



ANNO TRICESIMO SEPTIMO ET TRICESIMO OCTAVO  
**VICTORIÆ REGINÆ.**  
A.D. 1874.

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No. 8.

*An Act to provide for the Protection, Treatment, and Cure of Inebriates, and to prevent Habitual Drunkards from being supplied with Intoxicating Liquor.*

[Assented to, 6th November, 1874.]

**W**HEREAS it is desirable to provide for the Protection, Treatment, and Cure of Inebriates, and to prevent Habitual Drunkards from being supplied with Intoxicating Liquors—Be it therefore Enacted by the Governor of the Province of South Australia, with the advice and consent of the Legislative Council and House of Assembly of the said Province, in this present Parliament assembled, as follows: Preamble.

1. This Act may be cited as “The Inebriates Act of 1874.” Short Title.

2. The following words within inverted commas shall, for the purposes of this Act, bear the meanings set against them respectively, unless where the context implies otherwise— Interpretation.

“Intoxicating liquor”—Wine, beer, and all liquors containing alcohol:

“Incorrigible Drunkard”—Any person who has been convicted of drunkenness three times within a period of six months:

“Dealer in liquors”—Brewer, licensed victualler, winemaker, or the holder of a wine or beer licence.

3. The Governor may, subject to any provisions that he thinks fit, grant to any person, or to two or more persons jointly, a licence to keep a house for the protection, treatment, and cure of habitual inebriates, hereinafter called a Retreat, and may from time to time Governor may grant licence for Retreat.  
revoke

*The Inebriates Act.—1874.*

revoke such licence; and such Retreat shall be conducted by a Superintendent under the supervision of a Committee of Management, to consist of five members to be elected from the contributors thereto.

Contributors' names, addresses, and amount of contributions to be kept.

4. At every such Retreat a book to be called "The Contributors' Book" shall be kept, in which shall be entered the names and addresses of such benevolent persons as may contribute towards the funds for the support of such Retreat, together with the amount of their annual and single donations respectively.

Annual and extraordinary general meeting of contributors.

5. Annual general meetings of the contributors to every Retreat shall be held on the second Friday in January of every year, at a place and hour to be named by the Committee of Management of such Retreat, and extraordinary general meetings of the contributors may be convened at any time by the Committee of Management, for any purpose connected with the Retreat under their management. And all questions submitted to any such meetings shall be decided by a majority of the votes of the contributors present in person or by proxy, and who vote, the Chairman of such meeting being elected thereat, and having a second or casting vote upon every question on which there is an equality of votes.

Questions decided by majority.

Chairman a second or casting vote.

Contributors' votes.

6. At any general meeting every contributor present in person or by proxy shall be entitled to the number of votes following, that is to say—for an annual donation of not less than One Pound and One Shilling, and of any sum exceeding that amount, but being under Five Pounds and Five Shillings, one vote; for an annual donation of Five Pounds and Five Shillings, and of any sum exceeding that amount, but being under Ten Pounds and Ten Shillings two votes; for an annual donation of Ten Pounds and Ten Shillings, and upwards, three votes; for a single donation of Ten Pounds, and of any sum exceeding that amount, but being under Twenty Pounds one vote for a period of ten years following such donation; for a single donation of Twenty Pounds, and of any sum exceeding that amount, but being under Fifty Pounds, one vote during the life of such contributor; for a single donation of Fifty Pounds, and of any sum exceeding that amount, but being under One Hundred Pounds, two votes during the life of such contributor; and for a single donation of One Hundred Pounds and upwards three votes during the life of such contributor.

Appointment and retirement of Committee of Management.

7. The first Committee of Management of every Retreat shall be elected at an extraordinary general meeting of the contributors specially convened for that purpose, to be held at a place and hour to be named in the notice calling such meeting, and the members of such Committee shall cease to be members thereof at the next annual general meeting of the contributors. And at each annual general meeting of contributors to every Retreat the members of the Committee of Management shall retire, and new members shall be elected in place thereof, the retiring members being eligible for re-election if continuing to be contributors.

8. Three

*The Inebriates Act.—1874.*

8. Three members of the Committee of Management of every Retreat shall form a quorum competent to discharge the powers vested in such Committee, and any vacancy shall not invalidate any act done by the Committee during the continuance of such vacancy.

