Temperance
Second - Physical Effects

No. 108
STATE CHARITIES AID ASSOCIATION
OF NEW YORK

TREATMENT

OF

PUBLIC INTOXICATION

AND

INEBRIETY

Standing Committee on Hospitals
of the State Charities Aid Association

March 20, 1909

NEW YORK CITY
UNITED CHARITIES BUILDING
105 EAST 22nd STREET

Senate bill No. 974, introduced by Mr. Agnew March 29, 1909, and Assembly bill No. 1699, introduced by Mr. Bates March 30, 1909, carry into effect a plan for more adequate treatment of public intoxication and inebriety. The provisions and merits of this plan are described in the following pages.

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CONTENTS

FOREWORD.

On February 27th, 1906, Mr. B. Ogden Chisolm on behalf of the Corlears District Committee of the Charity Organization Society, which had previously appointed a Special Committee to study the problem of habitual drunkenness and to make recommendations with regard to it, sent a communication to the Central Council of that Organization. This communication cited among other things the following:

1. Habitual drunkenness is one of the largest problems with which the District Committees of the Charity Organization Society have to deal, as it reduces families to destitution, and they thus become a burden on the Charity Organization Society and similar institutions.

2. No reprimand or threat from outsiders, even from the Judge or the courts, has any effect upon habitual drunkards. "In one particular case, the wife had sufficient courage to have the husband arrested, whereupon the Judge, instead of sending him away from his family, fined him five dollars for disorderly conduct, which the wife promptly paid and accompanied her husband home. As soon as she reached home she received a severe beating."

3. The present law is sufficient to secure the conviction of habitual drunkenness, but every commitment must be made to a penal institution and therefore is of little or no value, as few families, no matter how much they may be suffering, will take steps to secure the commitment of their relatives to a penal institution.

As a result of their investigation the Committee adopted the following resolution:

RESOLVED: That the Corlears District Committee of the Charity Organization Society, recommend to the Central Council, that a Committee be appointed to take into consideration the advisability of securing legislation to effect the establishment of a state or county sanitarium for the treatment of habitual drunkenness and to empower committing magistrates in their discretion to commit persons convicted of habitual drunkenness to such sanitarium instead of to a penal institution.

The Executive Committee of the Charity Organization Society took the matter into consideration, and as a result sent a communication to the State Charities Aid Association March 23rd, 1906, stating that it was the opinion of the Society that it would more naturally come within the province of the State Charities Aid Association to take the initiative in the establishment of a new public institution, partaking somewhat of the nature of a hospital on the one hand, and of a penal or reformatory institution on the other. It requested, therefore, that the State Charities Aid Association undertake to secure such an institution and expressed their desire to assist in demonstrating the need for such an institution and to co-operate in every possible way in securing it.

The State Charities Aid Association has not until this year been able to give the subject the necessary attention, because of the pressure of other matters. The Standing Committee on Hospitals of the State Charities Aid Association began a thorough study of the problem in October, 1908, and as a result of this study it outlined a plan for the wiser treatment of public intoxication and inebriety. The plan in full is found in Appendix 1.

THE PROBLEM.

The problem of the treatment of the victims of alcoholic liquors and narcotic drugs is not only difficult, but complicated. The habitual drunkard is a menace to society, a burden to his family, and an economic loss to the community. He is the cause of the largest single item of expenditure of police departments, police courts and jails and workhouses. The cost of the care given to inebriates by municipal hospitals, simply to relieve them of acute conditions brought on by the excessive use of alcoholic liquors is very large, and charitable organizations and institutions are taxed to their utmost, in attempting to relieve families whose pauperized condition is caused by habitual drunkenness.

I. PRESENT METHOD OF DEALING WITH PUBLIC INTOXICATION AND INEBRIETY IN NEW YORK CITY.

1. *Persons arrested for Public Intoxication.* In the boroughs of Manhattan and the Bronx 20,983 males were arrested for "public intoxication" and "public intoxication and disorderly conduct," in the year 1907. 12,607 of these, or 60 per cent., were discharged by the courts. In the remaining boroughs 13,178 males were arrested for the same offenses. Of these 371, or 2.8 per cent., were discharged by the courts.

80 per cent. of all persons held by the courts are fined amounts ranging from one cent to ten dollars. Approximately 90 per cent. of fines are amounts between one dollar and three dollars. Fines are paid in court, by the relatives and friends of the persons arrested or by the persons themselves, in about 40 per cent. of the cases fined. The remaining 40 per cent. of fined cases are committed to the city prisons and the workhouse in default of payment of fine. If the fine is greater than three dollars the person is transferred from a district prison to the workhouse. If the fine is less than three dollars he serves time in the district prison, one day for each dollar of the fine.

Approximately 20 per cent. of all persons held by the courts are committed to the workhouse directly under the cumulative fine law.

2. *Persons who are Habitual Drunkards but who keep out of the hands of the Police.* The present New York Law contains no provision for the commitment of male habitual drunkards as such to any institution. There is furthermore, no institution to which such a person could be committed for treatment if there were a commitment law. Physicians and friends of such persons frequently inveigle them into Connecticut where they may be committed, but it is practically impossible to do anything with the vast majority of cases. Little or nothing can be accomplished without more or less prolonged treatment in an institution and at present there is no institution for this purpose. Many of these cases appear in Bellevue and Kings County Hospitals again and again and the acute stage brought on by excessive drinking is relieved and the person is discharged to again go through the process and return. Others are constant burdens to their families who would gladly put them in an institution for treatment, were such an institution in existence and were provision made for their commitment. It is at present substantially accidental as to whether an inebriate finds his way to the alcoholic

wards of Bellevue or to one of the island hospitals, or is committed to a hospital for the insane, or is committed to the workhouse. In any case, he is soon discharged, to again become intoxicated and repeat the process.

