to ask that the recent amended scheme may be revised in that manner.

I am to add that, should it be decided to adhere to such scheme, the Council will be obliged seriously to consider whether it is justified in committing the ratepayers to any further expenditure on a work which at present has not emerged from the experimental stage.

I am, Sir,
Your obedient Servant,
G. L. Gomme,
Clerk of the Council.

Home Office,
20th February, 1906.

Sir,—I am directed by the Secretary of State to acquaint you, for the information of the London County Council, that he has had under his consideration your letter of the 22nd ultimo containing the observations of the County Council upon the amended schemes relating to the Government contribution towards the expenses of the detention of persons in certified inebriate reformatories.

Mr. Gladstone would point out that the reduction in the grant, which is to come into operation on the 1st April next, has been foreshadowed for some considerable time. When the Treasury contribution was first fixed, it was expressly pointed out, in the print which accompanied the Home Office circular of the 31st January, 1899, to which reference is made in your letter, that the scheme of grants therein set out would be in force for a period of three years only from the 1st April, 1899. It was considered that no permanent scheme of grants could be formulated, until experience had shown what was the lowest sum necessary for the maintenance and custody of persons committed to reformatory detention, and that, therefore, it would be desirable in the first instance to fix a substantial rate which would, by the certainty of a large measure of support from public funds, encourage local authorities and private and philanthropic bodies to bring the Act into effective operation, and would at the same time be capable of reduction at some future period in the light of the experience then gained.

The Secretary of State would point out that the existing arrangements have always been considered and referred to as only temporary, and that no attempt has been made to conceal the obvious fact that a reduction in the Government rates of contribution was inevitable: he desires me also to inform the Council that it was only on his strong recommendation that the Treasury would consent to continue the existing arrangements for three years further from the 1st April, 1902, and that their lordships agreed to these arrangements remaining in force till the 1st April, 1906, only on condition that some scheme of reduction was prepared and brought into operation by that date.

The higher rate has therefore been in force for seven years, instead of the three years originally contemplated, and the Secretary of State regrets that there is no probability that their lordships will consent to grant any further extension of the time for which the existing rates of contribution are available; nor, having regard to the experience which has been gained as to the cost of the maintenance and detention of persons sentenced to detention in certified inebriate reformatories, would he feel justified in pressing their lordships to reconsider their decision. He is satisfied that the grant of 7s. per week for each inmate committed under Section 2 of the Act, representing half the cost which experience has shown to be sufficient for the proper maintenance and custody of this class of inebriates, is the most that the Exchequer should be called on to pay, and he cannot, therefore, hold out any hope that the amended scheme will be revised in the manner indicated by the County Council.

Mr. Gladstone wishes me to draw the particular attention of the Council to that part of the scheme (A ii. (*a*)) under which the present rate in Section 2 cases is allowed to continue in operation for six years after the opening of a reformatory, and to point out that if the reformatory is managed on economical lines, this concession would give ample time to the managers for introducing and organising productive industries calculated to supplement the lower grant which will be in force after that initial period.

There appear to be many directions in which the healthful employment of inmates might be made a source of income. The Secretary of State understands that there is at Farmfield a considerable acreage of land which might be extensively utilised for market gardening and dairy produce; a laundry business might perhaps be undertaken to supply the needs of a populous neighbourhood, which, the Secretary of State is informed, is within easy access, and with the selected cases now under detention at Farmfield a source of profit might be found in fine sewing and millinery. There are doubtless other industries in which inmates might be usefully and profitably employed, and Mr. Gladstone hopes that the County Council will give their careful consideration to this question, as he regards the organisation of profitable industries as important, not only as affording a means of supplementing income, but as contributing to the moral improvement of the inmates and to their social utility. The lessons of discipline and self-control learnt during employment in the reformatory may help to transform a wastrel into a wage earner and a useful member of society.

There is one other matter with which Mr. Gladstone desires to deal. In your letter, reference is made to the cost of the maintenance of inmates at Aylesbury State Inebriate Reformatory. It is true that the cost of maintaining inmates in this reformatory is high, but this is due to the fact that this institution is practically reserved for the violent, refractory and weak-minded cases with which the ordinary certified inebriate reformatories are unable to deal. It is obvious that a reformatory which undertakes to treat these cases must have a larger and more expensive staff than is necessary in an ordinary institution; and Mr. Gladstone would remind the London County Council that many of such cases have been transferred to Aylesbury from Farmfield and other certified reformatories mainly because those institutions were not provided with the expensive machinery necessary for their control.

I am, etc.,
(Signed) Henry Cunynghame.

The Clerk to the London County Council.

B27526H/25. Home Office,
15th August, 1906.

