

T A S M A N I A



1892.

ANNO QUINQUAGESIMO-SEXTO

VICTORIÆ REGINÆ,

No. 20.

AN ACT to provide for the Establishment A.D. 1892.
of Hospitals for Inebriates.

[21 December, 1892.]

BE it enacted by His Excellency the Governor of *Tasmania*, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled :—

1 This Act may for all purposes be cited as “The Inebriate Short title.
Hospitals Act, 1892.”

2 In this Act, unless inconsistent with the subject-matter or context, Interpretation.
the words and expressions following shall have the meanings herein-
after respectively assigned to them; that is to say —

“Inebriate” shall mean any person in reference to whom,
whether by himself or by any other person, any application
for detention or treatment shall be or shall have been made
under this Act :

“Patient” shall mean any person detained or who has been
detained in any Hospital for Inebriates under the provisions
of this Act :

“Justices” mean Justices of the Peace sitting and acting
together in Petty Sessions.

3 The Governor in Council may, so soon after the passing of this Governor in
Act as he shall see fit, and may from time to time, by Proclamation Council may
published in the *Hobart Gazette*, direct that any hospital or any part proclaim
Hospitals for
Inebriates.

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of any hospital or any other building named in such Proclamation shall be a Hospital for Inebriates, and he may from time to time alter or revoke any such Proclamation.

Appointment of
Superintendent
and officers.

4 The Governor in Council may from time to time appoint for every Hospital for Inebriates a Superintendent who shall be a Medical Practitioner, and may appoint such other officers as he thinks necessary.

The Governor in
Council may
make Regulations
for management
of Hospital for
Inebriates.

5 The Governor in Council may from time to time make, alter, and repeal Regulations, which shall be published in the *Hobart Gazette*, for the management, supervision, inspection, and regulation of Hospitals for Inebriates, and for the care and treatment and release of, and for the discipline and conduct to be observed by patients and residents therein, and for the fees payable by patients and residents therein; such Regulations shall, if the Governor think fit, provide for the separation of the said Hospital into two divisions with a different scale of accommodation and of fees to be paid by patients and residents in each division; and such Regulations may provide generally for the better carrying out the purposes of this Act as it affects the said Hospital for Inebriates and the officers, patients, and residents therein.

Inebriates may
apply for
admission.

6 Any person desirous of being committed to a Hospital for Inebriates may make application to any Two Justices, and such Justices, if they are satisfied that the applicant has habitually used excessive quantities of intoxicating drinks, and that he is at the time of his application sober and that he fully understands the nature of his application, may make in the form in the Schedule (1.) hereto, or to the like effect, an Order authorising the conveyance of such person to some Hospital for Inebriates, and his delivery to the Superintendent or other proper officer thereof, and his reception, detention, and curative treatment therein, for any term not exceeding Three months.

Schedule (1.)

Inebriates may be
summoned to
appear before any
Two Justices.
Schedule (2.)

7 Upon the application in the form or to the effect in the Schedule (2.) hereto of the husband or wife or any relation or friend of any person addicted to the habitual use in excess of intoxicating drinks, any Two Justices may, upon proof to them of the reasonableness of the application, summon such person to appear before them on a day and at a place to be named in such summons to show cause why such person should not be committed to a Hospital for Inebriates; and such summons may be in the form or to the effect in the Schedule (3.) hereto.

Schedule (3.)

Inebriates may be
committed.

8 If upon the hearing of such summons, in the presence or the absence of the inebriate, it appears that by reason of his abuse of intoxicating drinks the person summoned is unable to control himself and incapable of managing his affairs, or is dangerous to himself or to others, or is suffering under or recovering from *delirium tremens* or chronic alcoholism, or is in imminent danger of death from the continuous use of such drinks, and if two medical practitioners certify by statutory declaration in the form or to the effect in the Schedule (4.) hereto in writing that such person requires curative treatment in a Hospital for Inebriates, the Justices before whom such summons is heard may make an Order, in the form or to the effect in Schedule (5.) hereto, authorising the apprehension of such person, his conveyance to some Hospital for Inebriates, and his delivery to the Superintendent or other proper officer thereof, and his reception, detention, and curative

Schedule (4.)

Schedule (5.)

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treatment therein for any term not exceeding Three months; or such summons may be dismissed with costs against the applicant. A.D. 1892.

9 Every Order made in pursuance of this Act, until and unless the same be rescinded by a Judge of the Supreme Court or the Commissioner in Bankruptcy at *Launceston*, upon application made to him in chambers for that purpose, shall be a sufficient authority to all persons acting under and in conformity to such Order; and any Judge of the Supreme Court or Commissioner as aforesaid is hereby authorised, upon application in chambers by or on behalf of the person named in such Order, to rescind the same Order if he sees fit to do so, and the Judge or Commissioner upon such application shall make such Order as to costs as in each case he thinks fit. Duration and effect of Orders.