II. VITAL DEFECTS OF THE PRESENT ABSENCE OF SYSTEM.

1. A short sentence accomplishes nothing either in reforming the individual or in protecting society.

2. A fine, if paid at all, is usually paid by relatives to save themselves and the person arrested from further disgrace. These in most instances, can ill afford to pay it.

3. An ordinarily self-respecting citizen who becomes intoxicated, loses not only his self-respect but frequently his employment by being publicly exposed and brought before the court, and perhaps sentenced to prison, to associate with the most vicious type of criminal classes.

4. There is no differentiation in treatment of the occasional and the habitual drunkard.

5. There is no institution to which an inebriate can be committed for treatment and there is no provision for commitment.

6. The "rounder" in the hospitals, the police stations, the courts, the prisons and workhouses are an inevitable consequence of short term commitments and petty fines.

7. Punitive rather than remedial measures are emphasized.

8. The courts are crowded with many cases that ought never to appear before them and cases that require careful attention are hurriedly disposed of. The cases that properly come before them should not come repeatedly.

9. A large percentage of the cost of the police force, of the magistrate courts, of the city prisons and workhouse and of the municipal hospitals is due to the "rounder."

III. WHAT IS NOW PROPOSED.*

1. To establish a Board which shall have general control of the problem of dealing with public intoxication and inebriety.

2. To provide a graded series of remedies dealing appropriately with the first offender, the occasional offender, the helpable inebriate and the confirmed inebriate.

* For a more detailed outline of the plan see Appendix I.

3. To release first offenders after their case has been investigated without bringing them to court.

4. To provide a central bureau of records of persons arrested for public intoxication, in order that the first offender may be separated from the "rounder."

5. To provide that a person who has been arrested within twelve months may be:

   a. Released on probation.
   b. Released on probation with an additional fine to to be paid in instalments.
   c. Committed to the Board of Inebriety for treatment, the commitment to be indeterminate, but not to exceed three years.

6. To provide a hospital and industrial colony in which persons committed may be treated, the treatment to be directed by expert medical authorities and to include work for able bodied patients.

7. To provide for commitment of habitual drunkards who do not appear before the courts for intoxication upon their own application, or upon the application of friends or relatives and upon proper medical certification.

8. To provide field officers to act as probation and parole officers, and to investigate all cases of arrest for intoxication.

9. To provide for the parole of persons from the institutions at the discretion of the Board; a person so paroled to be under the supervision of a field officer.

10. To provide for commitment to the workhouse of persons who prove refractory and do not yield readily to the discipline of the institution established by the Board of Inebriety, such commitment to be for at least one year.

11. To provide for commitment to the Board of Inebriety, of "rounders" in public hospitals.

IV. ADVANTAGES SECURED BY THE PROPOSED PLAN.

1. *Release of First Offenders.* When the purpose for which an arrest for occasional or accidental intoxication is served, viz., the preservation of public order and the protection of the arrested man, there is no gain to be secured either in reforming the individual or in protecting society, by publicly exposing such a person and haling him before the court. The person so brought before the court is made to mingle with the most vicious type of offenders. Many persons so arrested are ordinarily self respecting, law abiding citizens and such a per-

son's self-respect is lessened and he is much more likely to become calloused and eventually an habitual drunkard by such association. He also is likely to lose his employment and the respect of his fellow workers and acquaintances. The release of such a person after his case has been fully investigated would be better for the person. It would also relieve the courts of at least 50 per cent. of the cases brought before them and thus make it possible to give much more time to the cases which really need to come before them. The release of such persons would also be a mercy to their families, who suffer by having to pay fines, or by being deprived of the support of the person during commitment, and worst of all by the person losing his employment.

Release is not an untried plan. It has been the practice in Boston since 1905 and has worked admirably. Over one-third of the persons arrested for intoxication do not appear in court. There is evidence of satisfaction with the working of the plan on the part of official authorities and of students of the problem. It makes for economy in that much time of the court is saved and also much time on the part of the police. The results in Boston justify the extension of the principle to other cities.

Warren F. Spalding, Secretary of the Massachusetts Prison Association, says: "So far as I know there is no criticism whatever of the law or of its administration. Those who know best are unanimous in saying that the effect upon those arrested is good; that it does not encourage carelessness in drinking."

2. *Probationary Oversight and Fine on Instalment.* At present the court knows little or nothing about cases which are brought before it on the charge of public intoxication, except the fact that the person has been arrested. Information relative to the person and those dependent upon him and relative to his habits and surroundings is the most important part of proper dealing with cases of intoxication, as intelligent disposition of the case depends upon such information. Field officers who spend their whole time and attention in dealing with public intoxication would soon become experts in gathering such information for the use of the court and of the board.

Men of character and ability, acting under the direct supervision of the Board of Inebriety, would be efficient probation and parole officers. This work requires special adaptation and training. It is much more economical for a city to place persons on probation than to incarcerate them in prisons and workhouses and it is also more advantageous to the person arrested. But probation, in order to accomplish results, must be in the hands of broad-minded, sympathetic and tactful persons. The plan proposed would make it possible to have an efficient

corps of such men. This would enable the courts to discharge on probation, or on probation with fine, a very large number of persons who are now committed to prisons and workhouses.