Sir,—I am directed by the Secretary of State to inform you that he has given his most careful consideration to the representations made by the Deputation from the Public Control Committee of the London County Council, which was received by him on the 22nd of June last, in regard to the reduction which has been made by the Lords Commissioners of His Majesty's Treasury in the Government contribution towards the maintenance of inmates of certified inebriate reformatories.

On a full reconsideration of all the circumstances Mr. Gladstone regrets to have to say that he is satisfied that he could not consistently with his duty lay any representation before the Treasury which would be likely to make their lordships recede from the position which they have taken, which is, in his judgment, an equitable one.

It must be admitted that it was made clear that the original Treasury grant, which was of a substantial amount calculated to encourage the establishment of reformatories, would be revised at an early date: and when the original grant was extended for further periods the managers of all reformatories were duly notified of such limited extension.

Farmfield as now used for the reformation of specially selected cases is somewhat more expensive in many items of the cost of maintenance than reformatories of other types dealing with other classes of inebriates.

The deputation suggested 18s. per head as the probable minimum cost of detention per week. Of this amount 7s. will under the new arrangement be found

by the State and 11s. by the Council. But this 11s. will be required only in respect of the selected few who are maintained at Farmfield, and not in regard to the 400 other London County Council cases who are maintained elsewhere under contract at a cost to the Council of exactly 7s. The average cost per head to the Council of all the 500 inebriates towards whose maintenance they contribute will, accordingly, even with the reduced grant, be under 8s. per head per week—an amount which cannot be considered excessive.

Mr. Gladstone agrees with the Committee that the matter of the style and management of inebriate reformatories is still in some important respects in an initial and experimental stage, and he would regret very much if the Council should decide to discontinue their Farmfield institution, which is and will be an instructive and useful experiment in the separate treatment of selected cases amenable to discipline, and giving good hope of permanent reformation, a class which, as experience shows, exists in considerable numbers.

With regard to the London cases which are boarded out in other institutions, I am to point out that the reduction of the grant does not in any way increase the burden on the Council, and the Secretary of State would be sorry to believe that the Council would willingly contemplate the discontinuance of their efforts in a reformatory movement of such importance to the great population which they represent.

I am, etc.,
(Signed) HENRY CUNYNGHAME.

The Clerk to the London County Council.

London County Council,
County Hall, Spring-gardens, S.W.,
21st May, 1907.

Sir,—With reference to previous correspondence on the subject of the reduction of the Government grant towards the cost of maintenance of persons committed to certified inebriate reformatories, I am directed to convey to you, for the information of the Secretary of State, the Council's decision to restrict the experiment in the reformatory treatment of inebriate persons within the limitations originally intended.

I am at the same time to forward a copy of the report of the Public Control Committee to the Council, which report fully sets out the reasons which led the Council to adopt this course, and I am to say that it was with great reluctance that the Public Control Committee decided to recommend the Council to deal with the matter in the way in which it has done.

I am, Sir,
Your obedient servant,
G. L. GOMME,
Clerk of the Council.

The Under Secretary of State,
Home Office.

Appendix to Letter from the London County Council to the Secretary of State, 21st May, 1907.

MAINTENANCE OF PERSONS COMMITTED TO CERTIFIED INEBRIATE REFORMATORIES.

Report of the Public Control Committee as submitted to the Council on 14th May, 1907, and the resolutions passed by the Council.

27th April, 1907.

Government grant towards the maintenance of persons committed to certified inebriate reformatories.

1. On 3rd July, 1906 (p. 61), we reported that we had attended by deputation before the Secretary of State for the Home Department with reference to the Order, reducing, after certain dates specified therein, the contributions to be made by the Government towards the cost of the maintenance of persons committed to certified inebriate reformatories. The Council is principally concerned with committals under Section 2 of the Inebriates Act, 1898, the grant in respect of which has been reduced from 10s. 6d. to 7s. per patient a week.

A letter has since been received from the Secretary of State informing the Council that "he is satisfied that he could not consistently with his duty lay any representation before the Treasury which would be likely to make their lordships recede from the position which they have taken with regard to the reduction of the grant, which is, in his judgment, an equitable one," and stating "that he would regret very much if the Council should decide to discontinue their Farmfield institution, which is and will be an instructive and useful experiment in the separate treatment of selected inebriate cases amenable to discipline, and giving good hope of permanent reformation to a class which, as experience shows, exists in considerable numbers."

In order to make our position quite clear, we wish to remind the Council of the circumstances which led to the provision of accommodation for the reformatory treatment of inebriates committed from the County of London, and also that the powers contained in the Inebriates Act, 1898, for a county council to contribute towards the establishment or maintenance of inebriate reformatories or itself to undertake the establishment or maintenance of such institutions, are purely permissive.

Soon after the Act was passed the following letter was addressed by the Home Office to those authorities coming within the scope of the Act, urging them to provide reformatory accommodation—

Whitehall,
30th January, 1899.