10 Any person received into any Hospital for Inebriates under any such Order as is required by this Act may be detained until the expiration of the time named in such Order, or until he be discharged as hereinafter provided; and in case of escape before the expiration of the time limited in such Order may, by virtue of such Order, be retaken at any time after his escape and before the expiration of the time limited in such Order by any officer or servant belonging to such Hospital for Inebriates or by any constable or by any person authorised in writing in that behalf by the Superintendent of the Hospital for Inebriates, and be conveyed to such Hospital for Inebriates, and received and detained therein until the expiration of the said Order or his discharge as hereinafter provided. Inebriates may be retaken during continuance of Order after escape.

11 It shall be lawful for the Superintendent of any Hospital, if he is of opinion that any patient is sufficiently cured to justify his discharge, by writing under his hand to order that such patient be discharged therefrom at any time before the expiration of the period for which he was committed to such Hospital. Superintendent may order discharge of patients.

12 The Justices by whom any Order is made authorising the detention of any inebriate in any Hospital for Inebriates may, by the same or a separate Order, direct the payment by the inebriate of all costs and charges of the proceedings before him, and of the conveyance of the inebriate to such Hospital for Inebriates, and of his maintenance and treatment therein; and the amounts so ordered to be paid shall be deemed to be a debt due by the inebriate to Her Majesty; and upon receipt of a certificate from the Superintendent of the Hospital in which such inebriate is ordered to be detained of the amount due under such Order, the Crown Solicitor shall cause a final judgment to be signed in the Supreme Court, and which judgment the Registrar of the Supreme Court is directed to sign accordingly, for the amount named in such certificate and One Guinea for costs; and every such judgment may be in the form or to the effect in the Schedule (6.) to this Act, and no writ of error or appeal shall lie or be had therefrom. Inebriates to pay expenses of cure.

13 In fixing the rate of payment to be made for maintenance and treatment by the inebriate, the Justices making the Order shall fix the scale of fees for maintenance and treatment to be paid by the inebriate in accordance with the scales being fixed by the Regulations made by the Governor in Council under this Act; and in the case of any inebriate desiring to receive and being ready to pay for the higher Schedule (6.)

Rate of payment.

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scale of accommodation, if such be provided for in the Regulations, if the Justices making the Order be satisfied of the ability of the inebriate to pay for the same, the Order for payment for the maintenance and treatment shall be upon the higher scale, and in all other cases upon the lower.

Justices may take collateral security for maintenance and treatment of inebriate.

14 In any case in which a relative or friend of the inebriate is willing to enter into a security for the due payment by the inebriate of the whole or of any part of the expenses of his maintenance or treatment, it shall be lawful for the Justices to accept such security as they deem advisable, and the same may be enforced by action, in which the Attorney-General shall be plaintiff.

Second and subsequent Orders may be made.

15 In all cases in which in the opinion of the Justices it is necessary or desirable for the curative treatment or care of a patient that a second or other subsequent Order for detention or treatment and costs, charges, and expenses should be made, the Justices may make such second or any subsequent Order either before or after the determination of detention under any previous Order under similar circumstances and upon like evidence as are hereinbefore provided for an original Order; and no recital of an original or any other Order shall be necessary; and every such second or subsequent Order shall be in the same form or to the like effect, and shall be dealt with and shall confer the same powers, as an original Order under this Act.

Penalties for improper treatment of patients, or supplying intoxicating drinks, &c.

16 If any person ill-treats, or, being an officer, servant, or other person employed in or about a Hospital for Inebriates, wilfully neglects any inebriate detained in such hospital, or if any person induces or knowingly assists an inebriate detained in a Hospital for Inebriates to escape therefrom, or if any person, without the authority of the Superintendent of the Hospital for Inebriates (proof of which authority shall lie on him), brings into any Hospital for Inebriates, or, without the authority of the Superintendent of such hospital, except in case of urgent necessity, gives or supplies to any person detained therein any intoxicating liquor, or sedative, narcotic, or stimulant, drug, or preparation, the person so offending shall, on conviction before any Two Justices, be liable to a penalty not exceeding Twenty Pounds, or, at the discretion of such Justices, to be imprisoned for any term not exceeding Three months, with or without hard labour.

Penalty on patient misconducting himself.