It is as important also to provide for after care and supervision of persons who have been committed for treatment, as it is to provide for their commitment. It makes possible a much earlier release and at the same time assists the person to secure employment, to fortify himself against old associations and old habits, and to again become a useful member of society. The knowledge on the part of the person released that failure to abstain from intoxicating liquors will result in his return to an institution, acts as a very strong deterrent and assists him in getting readjusted without going back to his old habits. The necessary supervision and after care can be accomplished only by persons of broad sympathy and persons who would be intimately familiar with the workings of the institution to which the person has been committed. Field officers would be a most important part of any institution undertaking the treatment and reformation of the inebriate.

3. *Central Bureau of Records.* A central bureau in which information regarding persons arrested for public intoxication shall be kept for reference is imperative. Without such a bureau it is impossible to deal intelligently with the problem of intoxication. It is necessary to know who are new and occasional offenders and who are habitual offenders. While it might be impossible to keep data that would absolutely identify old offenders without the finger print system, yet it is certain that the great majority of them could be identified after the field officers shall have placed on file the results of their investigations. A central bureau of records for all arrests is being advocated for the police department. Until such provision is made, a bureau of records for arrests for intoxication should be established, as this offense furnishes by far the largest percentage of repeaters.

4. *Graded Series of Remedies.* It is plainly evident that the man who is arrested for the first time for public intoxication should receive very different treatment from the man who is repeatedly arrested. Our present method makes little or no distinction. As a matter of fact, there is no means of knowing who come repeatedly before the courts for this offense except as the person is recognized by the court. The plan proposed not only makes provision for a central bureau by which the number of times the person has been arrested for intoxication, can be determined, but it also provides gradual remedial measures varying from release without appearance in court, to commitment to the workhouse for a period of not less than one year. The person who is not released summarily because

he has been arrested within a year, may be released on probation. If he has been before the court several times the judge may release him on probation and in addition impose a fine. If he is a chronic drunkard, the judge may commit him to the Board of Inebriety on an indeterminate sentence and his stay in the institution conducted by the board, will be dependent upon his condition, attitude and general behavior. The refractory person, according to the plan proposed, would be transferred to the workhouse or some other more suitable custodial institution.

This gradual series will act as a forceful deterrent in those cases which have a degree of self respect and which wish to improve. The habitual drunkard who takes no interest in improvement, will by this method be kept away from intoxicants for a considerable length of time, as he would be detained for the maximum period of three years. Should such a person go back to his old habits after the termination of the period for which he was committed, he would, if he fell into the hands of the police, again be brought before the court and again be committed to the board.

5. *Hospital and Industrial Colony.* There is now no institution in New York State to which men can be committed for habitual drunkenness. There is also no provision for the treatment of habitual drunkards. Medical authorities are unanimous in saying that more or less prolonged treatment in an institution to which the person is committed, is the only possible way to deal with an habitual drunkard. Physicians and judges alike, feel and for years have felt, the need for an institution to which persons who have committed no crime, except the quasi-offense of being habitually intoxicated, might be committed. The proposed plan would provide such an institution. It would preferably be located in the country and provision for work on the part of the inmates would be a most important part of such an institution.

6. *Indeterminate Sentence.* The short sentence and petty fine has been tried thoroughly in this country and abroad and everywhere has been found wanting. The report of the first Select Committee on Habitual Drunkards appointed by the English Parliament in 1872 stated, that "Small fines and short imprisonment are proved to be useless." It has been reaffirmed by two subsequent committees of Parliament and subsequent legislation in England has fully recognized the uselessness of this method of dealing with habitual drunkenness.

A report of the Special Committee on the "Penal Aspect of Drunkenness," appointed by the Mayor of Boston in 1899, after giving several pages of arguments to demonstrate the worthlessness of the short sentence, says:

"In view of the obvious character of the fact and conclusions already presented an appeal to expert authority in regard to the value of the short sentence seems hardly necessary. It is none the less true that the views here expressed in regard to the value of the short sentence are upheld by all criminologists of note. To quote but a single passage, Enrico Ferri, the distinguished Italian criminologist, says: 'A few days in prison, mostly in association with habitual criminals, cannot exercise any deterrent influence. . . . . On the contrary they are attended by disastrous effects, by destroying the serious character of justice, relieving prisoners of all fear of punishment, and consequently driving them to relapse, under the influence of the disgrace already suffered, and of the corrupting and compromising association with habitual criminals in prison. The results of these short terms, indeed, which impose about the same restriction on liberty as an attack of indigestion, or a heavy fall of snow, are so manifest that the objection to them is now almost unanimous.' "

Inasmuch as the worthlessness of the short sentence is so universally attested it would seem only expedient to try some other method. An indeterminate sentence seems the most promising substitute for all cases which are not released on probation or otherwise. This again is not an untried feature. The majority of the States are now using it in some form or other, and with encouraging results. The growth of application of the principle of an indeterminate sentence has been very rapid within the last few years and should undoubtedly be extended to the treatment of habitual drunkenness.

7. *Commitment of Habitual Drunkards Voluntarily or Upon Application of Friends and Relatives or Hospital Authorities.* The plan provides for commitment of habitual drunkards to the institution maintained by the Board of Inebriety for treatment, upon their own application or the application of friends and relatives, or upon the application of hospital authorities to whose hospital the person may habitually come for treatment. This is a pressing need in New York State. It ought not to be necessary for New York State to depend upon its neighboring States for such commitment. At present it is the very frequent practice of citizens of New York to persuade their friends to go into Connecticut and there be committed to such an institution.