Sir,—I am directed by the Secretary of State to transmit to you herewith a copy of the Inebriates Act, 1898, and to request that you will be so good as to lay the same before the London County Council and invite their consideration of the powers conferred upon them by various sections of the Act. The Council will observe that by Section 9 of the Act they are empowered to undertake themselves, or to contribute to, the establishment or maintenance of reformatories for inebriates certified under this Act; and that they may combine with other councils for any of these purposes.

The Secretary of State, after giving careful consideration to the whole question of the method of treatment to be adopted in inebriate reformatories, has, in pursuance of the power conferred on him by Sections 5 (2) and 6 of the Act, prescribed regulations as to the conditions on which certificates will be granted and as to the manngement and inspection of such institutions. I enclose herewith a copy of the report of a Departmental Committee setting out the model rules which embody the regulations so made, and the instructions to applicants who are desirous of establishing a reformatory to be certified by the Secretary of State.

The Secretary of State regrets that he is unable to furnish any trustworthy estimate of the number of persons who are likely to be committed to reformatories under Section 2 of the Act, but he is aware that in different parts of the country there are very many persons now qualified for committal, for a large part of whom it is probable that provision will have to be made. It is therefore very desirable that the Council should give early consideration to the provisions of this Act with a view to a prompt decision as to exercising the powers conferred on them thereunder. Even if the Council do not consider it at present desirable to provide a reformatory for the reception of persons committed from their district, either alone or in co-operation with other county or borough councils, the Secretary of State hopes that they will not hesitate to carry out the intention of Parliament that they should contribute towards the expenses of the detention of persons confined in institutions established by others within or near their district. It appears probable that applications will be made for certificates at an early date by several philanthropic and religious bodies; but unless these bodies are assured, at least at the outset, of a certain and substantial support from public funds, it is not unlikely that their proposals may never come to a definite result, and the Act may fail to have effective operation. The Secretary of State has been much impressed with the importance of these considerations, and he has accordingly arranged with the Lords Commissioners of H.M. Treasury for a substantial contribution to be made from Government funds, as shown on the enclosed memorandum. He confidently trusts that local authorities will make such addition to this grant as will enable reformatories to be started and successfully maintained.

Under Sections 8 and 9 of the Act county and borough councils are empowered to defray the "whole or any part of the expenses of detention" of inebriates detained in certified reformatories, and the Treasury is authorised to "contribute towards such expenses." A Government grant is allowed

both in respect of "habitual drunkards convicted of crime" who are committed under Section 1, and of "habitual drunkards four times convicted of drunkenness" who are dealt with under Section 2; but the amount of the grant varies in the two cases. Persons convicted under Section 1 will usually have committed serious crimes which would, in the ordinary course, be visited by long terms of imprisonment or penal servitude; in their case the Treasury have sanctioned a weekly grant of 16s., equal, it is estimated, to the total cost of maintenance in a well-managed establishment. The inebriates dealt with under Section 2 will rarely belong to the criminal classes strictly so-called, and the comparatively trifling offences set out in the schedule would ordinarily have been dealt with by fines or very short terms of imprisonment; the Treasury grant in these cases will be a weekly sum of 10s. 6d. in respect of each inmate committed to a reformatory certified for not more than 100, a sum equivalent, it is believed, to two-thirds of the cost of maintenance.

If, therefore, local authorities do not fail in giving practical effect to the intentions of the Legislature, the reformatory system will come into operation under the favourable conditions secured by the certainty of an adequate income.

Sir Matthew Ridley is glad to believe that not only the deterrent effect of the new Act, but also the treatment of inebriates in reformatories under the regulations which are about to come into force, will have marked results in diminishing the number of offences which the modes of punishment hitherto available have affected but little; and will in the long run relieve both local and Imperial authorities of heavy responsibilities which have now to be met.

I am, etc.,

(Signed) KENELM E. DIGBY.

The Clerk,
London County Council.

Order referred to in the foregoing letter.

Whitehall,
27th January, 1899.

Treasury Contribution.

Under the powers conferred on them by Sections 8 and 27 of the Act, the Lords Commissioners of Her Majesty's Treasury have, upon the recommendation of the Secretary of State, consented to contribute out of money provided by Parliament the following "sums towards the expenses of the detention of persons in certified inebriate reformatories.":—

(i.) A weekly grant of 16s. for each inmate committed under Section 1 of the Act during the period of his detention in a certified reformatory.

(ii.) A weekly grant of 10s. 6d. for each inmate committed under Section 2 of the Act during the period of his detention in a reformatory certified for not more than 100 inmates. Special arrangements will be made in the case of larger institutions.

(iii.) A weekly grant of not more than 6d. per diem, at the discretion of the Secretary of State, in respect of each inmate while out on licence for a period not exceeding three months.