Quorum of Committee.

9. If any member of any Committee of Management shall die, or resign by letter under his hand addressed to the Chairman of the Committee, or become lunatic, or be convicted of any treason, felony, or misdemeanour, or be absent for six consecutive meetings from the Committee of Management without obtaining leave of absence from the Committee, his office shall become vacant, and the remaining members of the Committee may declare his office vacant, and shall temporarily appoint thereto some contributor to such Retreat until the next annual meeting for the election of members of the Committee.

Vacancies, how filled.

10. The Committee of Management of every Retreat shall have possession of and be vested with all the lands, hereditaments, and other property belonging to such Retreat in trust for the purposes thereof, and shall have the administration of all funds contributed, given, or left to such Retreat by benevolent persons, or in any other manner whatever, and shall also have the care, management, control, and supervision of such Retreat, and the appointment of the superintendent, medical and other officers, nurses, and other attendants as to such Committee may seem necessary for the requirements of such Retreat, and from time to time as occasion may require shall have power to suspend or remove the person so appointed, and appoint another in his place or in the place of any sick, deceased, or absent holder of any such appointment.

Powers of Committee.

11. In any information or complaint for any offence committed upon or in respect of any property, money, goods, chattels, or effects under the management or control of any Committee of Management of any Retreat, it shall be sufficient to state or allege the property, money, goods, chattels, or effects to belong to, and any offence to have been done and committed with the intent to injure or defraud "The Committee of Management of the ----- Retreat" (such blank being filled up with the distinctive name of such Retreat), without any further or other name, addition, or description whatever.

Prosecution of offences.

12. The Committee of Management of any Retreat may, from time to time, make rules and regulations in respect to all or any of the matters next mentioned, and such rules and regulations so to be made, may, from time to time, revoke or vary, that is to say—

Committee of Management to make rules.

- i. For the regulation of its own proceedings, including the appointment of Chairman :
- ii. For determining the validity of disputed elections and for conducting such elections and all matters connected therewith :

iii. For

*The Inebriates Act.—1874.*

- III. For regulating the admission of persons into the Retreat on the nomination or recommendation of contributors or otherwise, and of their discharge therefrom :
- IV. For fixing the payment to be made for the care, board, and maintenance of inmates of the Retreat :
- V. For providing employment and fixing the rates of wages to be paid for the labor of inmates of the Retreat :
- VI. For the moral and religious instruction of the inmates of the Retreat :
- VII. For the maintenance of order, discipline, decency, and cleanliness among the inmates of the Retreat :
- VIII. For prescribing the duties of the several officers of any Retreat, for keeping proper records, books, accounts, and vouchers ; and for providing for the annual publication of abstract of the expenditure, and the amounts contributed, for the information of contributors :
- IX. For all matters affecting the general management, care, control, and superintendence of the Retreat :

Provided that such rules and regulations shall be laid before both Houses of Parliament within fourteen days after the making thereof, if Parliament be then sitting, or if Parliament be not then sitting, within fourteen days after the commencement of the then next Session of Parliament.

Regulations to be published in the *Gazette*, and to have force of law.

13. All rules and regulations made under the last preceding section shall be approved by the Governor, and when so approved, shall have the force of law, and a copy of such rules and regulations published in the *Government Gazette* shall be received in evidence and judicially noticed, and shall, until the contrary be shown, be deemed sufficient evidence of such rules and regulations, and that the same were duly made and approved.

Disallowance of rules and regulations.

14. The Governor may at any time revoke any such rule or regulation, and every order by which any such rule or regulation shall be revoked shall be published in the *Government Gazette*, and shall take effect from the time of such publication.

Justices of Peace may visit Retreat at any time.

15. Any Justice of the Peace, and any other person, on obtaining an order from any Justice of the Peace for that purpose, may, at any hour of the day or night, enter and inspect any Retreat, and examine into the condition of the inmates confined therein, and record, in a book to be kept at each Retreat for that purpose, to be called "The Visiting Justices' Book," such observations as he may think fit respecting the management of such Retreat, and the state of the inmates confined therein ; and the Superintendent of every Retreat shall, at least once in every three months, transmit a true copy of every such record to the Chief Secretary.