The principle of committing an inebriate for care and protection, on much the same basis as insane persons are committed, is not at all a new one; it has been in operation in Massachusetts since 1891, and is also the present law of the States of Iowa, Minnesota, Nebraska, Pennsylvania and Connecticut. Such a provision has also been recommended by the Special

Committee of the English Parliament, appointed last year. There is at present in New York State no means by which an inebriate who is not also a criminal can be dealt with, however much he may constitute himself a cause of nuisance or distress to his family. The plan outlined proposes to remedy this condition for New York City.

8. *Removal of the Rounder.* The "rounder" is an inevitable product of our present system. The report of the Committee appointed by the Mayor of Boston referred to above says with regard to this:

"Let no one misunderstand this pitiful wretch,—the 'rounder,' physically and morally debauched is the product of the existing system. He represents the closing act in a moral tragedy, in which society plays the villain in the guise of justice and law, and the poor man is the victim, with the imprisonment of a hitherto respectable first offender for the first official act in the tragedy; the corrupt and compromising associations of the prison, for the second act; tainted reputation and decreased earning capacity, for the third; discouragement and relapse, for the fourth, and so on to the end of the miserable business,—first moral and then physical death."

One searches in vain through the records of the police department, the records of the magistrates' courts, and the records of the district prisons, for exact information as to the number of rounders and the number of times which they appear. Testimony is universal, however, among the officials of these departments, that this group constitutes a very large percentage of the total cases dealt with.

The statistics for the workhouse for 1907 show that there were 10,370 commitments of persons committed only once, and that there were 28,264 commitments of persons who were committed more than once. These 28,264 commitments represent only 7,101 persons. 12,176 commitments were commitments of persons which were committed from six to ten times during the year, *i. e.*, there were during 1907 more commitments to the workhouse of persons, who were committed from six to ten times, than there were commitments of persons committed only once. These statistics refer to commitments for all crimes, and unfortunately the records do not show what percentage of these "rounders" were committed for intoxication. However, intoxication is pre-eminently the crime for which repeated commitments are made, and it is entirely conservative to estimate that at least 50 per cent. of commitments of persons committed more than once are for intoxication. It is evident, therefore, that approximately 15,000 commitments to the workhouse each year, are commitments of "rounders." These represent approximately 3,500 persons who appeared in court and who were committed to the workhouse from two to twenty times during 1907.

These statistics cover only those who go to the workhouse. Only about 25 per cent. of all cases held by the court go to the workhouse; the remainder pay fines or serve time in a district prison. There is no means of learning what percentage of these are "rounders," as neither the court records nor the prison records give this information; neither is there any data showing how many of the 60 per cent. of all persons arrested for intoxication and discharged by the courts are "rounders." While it is impossible to estimate with any degree of accuracy the number of "rounders" yet we can conservatively say that the work of the courts in dealing with arrests for intoxication would be diminished by at least one-half, were the "rounders" removed. It is probable also, that the work of the alcoholic wards in our public hospitals would be reduced about an equal amount, if the "rounder" were removed from them.

The plan proposed would remove the "rounder" by doing away with the short sentence and petty fines and by providing long commitment with indeterminate sentence. From the point of view of economy alone, it is better to confine a person continuously than it is to have him come constantly before the police and courts. In addition to this it is far better for the individual concerned as it keeps him for a continuous period from alcohol and offers the only possible means of his reformation.

9. *Economy.* The Report of the Boston Committee estimated that one-eighth of the expense of the police department of Boston was necessitated by the cost of arresting and caring for cases of intoxication. This estimate applied to New York City would mean that $1,750,000 are expended in New York City annually for this purpose.

The annual cost of maintenance of the Magistrates' Courts is approximately $400,000. Twenty-three per cent. of all cases that come before these courts are arrested for intoxication; in other words, it costs the city $92,000 annually to try the persons charged with intoxication.

The annual cost of maintenance of the Department of Correction, is approximately $1,000,000. At least one-fourth of the inmates of the institution under its care are serving sentences for intoxication, i. e., about $250,000 are expended annually by the City of New York for custodial care for persons arrested for intoxication.

In Bellevue and Allied Hospitals there are annually from 7,000 to 9,000 cases of alcoholism, and in the hospitals under

the jurisdiction of the Department of Public Charities, there are annually about 2,000 cases. The average length of stay in these hospitals is from three to five days. The per capita per diem expense of maintaining cases in the municipal hospitals of Manhattan and the Bronx is $1.86. It is difficult to estimate the cost of maintaining alcoholic cases, but it is certain that an estimate of 80 cents per day would be conservative. This means that the persons treated in a municipal hospital for alcoholism alone, to say nothing about other diseases brought on by alcohol, costs the city at least $320,000 annually.

The present annual cost to the City of New York for the treatment of public intoxication is, therefore, if these conservative estimates are accepted, $2,412,000. This estimate covers only the direct cost. The enormous indirect cost of the support of families of drunkards, and the indirect cost of other crimes due to drinking are excluded entirely from this estimate.

It is of course impossible to state just how much the plan proposed would cut down the total annual expense. The removal of the "rounder" would mean a large annual saving of work to the police departments as shown above, and the city could have better protection because of the larger amount of time at the disposal of the police. The plan of release proposed, together with the removal of the "rounder," would cut down cases brought before the Magistrates' Courts, by at least 50 per cent and would, therefore, represent a large annual saving to this department. The economy here, as in the police department, would be in time and increased efficiency rather than in dollars and cents.. The cases cared for by the Department of Correction could be cared for in institutions such as this plan proposes, for but little more than the expense of maintaining them in the workhouse. The $250,000 expended annually for the care of these cases in the Department of Correction would go very far towards supporting institutions under the Board of Inebriety. The repeaters in the municipal hospitals could be maintained and treated in such an institution as this plan proposes much cheaper than in general municipal hospitals. While, therefore, the plan presented would require considerable expenditure of money it in reality means an economy for the city. Even were it to cost the city as much or more than the present plan it would be justified as it would mean a great saving of humanity.