17 If any inebriate while detained in any Hospital for Inebriates wilfully neglects or wilfully refuses to conform to the Regulations for the time being in force therein, or is wilfully guilty of any violent, unruly, or destructive conduct, or escapes or attempts to escape therefrom, he shall, on conviction before any Two Justices, be liable to a penalty not exceeding Five Pounds, or, at the discretion of the convicting Justices, to be detained for a period not exceeding One fortnight in the hospital after the expiration of the original term of his detention for the same purposes and on the same conditions as those on which he was originally detained, and shall also be liable to make good or pay for any damage which he may have caused to the property or furniture; and in reckoning the period of his detention, whether original or under this Section, the time, if any, during which such person has been absent with leave of the Superintendent from the Hospital for Inebriates shall be excluded from computation.

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18 Where any Order of Commitment is made in accordance with the provisions of this Act, or in any of the forms in the Schedule hereto or to the like effect, no action or other proceeding shall be brought or maintained against any person for any act done or forbearance observed *bonâ fide* in pursuance of such Order by reason only of any wrongful act or omission of any person prior to or in the matter of the issue or execution thereof.

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Persons acting
under warrant
protected.

19 Where no other proceedings are specifically provided, all proceedings under this Act shall be heard and determined, and all penalties recovered, in a summary manner in the mode provided for by *The Magistrates Summary Procedure Act*.

Proceedings to be
taken under
19 Vict. No. 8.

20 Notwithstanding anything to the contrary contained in the Thirteenth Section of *The Insane Persons Hospitals Act*, it shall be lawful for the Justices therein mentioned to suspend the execution of any Order made by them under the authority of the said Section for removing any person therein mentioned to a Hospital appointed under the said Act for such period not exceeding Three months as they may deem meet, and in the meantime to give directions for the proper care and control of such person in a Hospital for Inebriates.

Justices may send
any person named
in Section 13 of
22 Vict. No. 23
to Hospital.

SCHEDULE.**(1.)**

FORM OF ORDER FOR CONVEYANCE OF INEBRIATE UPON HIS OWN APPLICATION TO HOSPITAL FOR INEBRIATES.

Section 6.

To *E.F.* and all Constables and to the Superintendent or other proper Officer of the Hospital for Inebriates at

WHEREAS on the day of 18 , *J.W.*, of , came before us, *A.B.* and *C.D.*, Two of Her Majesty's Justices of the Peace at , and applied to be committed under the provisions of "The Inebriate Hospitals Act, 1892," to the Hospital situated at : And whereas it appears to us that the said *J.W.* has habitually used excessive intoxicating drinks, and that he was sober at the time of his application aforesaid, and that he fully understands the nature of his application and the consequences thereof: Now therefore we, the said *A.B.* and *C.D.*, Two of Her Majesty's Justices of the Peace as aforesaid, do, in pursuance of "The Inebriate Hospitals Act, 1892," and by the authority on us thereby conferred, hereby order that you the said *E.F.* and all constables to whom this warrant shall be shown, apprehend the said *J.W.* and convey him to the said Hospital, and deliver him to the said Superintendent or other proper officer thereof, and that you, the said Superintendent or other proper officer, receive him into your custody in the said Hospital, and him there safely keep and submit to curative treatment for the term of

months, unless he be sooner discharged according to law; and we hereby by this order direct that the said *J.W.* shall pay to *E.F.* the sum of £ for the expenses of his conveyance to the said Hospital, and to the Superintendent the sum of £ for every month of his stay therein, and a proportionate part of such sum for any fraction of a month, being the amount of the fees in that behalf ordered to be paid by the Regulations made by the Governor in Council in pursuance of "The Inebriate Hospitals Act, 1892." And for these this shall be a sufficient warrant.

Signed at , in Tasmania, this day of , 18

A.B., }
C.D., } Justices of the Peace.

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Section 7.

(2.)

FORM OF APPLICATION FOR SUMMONS.

In the matter of *J.W.*, of _____ in the Colony of Tasmania, and "The Inebriate Hospitals Act, 1892."

To *C.D.* and *E.F.*, Esquires, Justices of the Peace.

I, *A.B.*, of _____, in the Colony of Tasmania [*occupation*], being [Father, Brother, Relation, or Friend, *as the case may be*] of the above-named *J.W.*, do hereby solemnly and sincerely declare and state that the said *J.W.* is addicted to the habitual use in excess of intoxicating drinks; and I do hereby apply for a Summons against the said *J.W.* requiring h to appear before you at a time and place therein to be named, calling upon h to show cause why h the said *J.W.* should not be committed under the provisions of "The Inebriate Hospitals Act, 1892," to the Hospital for Inebriates at _____, for the reasons hereunder stated.

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of "The Statutory Declarations Act, 1837."

Taken before me, in Tasmania, this _____ day of _____, one thousand eight hundred and _____

J.P.(Signed) *A.B.*,

[Father, Brother, Relation, or Friend, *as the case may be*] of the said *J.W.*

Grounds of application:

[*Here state grounds of application.*]

(3.)

FORM OF SUMMONS.