(iv.) The reasonable expenses of the removal of an inmate from one certified reformatory to another, or to an auxiliary home when previously directed by the Secretary of State.

The weekly grants will be allowed subject to the terms of the certificate granted to each reformatory and to the regulations made by the Secretary of State.

The above scheme of contribution will be in force for a period of three years from the 1st of April, 1899.

After that date no Treasury grant will be made towards the expenses of the detention of any inmate committed under Section 2 unless a contribution of not less than 3s. 6d. a week is made by a local authority, under Section 9 of the Act, in respect of such inmate.

It will be noticed that the letter contains a statement which indicates that those authorities providing reformatory accommodation would be secured by the certainty of an adequate income of a sum equivalent, it was believed, to two-thirds of the cost of the maintenance of the inebriates committed to their reformatories. The Council's experience has proved, however, that the sum of 10s. 6d. originally fixed by the Treasury in respect of cases under Section 2 of the Act is much less than the two-thirds of the cost of the maintenance of an inebriate, if a charge for the repayment of capital money expended on the provision of the reformatory be included.

Acting on the faith of this letter, the Council decided on 28th February, 1899 (p. 253), to exercise its powers under the Act and to provide facilities for the reformatory treatment of a limited number of inebriates, at first by way of contracts with two of the three institutions which had already received certificates.

On 17th October, 1899 (p. 1374), the Council decided to establish and carry on a certified reformatory of its own and under its own immediate management, and an estate known as Farmfield, near Horley, was purchased and adapted to the purposes of a reformatory accommodating 35 patients to be selected specially with a view to reform. This accommodation was subsequently increased to enable 113 patients to be received.

The rapid establishment of this entirely new branch of work by the Council became at once the object of criticism from two opposing points of view. On the one hand it was urged that the Council had done too much for a class which deserved little sympathy, whilst on the other it was contended that its duty was to make a more extensive use of its optional power and provide reformatory accommodation for all classes of inebriates.

Whilst fully alive to the desirability of dealing in some way with all classes of inebriates, and recognising the triple motive of the Inebriates Act—viz., reformatory, penal and deterrent—it appeared to the committee at that date that, with regard to incorrigible inebriates and also the mentally deficient and hopelessly diseased, the hope of reform was so slight that the treatment must be regarded either as almost entirely penal or as a matter of police administration. It could not be conceived that it was the intention of the Legislature in passing the Act of 1898 that local authorities should undertake duties of this character, such as clearing the streets of an objectionable and disorderly class, and these views were accordingly communicated to the Secretary of State.

Owing to further representations from the Home Office and other sources that the experiment was not receiving a fair trial, we temporarily suspended acting upon the principles above indicated, and in the year 1905 made arrangements for the reformatory treatment of all classes of committals from the county. In arriving at this decision, however, we were greatly influenced by a desire to meet the State on this question, and by the fear that the public might misunderstand the Council's exact position in the matter and might place a wrong interpretation upon its attitude. This new departure involved the Council in considerable additional expenditure, and it appears to us particularly unfortunate that the Government, so soon after this arrangement has come into operation, has found it necessary to reduce the grant, and thereby still further increase the Council's liabilities in this work.

We have indicated that the Council commenced this work relying on the promised assistance of the Government, and without any anticipation that this assistance would be partially withdrawn after a comparatively short period. The Council was confirmed in the view that such assistance would be permanent, particularly by the following statement in the letter already quoted, viz.: "If, therefore, local authorities do not fail in giving practical effect to the intentions of the Legislature, the reformatory system will come into operation under the favourable conditions secured by the certainty of an adequate income." In addition it must be remembered that in embarking upon its operations under the Act the Council was taking over responsibilities in regard to inebriates for which the State had previously been the sole authority, and that it was thereby saving the State expenditure. The revision of the grant and the modification by the State of the arrangement under which the Council was induced to embark on this experiment render it necessary for the Council to reconsider its position, and if this reduction results in checking the growth of a work which now shows signs of promise, the responsibility must rest with the Government, and not with the Council.

We have carefully considered what course we should advise the Council to adopt, and in all the circumstances we have come to the conclusion that action should tend towards a reduction rather than an increase in the burden of the London ratepayers in con-

nection with the care and reformation of inebriate persons.

From a reform point of view the results of the work have not been such as to justify the more sanguine expectations, but at the same time the reformatory treatment of women has been very valuable in many respects. This is shown by the improved general moral tone even of those who have been committed for a second term of treatment. We think, therefore, that the Council would be very unwise at the present stage to discontinue so important a social experiment, particularly as there are indications that better results may be obtained in the future; but we hold the opinion that the Council may be considered to be fully carrying out its obligations in this matter if such experiment be restricted within the limitation originally intended. If this view be adopted, specially selected female inebriates can be treated at Farmfield and the existing arrangements for the treatment of male inebriates at the Brentry reformatory continued.