16. All

*The Inebriates Act.—1874.*

16 All notices to any member of the Committee of Management, Superintendent, or any officer of, or contributor to, any Retreat, required to be given by this Act, or the rules and regulations made in pursuance hereof, may be served by the same being transmitted through the post, directed according to an address to be left for that purpose by such Member of the committee, Superintendent, officer, or contributor, in writing under his hand, at such Retreat.

Notice to contributor and others may be sent by post to registered address.

17. In proving such service as aforesaid, it shall be sufficient to prove that such notice was so directed as aforesaid, and put into a General Post Office ; but nothing herein contained shall be held to render invalid any personal service of any notice.

Proof of service.

18. No notice of any intended committee meeting or election shall be required to be served, either by post or otherwise, on any member of the Committee of Management, Superintendent, or any officer of, or contributor to, any such Retreat as aforesaid, who shall not have left an address in the manner, at the place, and for the purpose hereinbefore mentioned.

Notice to contributors unnecessary, if address not given.

19. Any person desirous of being committed to a Retreat may make application to any Justice, and such Justice if he be satisfied that the applicant has habitually used excessive quantities of intoxicating liquor, may make, in the form contained in the Schedule hereto annexed, or to the like effect, an order authorizing the apprehension, of such person, his conveyance to some Retreat, and his delivery to the Superintendent or other officer thereof, and his reception, detention, and curative treatment therein for any term not exceeding twelve months.

Justice may order apprehension of habitual drunkard on his own application.

20. Upon the application of any relation or friend of any person addicted to the habitual use in excess of intoxicating liquor, any Judge, Special Magistrate, or two Justices of the Peace may, upon proof to him or them, of the reasonableness of the application, summons such persons to appear before him or them on a day named to show cause why such person should not be committed to a Retreat.

Judge, Special Magistrate, or Justices may summon habitual drunkard to appear.

21. 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 liquor the person summoned is unable to control himself, or is not supporting his family, and is 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 intoxicating liquor, and if two medical practitioners certify by statutory declaration in writing that such person requires curative treatment in a Retreat, the Judge, Special Magistrate, or Justices may make an order authorizing the apprehension of such person, his conveyance to some Retreat, and his delivery to the Superintendent or other proper officer thereof, and his reception, detention, and curative treatment therein, for any term not exceeding twelve months, or such summons may be dismissed with costs as against the applicant.

May order apprehension of drunkard, and conveyance to Retreat.

22. Any

*The Inebriates Act.—1874.*

Incorrigible drunkard may be committed to Retreat for twelve months.

22. Any person charged before a Special Magistrate or two Justices of the Peace with being an incorrigible drunkard shall, on conviction thereof, be liable to be committed by the order of such Magistrate or Justices to any Retreat, and kept therein for any term not exceeding twelve months.

Detention of persons in Retreat.

23. Every person received into a Retreat under any such order as is required by this Act, may be detained therein until he be discharged as hereinafter provided; and in case of escape may by virtue of such order be re-taken at any time after his escape, by any officer or servant belonging to such Retreat, or by any constable, or by any person authorized in writing in that behalf, by the Superintendent, or other manager of the Retreat, and be conveyed to such Retreat and received and detained therein.

Escape from.

Judge, &c., may direct payment as to costs of inebriate.

24. The Judge, Special Magistrate, or Justices, as aforesaid, may, if he or they think fit, by the same or a different order direct the payment by the inebriate of all costs and charges of the proceedings before him or them, and of the conveyance of the inebriate to a Retreat, and of his maintenance and treatment therein; and the amounts so ordered to be paid shall be deemed to be a judgment debt due by the person liable thereto to the parties in such order mentioned.

Committee may discharge inebriate before expiration of term ordered.

25. The Committee of Management of the Retreat may, at any time before the expiration of the term specified in the order of detention, discharge any person so detained with the approval of the medical officer attending such Retreat.

Certificate of Justices issued upon oath.