"The Inebriate Hospitals Act, 1892."

In the matter of an application of *A.B.*, of _____ in the Colony of Tasmania [*here state relationship of A.B. to the Patient as in the Application*] of *J.W.*, charged with the habitual use in excess of intoxicating drinks.

To *J.W.*, of _____ in the Colony of Tasmania.

You are hereby required to appear before us *C.D.* and *E.F.*, two of Her Majesty's Justices of the Peace, at the Police Court, _____ on the _____ day of _____ 189____, at _____ o'clock in the _____ noon, to show cause why you should not be committed under the provisions of "The Inebriate Hospitals Act, 1892," to a Hospital for Inebriates, as being addicted to the habitual use in excess of intoxicating drinks.

Dated at _____ this _____ day of _____ 189____.

C.D. } *Justices of the Peace.*
E.F. }

(4.)

Section 8.

FORM OF DECLARATION OF MEDICAL PRACTITIONER.

I _____ in the Colony of Tasmania, do solemnly and sincerely declare—
(1) That I am a legally qualified medical practitioner. (2) That I have seen and examined *J.W.* of _____ who is at present suffering from the habitual use in excess of intoxicating drinks. (3) That I am of the opinion that the said *J.W.* requires curative treatment in an inebriate hospital as defined in "The Inebriate Hospitals Act, 1892."

And I make this solemn declaration conscientiously believing the same to be true, and by virtue of the provisions of "The Statutory Declarations Act, 1837."

Taken before me, this _____ day }
of _____ one thousand }
eight hundred and _____ }

J.P.

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FORM OF ORDER.

Section 8.

“The Inebriate Hospitals Act, 1892.”

To _____, and all Constables and Peace Officers, and to the Superintendent or other proper officers of the Hospital for Inebriates at _____

WHEREAS upon the application to us _____, two of Her Majesty's Justices of the Peace, _____ of _____, being [Father, Brother, Relation or Friend, as the case may be] of _____, a person addicted to the habitual use in excess of intoxicating drinks, and upon proof to us by the said applicant of the reasonableness of his application, we did summon the said _____ to appear before us on the _____ day of _____ at the Police Court at _____, to show cause why he should not be committed to a Hospital: And whereas the said _____ appeared [or failed to appear] at the time and place specified in the said summons: And whereas upon the hearing of such summons in the presence of the said _____ [or in the absence of the said _____], and upon proof of the service upon him of the said summons], it appears to us that by reason of his abuse of intoxicating drinks the said _____ is unable to control himself, and is incapable of managing his affairs [or is dangerous to himself, or to others, or is suffering from *delirium tremens* or chronic alcoholism, or is recovering from *delirium tremens* or chronic alcoholism, or is in imminent danger of death from the continuous use of intoxicating drinks]: And whereas _____ and _____, being two Medical Practitioners, have certified by a statutory declaration in writing that the said _____ requires curative treatment in a Hospital.

Now, therefore, we the said _____ Justices of the Peace, do, in pursuance of “The Inebriate Hospitals Act, 1892,” and by the authority on us thereby conferred, hereby order that you the said _____ and all Constables and peace officers to whom this Warrant may be shown, apprehend the said _____, and convey him to the said Hospital for Inebriates at _____, and deliver him to the said Superintendent or other proper officer thereof; and that you the said Superintendent or other proper officer receive him into your custody in the said Hospital, and he there safely keep and submit to curative treatment for the term of _____ months, unless he be sooner discharged according to law. And we hereby by this Order direct that the said _____ shall pay to _____ the sum of _____ pounds _____ shillings and _____ pence for the expenses of his conveyance to the said Hospital, and to the said Superintendent the sum of _____ pounds _____ shillings and _____ pence for every month of his stay therein, and a proportionate part of such sum for any fraction of a month, being the amount of the fees in that behalf ordered to be paid by the Regulations made by the Governor in Council in pursuance of “The Inebriate Hospitals Act, 1892.” And for these this shall be a sufficient warrant.

Signed this _____ day of _____, one thousand eight hundred and _____

A.B. }
C.D. } Justices of the Peace.

(6.)

JUDGMENT UNDER “THE INEBRIATE HOSPITALS ACT, 1892.”

Section 12.

In the Supreme Court of Tasmania.

TASMANIA (TO WIT): Be it remembered that A.B., Esquire, Attorney-General of our Lady the Queen, for and on behalf of our said Lady the Queen, gives the Court here to understand and be informed that Y.Z. is indebted to Her Majesty under the provisions of “The Inebriate Hospitals Act, 1892,” in the sum of _____: Therefore on the _____ day of _____ it is considered by the Court here that our said Lady the Queen do recover against the said Y.Z. the said sum of _____, and also the sum of One guinea for costs, making together the sum of _____