The Council's yearly expenditure on this work amounts to about £8,800 (exclusive of capital repayment for Farmfield), made up as follows:—

Farmfield reformatory (Female patients under the Council's management)		£2,800
Contract institutions—		
Brentry (Male patients)	£1,300	
Four other reformatories (Female patients), viz., Ackworth, Chesterfield, East Harling and Lewes	4,700	
		6,000
Total		£8,800

If, therefore, the course above indicated be adopted, and the Government be left to make its own arrangements for dealing with incorrigible inebriates, the Council will ultimately be relieved of an expenditure of nearly £4,000 a year, after allowing for the necessary increase in the working expenses of Farmfield Reformatory owing to the reduced Government grant.

On several occasions when the Council has considered matters affecting Farmfield Reformatory the opinion has been expressed that the institution is not conducted on the most economical lines. We can, however, assure the Council that every item of expenditure is carefully examined, and that only such expenditure as is really necessary for the proper working of the institution is allowed. During the year ended 31st December, 1906, the cost per head for the maintenance of the staff and inmates amounted to 18s. 8d. per week, which does not compare very unfavourably with that at similar institutions managed by county councils—viz., Langho, Lancashire, 14s. 8d. a week, and Brentry, Bristol, 13s. 6d. a week—when it is considered that both these institutions accommodate a very much larger number of inmates than Farmfield.

We have recently effected economies in the domestic arrangements at Farmfield Reformatory, which, we anticipate, will in the near future still further reduce the working expenses; but it must be borne in mind that the smallness of the institution and the amount of supervision required by inebriates are two factors which prevent the cost being reduced to a figure approximating that at the Council's asylums. We recommend:—

(*a*) That the Farmfield Reformatory be reserved for the treatment of selected female inebriates committed from the County of London, and likely to be amenable to and benefited by reformatory treatment. [Agreed as altered.

(*b*) That the contracts with the National Institutions for the Care and Reformation of Inebriate Persons for reception at their reformatories of female inebriates committed from the County of London be determined; that the solicitor be instructed to take the necessary steps in the matter; and that the authorities concerned be informed of the Council's decision. [Agreed.

H. T. Anstruther, Chairman.

Resolved—That the report be received.

(*a*) The Chairman of the Committee, by leave of the Council, altered recommendation (*a*) as follows—That the Farmfield Reformatory be reserved for the treatment of cases of female inebriates committed from the County of London selected by the Council as likely to be amenable to and benefited by reformatory treatment.

Recommendation, as altered, moved.

After debate,

Motion put, and agreed to.

Resolved accordingly.

(*b.*) Recommendation (*b*) moved, put and agreed to.

Resolved accordingly.

151,107/4.

Home Office,
26th October, 1907.

Sir,—I am directed by the Secretary of State to acquaint you that he has had before him and has given careful consideration to your letter of the 21st of May, in which you announce the intention of the London County Council of determining contracts with the National Institution for Inebriates for the reception of female inebriates committed from the County of London.

Mr. Gladstone cannot view this decision without grave concern. He would point out that the result of it will be that a large majority of the female inebriates in London will be excluded from the benefits of the Inebriates Act, 1898, and he can scarcely think that the Council have sufficiently realised the serious importance of their contemplated action. The work carried on under the Act has produced valuable results, in his opinion fully justifying the expenditure of public moneys and the support afforded by the contributions of local authorities. The serious check which will be given by the proposed action of the London County Council will, he thinks, have an effect little short of disastrous not only in London, but also by force of example in other parts of the country. While he quite appreciates the desire for economy which has led the Council to propose a cessation of contributions towards the maintenance of female inebriates detained in outside reformatories, he would remind them that in regard to these particular cases the reduction of the Treasury grant does not in any way increase the financial burden on the Council, and that the expenditure thus incurred is far more than balanced by the advantages resulting from the Act being put into effective operation.

Mr. Gladstone is aware that many of the female inebriates, especially those of middle age, committed under Section 2 of the Act from London Courts are mentally defective and incorrigible, but he thinks that it was the clear intention of the Legislature that the benefits of the Act should apply to these persons as well as to habitual drunkards who are clearly reformable, and that part of the expense of maintenance should in both these cases be borne by the local authority.

As the Council is aware, the whole question of the best mode of dealing with the feeble-minded, including such of that class as are also habitual drunkards, is now under the consideration of a Royal Commission, which may be expected to report in a few weeks or in a few months at latest. Mr. Gladstone is informed that the recommendation of that Commission will include important proposals with regard to the class now in question, and he would suggest that the present is an inopportune moment for a complete reversal by the County Council of the policy hitherto pursued by them.

