

Summary Jurisdiction (Ireland) Bill.



ARRANGEMENT OF CLAUSES.

Clause.

1. As to married men when habitual drunkards.
 2. As to married women when habitual drunkards.
 3. Power to rescind or vary orders.
 4. Penalty for illegal seizure or pawning.
 5. As to appeal.
 6. Relief.
 7. Imprisonment.
 8. Penalty.
 9. Arrest.
 10. Penalty on persons found drunk in charge of children.
 11. Penalty for aiding and abetting a drunken person.
 12. Court to order persons to be of good behaviour.
 13. Witnesses.
 14. Short title and application of Act.
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TO

Amend the Law relating to Drunkenness in Ireland, A.D. 1908.
and for purposes connected therewith.

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

5 **1.**—(1) Where in the opinion of a court of summary jurisdiction a married man is a habitual drunkard, as defined by section three of the Habitual Drunkards Act, 1879, the court may, on the application of any person specified in this section, make an order under this Act protecting—

As to married men when habitual drunkards.

- 10 (a) The earnings or separate property of the wife of the drunkard ;
- (b) Anything purchased by her or directed by her to be purchased with such earnings or property ;
- 15 (c) The wearing apparel, school requirements, and earnings of her children or step-children ;
- (d) Any tools, instruments, appliances or materials entrusted to her independently of her husband ;
- (e) Any furniture, bedding, or other articles in use as household necessities in her residence ;
- 20 (f) Any tools, instruments, appliances, or other articles used in connection with any work, business, or calling engaged in by the wife or her children or step-children independently of her husband.

(2) The persons who may make an application to the court under this section are the wife of the habitual drunkard or his or her parent, child, brother, or sister, or anyone holding the [Bill 139.]

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A.D. 1908. — commission of the peace of the borough or county in which the alleged habitual drunkard resides, or the relieving officer of the district in which the alleged habitual drunkard resides, acting by the direction of the board of guardians.

As to married women when habitual drunkards.

2.—(1) Where in the opinion of a court of summary jurisdiction a married woman is a habitual drunkard, as defined by section three of the Habitual Drunkards Act, 1879, the court may, on the application of any person specified in this section, make an order under this Act, protecting—

- (a) Any furniture, bedding, or other articles in use as household necessities in the residence of the husband of the drunkard;
- (b) The wearing apparel, school requirements, and earnings of his children or step-children;
- (c) Any tools, instruments, appliances, or other articles belonging to him, or entrusted to him independently of his wife.

(2) The persons who may make an application to the court under this section are the husband of the habitual drunkard or his or her parent, child, brother, or sister, or anyone holding the commission of the peace of the borough or county in which the alleged habitual drunkard resides, or the relieving officer of the district in which the alleged habitual drunkard resides, acting by the direction of the board of guardians.

Power to rescind or vary orders.

3. The court may at any time rescind or vary an order under this Act.

Penalty for illegal seizure or pawning.

4. While an order under this Act is in force it shall not be lawful to seize or sell any article specified therein for the satisfaction or discharge of any debt or liability of the habitual drunkard, or knowingly to receive from him or on his behalf any such article in pledge or pawn, or for him to sell or give in pledge or pawn any such article; and any person knowingly acting in contravention of this enactment shall be liable, on summary conviction, to a fine not exceeding *forty shillings*, or to imprisonment, with or without hard labour, for any period not exceeding one month.

As to appeal.

5. Any order made under sections one and two of this Act shall be subject to appeal as if it were an order imposing a fine of more than *twenty shillings*, or inflicting imprisonment of more than one month's duration.

6. An order under this Act shall not affect any liability to a board of guardians in respect of relief given to a wife or children. A.D. 1908.
Relief.

7. Notwithstanding anything to the contrary in the Employers and Workmen Act, 1875, where the breach of contract for which damages are awarded under that Act consists of or includes drunkenness, or was directly contributed to by drunkenness, the court may award imprisonment in default of the payment of the said damages as if the same were a penal sum. Imprisonment.

8. Any person who being drunk while in charge of any person, animal, or thing, endangers the life or limb of any person, shall be liable, on summary conviction, to a fine not exceeding *forty shillings*, or to imprisonment, with or without hard labour, for a period not exceeding one month. Penalty.

9. The owner or manager of any premises may require any constable on duty to arrest and remove from such premises any person in his employment who is found drunk thereon. Arrest.

10.—(1) Any person found drunk in any place, whether a building or not, to which the public have access, whether on payment or not, or on any licensed premises, while in charge of a child apparently under the age of seven years, may be apprehended, and shall, if the child appears to the court to be under that age, be guilty of an offence under this section, and be liable, on summary conviction, to a fine not exceeding *forty shillings*, or to imprisonment, with or without hard labour, for any period not exceeding one month. Penalty on persons found drunk in charge of children.

(2) An offence under this section shall be deemed to be included in the list of offences mentioned in the First Schedule to the Inebriates Act, 1898, and in section sixty of the Licensing Act, 1872.

11. Any person who, being on any premises licensed for the sale of intoxicating liquors, whether for consumption on or off such premises, shall procure, or attempt to procure, any intoxicating liquor for consumption by any drunken person, or who shall aid and abet any drunken person in obtaining or consuming any intoxicating liquor on any premises, or in the immediate vicinity of any premises so licensed as aforesaid, shall be liable, on summary conviction, to a fine not exceeding *forty shillings*, or to imprisonment, with or without hard labour, for any period not exceeding one month. Penalty for aiding and abetting a drunken person.

A.D. 1908.

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12. Where a person is convicted of any offence included, or deemed to be included, in the list of offences mentioned in the First Schedule to the Inebriates Act, 1898, the court may, either in addition to or in substitution for any other penalty, order the offender to enter into a recognizance with or without sureties to be of good behaviour. 5

Witnesses.

13. In all proceedings under this Act a husband or wife shall be a competent and, save when a defendant, a compellable witness.

Short title
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tion of Act.

14. This Act shall apply to Ireland only, and may be cited as the Drunkenness (Ireland) Act, 1908. 10



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Presented by the Marquess of Hamilton,

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*Mr. Moore, Mr. Petherstonhaugh, and
Mr. Thomas Corbett.*

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E. LOMONOSKY, 116, Grafton Street, Dublin.

[Bill 139.]

[Price 1d.]

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