26. The wife or any relative of any person addicted to the habitual use, in excess, of intoxicating liquors, so as to be injurious to himself or his family, may, and any police officer upon being called upon so to do by any Justice of the Peace, shall obtain a Justice's summons calling upon some person to show cause before a Special Magistrate or two Justices of the Peace why the said Magistrates or Justices should not issue a certificate that such person is addicted to the habitual use, in excess, of intoxicating liquor, so as to be injurious to himself or his family; which certificate shall be issued upon hearing evidence, as well of the person informed against as of the person called by the informers; and, if issued, shall be of force for twelve months.

Dealers in liquors, &c., supplying drunken persons with intoxicating liquor to be subject to penalties.

27. Any dealer in liquors or other person who shall be proved to have supplied any person in a state of intoxication, or a person addicted to the habitual use, in excess, of intoxicating liquor, so as to be injurious to himself or his family, who shall have been certified as such pursuant to the last preceding section of this Act (after being served with a copy of such certificate) with intoxicating liquor, shall upon proof thereof, forfeit and pay the sum of Five Pounds for the first offence, and Ten Pounds for the second or any subsequent offence, and for the third offence by a person holding a licence for the sale of liquors, he shall be deprived thereof, and shall not at any time thereafter be allowed to hold a licence.

28. In

*The Inebriates Act.—1874.*

28. In the event of any inmate being unable to pay for his care, cure, board, and maintenance in any Retreat as aforesaid, he shall be employed in such capacity as the Committee of Management or Superintendent may decide, at a fair rate of wages, from which shall be deducted all costs and charges due to the said Retreat, and the balance, if any, retained for the benefit of the inmate or the support of his family.

Inmates unable to pay, to work for board, &c.

29. Every order made in pursuance of this Act shall be a sufficient authority to all persons acting under and in conformity to such order, and no member of the Committee of Management, Superintendent, or other officer, shall be liable to action for damages for acting under the orders of any Judge, Special Magistrate, or Justices under this Act.

Order to be sufficient authority, and Members of Committee or officers not liable for damages for acting under orders of Judge, &c.

30. There shall be an appeal from any order of Justices of the Peace made under the provisions hereinbefore contained, which appeal shall be to the Local Court of Adelaide of Full Jurisdiction only, and the proceeding of such appeal shall be conducted in manner appointed by the Ordinance No. 6 of 1850, for Appeals to Local Courts; but such Local Court at Adelaide aforesaid, may make such order as to the payment of the costs of appeal as it shall think fit, although such costs may exceed Ten Pounds.

Appeal to Local Court.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

A. MUSGRAVE, Governor.

*The Inebriates Act.—1874.*

## SCHEDULE.

*Form of Commitment upon Voluntary Application.*

To \_\_\_\_\_ and all Constables and peace officers, and to the Superintendent or other proper officer of the Retreat for Inebriates, at \_\_\_\_\_

Whereas on the \_\_\_\_\_ day of \_\_\_\_\_, 187\_\_\_\_, A.B., of \_\_\_\_\_, came before me, C.D., one of Her Majesty's Justices of the Peace in and for the Province of South Australia, and applied to be committed under the provisions of "The Inebriates Act of 1874," to the Retreat situated at \_\_\_\_\_: And whereas it appears to me that the said A.B. has habitually and excessively used intoxicating liquor: Now therefore I, the said C.D., one of Her Majesty's Justices of the Peace as aforesaid, do, in pursuance of "The Inebriates Act of 1874," and by the authority on me thereby conferred, hereby order that you, the said constables or peace officers apprehend the said A.B., and convey him to the said Retreat, and deliver him to the said Superintendent or other officer thereof, and that you, the said Superintendent or other officer receive him into your custody in the said Retreat, and him there safely keep and submit to curative treatment for the term of \_\_\_\_\_ months, unless he be sooner discharged according to law: And I hereby by this order direct that the said A.B. shall pay to E.F. the sum of £\_\_\_\_\_ for the expenses of his conveyance to the said Retreat, and to the Superintendent the sum of £\_\_\_\_\_ for every month of his stay therein, being the amount of the fees in that behalf ordered to be paid by the regulations made in pursuance of "The Inebriates Act of 1874." And for these this shall be a sufficient warrant.

Given under my hand and seal this \_\_\_\_\_ day of \_\_\_\_\_, 187\_\_\_\_.

C.D., Justice of the Peace.