He would point out that under the existing arrangements a very large number of metropolitan inebriates are being dealt with at a moderate cost to the ratepayer, and he has received from the Chief Magistrate of the Metropolitan Police Courts an expression of the regret with which he has heard of the possibility of a very useful Act of Parliament being crippled for want of support.

In these circumstances the Secretary of State trusts that the Council will see their way to reconsider their decision, or at any rate to postpone its operation for twelve months, to allow of consideration of the Report of the Royal Commission on the Feeble-minded.

I am, etc.,
(Signed) M. D. Chalmers.

The Clerk to the London County Council.

62412.

London County Council,
County Hall, Spring-gardens, S.W.,
11th December, 1907.

Sir,—I have laid before the Council your letter (No. 151,107/4) of 26th October, 1907, asking the Council to reconsider its decision to determine the contract with the "National Institutions" for the reception of female inebriates committed from the County of London, or at any rate to postpone its operation to allow of consideration of the Report of the Royal Commission on the Feeble-minded, which, it is understood, is shortly to be issued.

With reference thereto, I am directed to inform you that, with a view to meeting, as far as practicable, the wishes of the Secretary of State in the matter, the Council on 10th December, 1907, passed the following resolution:—"That, subject to the Government grant of 10s. 6d. per patient a week in respect of committals under Section 2 of the Inebriates Act, 1898, being reverted to as from the date of its reduction, and being continued during the period of renewal of the contract, the contract with the National Institutions for the Care and Reformation of Inebriate Persons for the reception at their reformatories of female inebriates committed from the County of London (exclusive of the City of London), at the rate of 7s. per patient a week, be renewed, as from 1st January, 1908, for a period of one year, and that the solicitor do complete the matter."

The Council gathers from the terms of your letter that the Secretary of State is under the impression that the Council's action in the matter of determining these contracts was influenced solely by a desire for economy, and I am therefore to point out that the Council's action was the result of the reduction of the Government grant and the modification by the State of the arrangement under which the Council was induced to embark upon the experiment.

I may add that the contract with the "National Institutions" expires on the 31st instant, and I shall, therefore, be glad if you will be so good as to let me know the decision of the Secretary of State at the earliest possible moment.

I am, Sir,
Your obedient servant,
(Signed) G. L. Gomme,
Clerk of the Council.

The Under Secretary of State,
Home Office.

151,107/6.

Home Office,
23rd December, 1907.

Sir,—With reference to previous correspondence on the subject of the Government contribution towards the maintenance of the inmates of certified inebriate reformatories, I am directed by the Secretary of State to acquaint you, for the information of the Lords Commissioners of His Majesty's Treasury, that a very serious situation has been brought about by the proposed action of the London County Council indicated in the letter of which a copy is enclosed.

A large number of inebriates belonging to the County of London have been committed by magistrates to certified reformatories, and are now detained therein, one hundred in the reformatory at Farmfield, maintained by the Council itself, and several hundreds maintained under contract with the Council by the National Institutions for the Care and Reformation of Inebriate Persons at their reformatories at Lewes, Brentry, and elsewhere. Under this contract the National Institutions receive female inebriates committed from London, and are paid by the Council the sum of 7s. per patient per week, which, with the Government contribution of 7s., enables them to be maintained and put to work in a manner approved by the Secretary of State.

The most promising cases—i.e., those whose conduct and history suggests a likelihood of reformation—are from time to time drafted from the National Institutions to the Farmfield Reformatory, where they are maintained for the rest of their period of detention or released on probationary licence.

The expenses of maintenance at Farmfield, which is a small institution dealing with a selected class, are naturally somewhat higher, and the London County Council have protested against the reduction of the Government grant formerly paid in respect of cases committed to this Home under Section 2 of the Act.

Their lordships will observe that the present resolution of the County Council is to withdraw—as from the 1st January next—their contract with the National Institutions for the reception and care of the great bulk of the London inebriates unless the Government will consent to allow a grant of 10s. 6d. per patient per week, instead of the 7s. a week which is now the normal contribution. If the Government will raise the amount as proposed the Council will continue their subscription of 7s. per week. Their object, therefore, in applying for an increase of the Government grant is not to relieve their own funds, but apparently to secure that a more expensive treatment than that which is deemed satisfactory by the Home Office Inspector and the Secretary of State shall be applied to the London inmates.

This is not a proposal which Mr. Gladstone could submit for the sanction of the Treasury, and the suggestions of the County Council which have been before him for some time have led to energetic protests on his part against the steps which they contemplate and to protracted negotiations.

It need not be said that the withdrawal of the London County Council contribution and the consequent disuse of the Inebriate Acts in respect to females for the whole County of London would be a matter of great regret to the Secretary of State and to the magistrates and other judicial authorities who enforce the Act to the great benefit of the community.