V. EXPERIENCE WITH INSTITUTIONS FOR THE TREATMENT OF INEBRIATES.

1. *England.* (See Appendix 2). In 1879 England passed the Habitual Drunkards Act which provides for the licensing

of private retreats, to which habitual drunkards can be committed upon their own application. The number of institutions established under this act has increased until there are at present twenty-two. In 1898, Parliament realizing that the previous Act did not make any provision for the inebriate who constantly comes before the courts, passed an Inebriates Act, which provides for the establishment of "Certified Inebriate Reformatories." These institutions are either established by local authorities and supported by public taxation or are established and supported by philanthropic bodies. There are at present eleven certified inebriate reformatories in England. The Law of 1898 also provides for the commitment of persons who come habitually before the courts. In addition to these institutions the State has established two institutions for the treatment of inebriates. These are primarily custodial institutions, and receive the more refractory cases from the private retreats and the certified inebriate reformatories.

It is difficult to determine just what percentage of the total number of persons treated in these institutions are restored to useful positions in society. Naturally the private retreats report a much larger percentage of cures. The estimate of the various institutions relative to the percentage of persons restored vary all the way from thirty to seventy per cent. It is evident that, even in the cases which do not reform, the English method of treatment is much more satisfactory than the American in-and-out of prison process.

It is apparent from what has been said that England is thoroughly committed to the policy of maintaining special institutions for the treatment of inebriates. A Commission was appointed by Parliament in 1908, to investigate fully the operation of the laws relating to inebriates. The Commission went into the subject fully and its report was printed in two volumes in December 1908. The report of the Commission recommends further extension of facilities for the treatment of inebriates and an extension of the legal provision for the commitment of habitual drunkards upon the application of friends and relatives. The purpose of legislation with reference to the problem is well expressed by the report in the following quotation:

"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 commital to prison, which has been proved useless by long experience. We thoroughly agree to this."

Further extended quotations from the report are made in Appendix 2, which gives more fully the experience of England.

2. *The United States.* While England has been constantly progressing in the solution of the problem, the United States has been content with making a few sporadic and ineffectual attempts to deal with it. Massachusetts with its State Institution and its provision for release of first offenders has made a more serious attempt than any other State. In 1891, it passed an Act establishing a State Institution for Dipsomaniacs, at Foxboro, Massachusetts. The Institution has had a continuous existence to the present time and has met with considerable success, in spite of the fact that it has not accomplished as much as its optimistic founders had hoped that it might. In 1907, a reorganization of the management was effected and the governor in appointing a new Board of Trustees has happily united legal, medical and social students of this problem.

The following paragraph quoted from the report for the State Institution for the year ending November 30, 1906, will indicate to some extent the success which the Institution has had:

"Two hundred and thirty cases were regularly discharged through leave of absence or by time limit from July 1, 1905, to July 1, 1906. Thus there was an absence of four months in each case, and from that up to sixteen months. Of this number, 93, or 40 per cent, were found to be temperate; 37, or 16.08 per cent had improved; and 55, or 23.91 per cent, unimproved; 37, or 16 per cent, could not be found; 8, or 3.49 per cent, had died—an unusually large death rate. It is safe to assume, from the law governing the compilation of statistics, that some of the cases which could not be found are temperate, which would still further augment the number of temperate cases."

The long experience of this institution has suggested some changes with regard to the methods of dealing with the problem. The changes will be along the line of instituting less punitive measures, and providing more work. Some changes in the legislation of Massachusetts are also necessary to give the institution more control over patients committed and to secure a proper classification of cases committed to it.

Other States in the Union are following the example of Massachusetts. The State of Iowa in 1904, passed a law establishing an institution for Inebriates at Knoxville, Iowa. The following paragraph taken from the Second Biennial Report of the Institution indicates what results are being obtained in this institution.

"We feel that our work here has shown conclusively that there is help for an inebriate in an institution of this character. The number received during the biennial period

ending June 30, 1908, was 774. From among this number we have received a report from something over 300 who never have gone back to drink and are living up to the requirements of the law and report each month to the Clerk of the District Court."

The Legislature of Minnesota in 1908 passed a law providing for a state institution, but inasmuch as the money is to come from a percentage of the excise, no buildings have as yet been erected. The State of Pennsylvania passed a bill in 1903 providing for the commitment of persons to inebriate institutions, and now those interested in the problem are trying to secure provision for funds to establish a state institution. New Jersey introduced a bill in the Legislature of 1909, to establish a similar institution but it failed to pass. It will be presented again at the next session of the Legislature. Tennessee and Georgia are also interesting themselves in the problem.

New York State has also attempted to provide for the treatment of inebriety, but has not up to this time succeeded in establishing institutions which have been permanently successful. The most conspicuous attempts were the United States Inebriate Asylum at Binghamton and the Kings County Hospital for Inebriates. The institution at Binghamton was granted a charter in 1854 and was built in 1858. The institution accomplished good results in reforming persons going there for treatment. It finally failed, however, not because it was not accomplishing much, but because of an unfortunate personal conflict between the President of the Board of Trustees, Dr. Willard Parker, and the founder of the institution, Dr. J. E. Turner. This personal conflict led to two factions in the management and control of the institution and so bitter was the quarrel that disruption was inevitable. The institution was finally turned over to the State and it has since been used as a State hospital for the insane.