Moreover, in view of the early presentation of the Report of the Royal Commission on the Feeble-minded, which will deal with one aspect of the question, and of the fact that the Secretary of State has decided to hold an inquiry into the treatment of habitual drunkards generally, he would greatly regret any disturbance of the present system at this moment.

Accordingly, he is anxious that any steps that can reasonably be adopted to modify or postpone the action of the London County Council shall be taken. He is aware that the Council feels strongly that the Government contribution towards the maintenance of the inmates at Farmfield should be raised to the 10s. 6d., which was granted during the first period after the passing of the Act, although they do not at present make this a condition of the continuance of their contract with respect to the larger number of inebriates committed from their district. He has received reports from the inspector with regard to the management and condition of the Farmfield Reformatory, and he is satisfied that there is considerable force in the argument of the County Council that, although the 14s. a week may be sufficient to spend upon the great bulk of inebriate cases, most of whom are mentally defective or irreformable, a larger amount is justifiable in institutions which deal only with the more reformable cases, for whom additional expenditure is necessary in nearly all the conditions of detention, treatment, and teaching, and for whom further expenditure is, as a rule, required in enabling them to obtain situations, to fit them for work, and provide efficient after-care for them.

Mr. Gladstone therefore urges their lordships without delay to authorise him to offer to the London County Council an additional 3s. 6d. per week in respect of the 100 cases who are maintained at Farmfield on condition that they continue their contributions towards the larger number of cases who are dealt with elsewhere on their behalf.

As has been mentioned, the existing contract expires on the 1st of January, and the Secretary of State would therefore be glad if he can receive their lordships' favourable decision at the earliest possible date. It would be most unfortunate if any period were to intervene during which the metropolitan courts would be unable to commit London female inebriates to reformatory detention because of the absence of a contribution from the local authority. An interval of any length would gravely prejudice the working of the Inebriates Act.

I am, Sir,
Your obedient servant,
(Signed) M. D. Chalmers.

The Secretary to the Treasury.

Treasury Chambers,
6th January, 1908.

Sir,—The Lords Commissioners of His Majesty's Treasury have had before them your letter of the 23rd ultimo (151,107/6), recommending an increase in the Government contribution under the Inebriates Act, 1898, in the case of the reformatory at Farmfield maintained by the London County Council.

It appears that, as a protest against the reduction of the Government contribution in 1906 from 10s. 6d. to 7s. for cases committed under Section 2 of the Act, the London County Council have passed a resolution to withdraw, as from the 1st instant, their contract with the National Institutions for the reception and care of the great bulk of the London inebriates unless the Government will restore the rate of contribution to 10s. 6d. per patient per week. In that event, it is stated that the Council will continue their contribution of 7s. a week. In these circumstances, Mr. Secretary Gladstone concludes that the object of the Council in applying for an increase of the Government contribution is not to relieve their own funds, but apparently to secure a more expensive treatment for the London inmates than that which is deemed satisfactory by the Home Department, and he does not, in consequence, recommend the application for the acceptance of this Board. But with a view to inducing the County Council to reconsider their decision to terminate their contract with the National Institutions, the Secretary of State requests authority to offer the Council an additional 3s. 6d. per week in respect of the 100 cases maintained at Farmfield, on condition that the Council continue their contribution towards the larger number of cases dealt with on their behalf in reformatories of the National Institutions.

My lords have given careful consideration to this proposal, but they regret to say that they are unable to find any sufficient grounds for relaxing the regulations in favour of this particular institution. Their lordships have had before them the comparative figures given in the report of the inspector for the year 1906, and they observe that the average weekly cost of maintenance per head at Farmfield is 7s. 2d. in excess of the weekly cost at the institutions at Chesterfield and Horfield, which receive cases of a similar character (selected cases), and 5s. in excess of the sum named by the inspector (13s. 6d.) as the maximum "reasonable cost" of maintenance for reformable cases.

These and other figures given in this report appear to my lords to furnish a complete justification of the reduction in the rate of Government contribution, which was made, after due notice, in 1906. From the first it was announced that the rates of contribution which were fixed on the passing of the Act in 1898 were tentative only, and subject to reconsideration after three years, in the light of experience, and after the period of initial outlay had been passed. It was pointed out (in the Treasury letter to the Home Office of the 27th December, 1898) that the Act contemplated contributions from the Exchequer and from local funds, the terms of Sections 8 and 9 indicating no distinction of principle between the duty of contributing from one source or the other, and that this equality of treatment was justified by the fact that the cases dealt with under Section 2 are as much a source of trouble to the police—i.e., to local funds—as to prison authorities—i.e., the Exchequer. While, however, maintaining that the contributions of the State and the local authorities should proceed *pari passu*, the Board of Treasury were willing to agree to a system which, subject to this condition, would be liberal on the part of the Exchequer. It was accordingly decided to ask Parliament to provide the full cost of maintenance in the case of inmates committed under Section 1, and a contribution was sanctioned for inmates under Section 2 at a rate which was subject, as above mentioned, to periodical revision.