The Kings County Hospital was established in 1869 and its trustees were given power to visit jails and penitentiaries and remove habitual drunkards for treatment. It was obliged to close in 1898 because of the withdrawal of the county excise funds. The vital defect of these institutions was that they were not given control over the persons committed for treatment for a sufficiently long period to secure permanent restoration. In addition to this, the persons treated at Kings County Hospital were persons who had already been committed to penal institutions and compelled to associate with the most vicious type of criminals. Reformatory measures under such conditions would be of little avail unless they extended over a considerable period of time.

VI. A FEW OPINIONS OF EXPERTS.

Medical authorities agree that institutional treatment for inebriates is practically the only possible way that anything can be accomplished. They are the leaders in the movement for securing State institutions in this country at the present time. The movement in Pennsylvania at the present time has grown out of the work of the Medical Society of the State of Pennsylvania.

The opinions of a few authorities are given below.

Dr. Charles L. Dana in the New York Medical Journal for August, 1903, says:

"In order to carry out a scheme for the relief of this class, two lines of endeavor must be attempted: First, the securing of legislation which will enable us to commit an inebriate for a period of from one to three years; and, second, the establishment of a colony where these persons can be isolated and kept from the use of liquor and at the same time can be subjected to the influence of measures for stimulating and developing the mind which are employed in colonies for epileptics where extraordinary successes are achieved."

Dr. Alexander Lambert, attending physician at Bellevue, and Professor in Cornell Medical College, says:

"Institutional treatment, by which the patient may be assured that he will be protected against himself, and cannot obtain any alcohol for a period of one or two years, where he can live out of doors and bring his body back into as healthy a state as possible with a chance for the brain to recover from the poisoning of the alcohol, offers the surest means of cure. This may sometimes be done at home, if the patient can be controlled and carefully guarded, but the influence must be strong indeed and appeal intensely to his moral nature to affect him. Taken all in all, the influence of religion has proved most effective for this but unfortunately it is not applicable in many cases. Most alcoholics are very open to suggestion and in a small number of cases, hypnotism seems to have been tried with success, but this more often fails than succeeds. Suggestion does come in play in institutions where several patients are endeavoring together to break themselves of the habit; the concerted effort helps materially to strengthen the weak wills of many of them. These patients and their families are prone to turn to advertised quackery and nostrums to obtain a cure rather than to persuade the patient to put himself under regular restraint. The fact that legally in this country an alcoholic cannot be restrained against his will often adds to the difficulty of doing anything that will really assist him."

Dr. William Osler, in his "Practice of Medicine," says:

"Chronic alcoholism is a condition very difficult to treat and once fully established the habit is rarely abandoned. The most obstinate cases are those with marked hereditary tendencies. Withdrawal of the alcohol is the first great essential. This is most effectively accomplished by placing the patient in an institution, in which he can be carefully watched during the trying period of the first week or ten days of abstention The absence of temptation in institutional life is of special advantage."

Dr. J. M. Anders, Professor of Medicine of the University of Pennsylvania, says:

"Chronic alcoholism I consider a true disease. While acute alcoholism may also be an occasional manifestation of the chronic affection, it is often a vice which if indulged in to an excessive degree, or if too frequently repeated becomes a disease, though it is difficult to determine at what point the transition occurs.

Treatment of alcoholism is best conducted in homes for inebriates, in hospitals, and similar institutions. At the outset there should be an unconditional surrender in the use of alcohol."

Dr. M. S. Gregory, Resident Alienist at Bellevue Hospital in the last annual report of that institution, says:

"We build and maintain jails, reformatories, workhouses and penitentiaries for criminals who have become so, in the majority of instances, as the result of alcoholic poisoning, directly or indirectly; yet we make practically no provision for their treatment before they become criminals and while they are yet recoverable alcoholics. There is no provision for the alcoholics, either rich or poor. The unfortunate family and friends cannot do anything under the present conditions, even when financial restrictions are no bar. It seems to me that it would be the greatest aid to humanity if measures might be taken to reduce the consumption of this poison to a minimum and to provide proper curative institutions for those who have formed a habit but who have not passed the curative stage into one of complete mental and physical deterioration. Such as institution should be custodial as well as educational, and due weight laid on individual moral factors. In such institutions many will find recovery, while for those who do not, proper restrictions will prevent their leading a life of crime."

H. Norman Barnett in his recent book on the "Legal Responsibility of the Drunkard," says:

"Speaking broadly, then, every chronic case which comes before the police magistrate is that of a diseased individual.

How does the law deal with it? Unfortunately, legal procedure is very conservative, but still regards drunkenness as simply a crime; but, if a crime, it certainly is not a venial one, and should not be treated lightly. Too many magistrates regard such a case almost as a joke, but the more thinking amongst them deplore the fact that they are unable to give such sentence as would have the effect of deterring the prisoner and others from repeating the offense. As the law stands, such men or women are fined a small amount, or if they be very violent, and perhaps have injured a constable, they are given a short term of imprisonment. During the time they are undergoing this sentence the craving for alcohol becomes very pronounced. If the man be married, his wife and children probably starve, or are relieved by private charity, failing which they are put on the rates by going to the poor-house, the public thus paying for the man's upkeep and that of his wife and family. When he is released, his first act is to become drunk again, in which state he probably revisits his wretched home and ill-treats his wife and children. For this or some subsequent offense he again appears before the magistrate, and is again sentenced, and thus a vicious circle of police-court to prison and back again is established, which goes on indefinitely, till the criminal drunkard is produced.