My lords must point out that where they are called upon to find contributions from public funds towards expenditure over which they have no control they must determine the rate of contribution, not with reference to the cost in a given case, but with reference to some general standard of expenditure which experience shows to be a reasonable one. It is no part of the duty of this Board to criticise the rate of expenditure at Farmfield Reformatory, but when my lords are invited to raise the rate of the Government contribution on the ground of the expense of maintenance in that institution, they can only point to figures elsewhere and suggest that the contribution now made is not inadequate, regard being had to the conditions prevailing in other institutions and to the intentions of the Act.

In the circumstances, my lords regret that they are unable to accede to the recommendation of the Secretary of State for an increased rate of contribution in the case of Farmfield Reformatory, and they can accept no responsibility for the action of the London County Council in the event of their refusal to continue their contributions for inmates maintained under contract elsewhere.

I am, Sir,
Your obedient servant,
G. H. Murray.

The Under-Secretary of State,
Home Office.

151,107/10.

Home Office,
16th January, 1908.

Sir,—I am directed by the Secretary of State to acquaint you, for the information of the London County Council, that he has given his careful consideration to your letter (62,412) of the 11th ultimo, in which you communicated to him a resolution of the Council to the effect that they do not see their way to a renewal of their contract with the National Institutions for the Care and Reformation of Inebriate Persons unless the Government grant in respect of the maintenance of such persons be raised to the original figure of 10s. 6d. per patient per week.

Mr. Gladstone makes an urgent appeal to the Council to reconsider this decision in view of the important public interests involved.

He observes that it is not primarily in the interests of economy that the resolution of the Council was passed, and that, in fact, so far as regards the whole of the London inebriates maintained under the contract, the expense to the Council would be the same (viz., 7s. per week) whether the Government contribution be maintained at its present figure or be raised.

No application for an increase in the contribution has been received from the National Institutions. That body is satisfied with the financial aid which it receives from Imperial and local funds, and the Secretary of State is satisfied with the mode in which the patients are maintained and treated by it.

In these circumstances the Secretary of State could not in reason and consistently with his public duty apply to the Treasury for an increased Government grant; and it is not suggested that the weekly contribution from the Council should be raised or that the ratepayers of London should be burdened with any additional charge.

The case of the London inebriates of the superior class who are maintained in the Council's own institution at Farmfield stands on a somewhat different footing and has been separately considered by the Secretary of State in conjunction with the Treasury.

Their lordships, however, after giving most careful consideration to the representations of the Council and to the recorded facts as to the necessary and actual cost of maintenance of inebriates in various institutions, have felt themselves quite unable to sanction any higher charge on the Exchequer.

The Secretary of State earnestly hopes that the Council will, notwithstanding the decision of the Treasury, feel able to reconsider their resolution to determine their contract with the National Institutions.

Mr. Gladstone has already in the letter addressed to you from this Department on the 26th of October last endeavoured to impress on the Council his strong sense of the importance of the work carried on under the Inebriates Act. He can add little to the arguments adduced in that letter, save to call attention to the large cost of the State inebriate reformatories, the benefit of which London is largely receiving; but he is fully convinced of the grave evils involved in an abandonment by the London County Council of their important work in the administration of the system of

reformatory detention for inebriates. The action which the Council propose to take will be a most serious check to the movement, which can make no progress without the co-operation of local authorities, and he begs your Council to realise the gravity of a step which would so seriously imperil its success. Such a course could not fail to influence other local authorities who have hitherto been willing to assist the endeavour to deal satisfactorily with the inebriates committed under the Act, who in many instances are certainly habitual petty offenders, but, in the majority of cases, are, as experience has shown, of the mentally defective class.

I am, Sir,
Your obedient Servant,
(Signed) M. D. CHALMERS

The Clerk to the London County Council.

London County Council,
County Hall,
Spring Gardens, S.W.,
13th February, 1908.

Sir,—With reference to your letter (No. 151,107/10) of the 16th ultimo, I have been directed to inform you that the Council, after carefully reconsidering the whole question, regrets that it is unable to meet the wishes of the Secretary of State by reversing the decision which it arrived at on 14th May, 1907, on the subject of the maintenance of female inebriates committed from the County of London, and that the Council accordingly does not see its way to renew the contracts with the National Institutions for the Care and Reformation of Inebriate Persons.

I am, Sir,
Your obedient Servant,
G. L. GOMME,
Clerk of the Council.

The Under-Secretary of State,
Home Office, S.W.

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