There is probably no greater injustice in the country at the present moment than our treatment of the habitual drunkard. Under it the unfortunate dipsomaniac has no chance himself, whilst he drags down with him his wife and children, incidentally costing the nation a large sum for workhouse, prison and police. The man is in all cases a homicidal, often a suicidal maniac. He is suffering from a drug habit, and that drug the most insidious and one of the most poisonous known to science. Above all, he is suffering from a diseased and functionally imperfect brain.

We would not treat any other prisoner similarly affected and showing similar tendencies in the way we do the drunkard. We are so careful of the liberty of the individual that we sometimes forget the twofold object of punishment should be the protection of the community and the reclamation, if possible, of the offender. Neither of these objects is gained by the present system of regarding the habitual drunkard as a petty offender and imposing short sentences. Prolonged treatment in Government inebriate reformatories is the only truly merciful and scientific method of dealing with these cases. A small proportion of them will not be cured even by prolonged treatment; for such, a life sentence would but carry out the great principle of the protection of the community, and would undoubtedly be the most merciful provision for the irreclaimable drunkard."

In 1904 an attempt was made by a few interested persons to secure an institution for the treatment of inebriety, supported by private philanthropy. A communication sent out aiming to interest influential people in the project contained the following:

"The two principles which the Association wishes to carry out are:

1. An isolated colony treatment.

2. A long application of treatment after the outbreaks have ceased, or the immediate results of indulgence have passed away."

The following names all of whom are experts were subscribed to this communication.

John W. Brannan, M.D., President of Trustees of Bellevue and Allied Hospitals.

Charles L. Dana, M.D., Alienist.

Homer Folks, Secretary of the State Charities Aid Association.

Frederick Peterson, M.D., Alienist.

William Mahon, M.D., Alienist.

John B. Pine, Lawyer.

M. Allen Starr, M.D., Alienist.

APPENDIX I.

1. Provide for the appointment by the Mayor of a Board of Inebriety, to consist of five members, together with the Commissioner of Public Charities and the Commissioner of Correction as members *ex officio*. Such members shall serve without pay for terms of five years each, the term of one member expiring each year, and shall be appointed after nominations submitted by the heads of various charitable societies, as in the case of the Board of Trustees of Bellevue and Allied Hospitals.

The duties of this Board shall be:

(1) To maintain an office for the Boroughs of Manhattan and the Bronx, and an office for the Boroughs of Richmond, Brooklyn and Queens, each of which offices shall be open daily, Sundays and holidays included, from 6 A. M. to midnight; and to maintain at each such office a central bureau of records of persons arrested for public intoxication within the boroughs assigned to such office.

(2) To appoint a chief executive officer, who shall be the Secretary of the Board, and to appoint such number of field officers as its work may require, and as the Board of Estimate and Apportionment may authorize, and to exercise general control over the work of such Secretary and field officers.

(3) To establish and maintain a hospital and industrial colony for the treatment of inebriates, located either within or without the City of New York, but receiving only persons from the City of New York.

(4) To perform such other duties in connection with persons arrested for public intoxication or committed as inebriates to the said Board as may be imposed by statute.

2. Provide that whenever a person is arrested for public intoxication or intoxication and disorderly conduct, the fact of such arrest, with the name of the person arrested, if it can be secured, shall be reported forthwith by telephone to the office of the Board of Inebriety for the borough in which the arrest is made by the person in charge of the station house to which the arrested person is taken. It shall thereupon be the duty of the Board of Inebriety to cause an investigation to be made by one of its field officers concerning the person so arrested, ascertaining as far as may be possible his name, address, whether previously arrested, and if so, how many times, and for what offenses, consulting as a part of such investigation the central bureau of records for arrests for public intoxication. If the field officer is of the opinion from all the information obtainable

that the person arrested has not been arrested for public intoxication or any other offense for the period of one year next preceding, he shall, when the arrested person has recovered from his intoxication, inform him that he may sign a request, addressed to the magistrate having jurisdiction, for his immediate release, and if the arrested person signs such request, the field officer may thereupon release him, transmitting to the magistrate the application, with a report of his investigation of the case, and the magistrate may upon receipt of such application dismiss the case, or he may summon the arrested person before him for other disposition. Any person shall upon such release pay a fine of one dollar to the field officer having charge of said person within ten days from the date of arrest. If said person shall not pay such fine the field officer shall cause his rearrest, whereupon he shall be brought before a magistrate to be dealt with as provided in 3.

(This procedure would follow somewhat closely the plan which has been in operation in Massachusetts since 1905 under the provisions of Chapter 384, Laws of 1905, which is printed in the Report of the New York Probation Commission, 1905-06, page 195.)

3. Direct that in case of a person arrested for public intoxication, if the field officer discovers that the person appears to have been arrested within the twelve months next preceding, he shall report the results of his investigation to the magistrate before whom the arrested person is brought; and provide that the magistrate shall thereupon impose one or the other of the following penalties:

(1) Release the person on probation, under the supervision of a field officer appointed by the Board of Inebriety, for a period of not less than six months, or more than one year, upon condition that such person sign a written pledge agreeing to abstain from the use of intoxicating liquors as a beverage for the period of such probation, and upon the further condition that the probation officer, in case of the violation of such pledge, shall report such fact forthwith to the magistrate, and shall cause the offender to be arrested and brought before the magistrate.

(2) Release the person on probation as provided in (1) and in addition impose a fine of not to exceed twenty-five dollars, permitting such fine to be paid in instalments in such amounts and at such times as the magistrate may determine, such fine to be collected by the field officer and all fines and portions of fines so collected by field officers to be reported by them to the magistrates imposing such fines, and to be turned over to the Board of Inebriety and transmitted by such Board monthly to the Comptroller.

(3) Commit such person to the Board of Inebriety as provided in 4.

4. Provide that a person brought before a magistrate on an arrest for public intoxication, if not discharged as provided in (1) or placed on probation with or without a fine, as provided in (2), shall be committed by such magistrate to the custody of the Board of Inebriety until, in the judgment of such Board, such person shall have justified his release therefrom, but not to exceed three years. The Board of Inebriety shall thereupon place such person either in its hospital and industrial colony for inebriates, as provided in 5, or, if in its judgment such person is not a suitable person for the treatment provided in such hospital and industrial colony, in a custodial institution, as provided in 6.

5. Direct the Board of Inebriety to establish a hospital and industrial colony for inebriates, preferably in the country, with a considerable area of land, and with perhaps a receiving branch in the city, such hospital and industrial colony to be provided with proper facilities for the treatment of inebriates according to the methods best known and approved by medical science, and authorize the Board of Inebriety to parole any person committed to its care from the said hospital whenever in their judgment such course would be wise, the person so paroled to remain under the supervision of a field officer of the said Board of Inebriety until the Board of Inebriety considers that he has earned an unqualified discharge, or until the expiration of the maximum term for which he was committed to their care. Provide that patients paroled from the hospital who violate the terms of such parole shall be thereupon rearrested and returned to the custody of the said Board of Inebriety, and either returned to the hospital for inebriety or committed by the said Board to the custodial asylum, as provided in 6. Authorize the Board to discharge any person committed to its care whenever in its judgment such person may safely be released from the supervision of the Board. Authorize the Board to collect money for the maintenance of a person committed to its care when such person or his relatives are able to pay.

6. Authorize the Board of Inebriety to bring before a court of record the facts concerning any person committed to the care of said Board who shall violate the terms of his parole from the hospital for inebriates, or who, in the judgment of the said Board, is a confirmed inebriate requiring custodial care, and provide that the court before which such application is brought may commit such person to a suitable custodial institution, *i. e.*, the workhouse in the Department of Correction or the State Industrial Colony (if one shall have been established),

or to a custodial institution in the Department of Public Charities (if one shall have been established by such Department and commitment thereto authorized), such commitment to be for an indefinite term and not less than one year or more than five, with the further provision that the person so committed shall be released from such custodial institution only after satisfactory behavior for a period of at least one year. Authorize the Board of Inebriety to make application before a court of record or a justice of the Supreme Court for the commitment to an insane hospital of any person committed to their care who is insane.

7. Authorize the commitment of inebriates to the custody of the Board of Inebriety, to be dealt with under the powers herein conferred upon that Board, upon their own petition or the petition of relatives or friends, accompanied by a certificate of two physicians, such commitment to be made by a justice of a court of record, as in the case of the insane.

8. Authorize the Trustees of Bellevue and Allied Hospitals or the Department of Public Charities to apply to a court of record for the commitment to the Board of Inebriety of any person treated by them for alcoholism, the procedure to be the same as when the petition is made by relatives or friends.

APPENDIX II.

Quotations from the Report of the Departmental Committee Appointed by the English Parliament in 1908.

THE HISTORY OF LEGISLATION CONCERNING INEBRIATES.

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 recognized 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 authorized 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 authorizing 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 realize their unfortunate condition, and refused to take advantage of the powers of voluntary application.

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 offenses 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.

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 recognizances; (*c*) who have been brought up for breach of such recognizances; (*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.

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 favor any material advance. At any rate no notice was taken of them, and no legislation was attempted.

THE HABITUAL DRUNKARDS ACT, 1879.

The Act of 1879 legalizes the establishment of Retreats—institutions designed for the reception of inebriates who recognize 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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 offense or crime, can continue his 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 offenses, 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.

The existence of this class of drunkards, and the necessity of legislation for them, have been fully recognized 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 ad- "vocated by all the witnesses before the Committee." Again, "That the absence of all power to check the downward 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."

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 Com- "mittee of 1872 as to the compulsory commitment to retreats "of inebriates, these views are confirmed in a remarkable de- "gree 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."

The evidence we have taken has confirmed in every re- spect 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 offense is a strong step to take. But we are convinced that great and wide- spread 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 ine- briates take advantage of the existing "voluntary" powers, ex- cept under moral pressure, which virtually amounts to com- pulsion; and that the alternative to interfering with the liberty of the inebriate, is permitting the inebriate to interfere with the liberty of other people.

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 re- strictions 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 deten- tion of lunatics, a dread that experience has shown to be with- out 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 ad- hered to the principle of a graduated mode of procedure, begin- ning with measures of the mildest character, and not increas- ing their stringency until these milder measures are found to be ineffectual. Moreover, we have combined with the recom- mendation 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 op- tion of voluntary submission before the application of com- pulsion.

THE INEBRIATES' ACT 1898.

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

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 offenses. That this is the view usually taken, is shown by the familiar maxim that "Drunkenness is no excuse for Crime." In actual prac- tice, 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 suf- ficient reason for interfering with this practice.

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 this 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.

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 offense, yet it is right that the community should safeguard itself from his depredations. His mitigated responsibility is recognized 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.

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.

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 offenses 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.

On these reasons we make the following comments:—

The attention of the 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 depending 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 the opinion that the detention of the confirmed inebriate is justifiable, and necessary, apart from all questions of reformation.

(*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.

When a person is charged before a Court of summary jurisdiction with an offense of which drunkenness is an ingredient, or with one of the minor indictable offenses 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 offense with which he is charged, and to be an inebriate, the court should have power:—

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.

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.

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 inquiry, 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 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.

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.

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.

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.

We are aware that there is a difficulty in disposing of ar-

ticles 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 laborer, 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.