

T A S M A N I A.



1857-8.

ANNO VICESIMO-PRIMO

VICTORIÆ REGINÆ,

No. 40.

AN ACT to restrain Drunkenness.

[25 February, 1858.]

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

1 It shall be lawful for any Constable to apprehend any person whom he finds drunk and disorderly, or drunk and disturbing the public peace, or drunk and incapable of taking care of himself, in any Highway, Road, Street, Public-house, Theatre, or other public place, and to convey him before any Justice of the Peace to be dealt with according to law; and, if it is necessary so to do, to confine such person in some Watch-house, in order that he may be held secure until he can be conveniently brought before a Justice so to be dealt with as aforesaid.

Drunken persons
may be apprehended.

2 Any person who is drunk and disorderly, or drunk and disturbing the public peace, or drunk and incapable of taking care of himself, in any such place as aforesaid, on complaint thereof made by any person within Twenty-four Hours after the fact committed, and on conviction hereof before a Justice of the Peace in a summary way, but without formal information, shall for such offence forfeit a penalty of Ten shillings; and upon a Second conviction of any such offence within the period of Ninety Days from the First conviction, shall forfeit a penalty of One Pound; and upon a Third or any subsequent conviction of any such offence within the period of Ninety Days from the first conviction, or within the period of Thirty Days from the last

Penalty for
drunkenness.

First offence.

Second offence.

Third or subsequent offence.

Proceeding in
default of pay-
ment of penalty.

preceding conviction, shall forfeit a penalty of Three Pounds, or, at the discretion of the convicting Justice, may be committed to some House of Correction, there to be kept in solitary confinement for any period not exceeding One Week, or there to be imprisoned and kept to hard labour for any period not exceeding One Month; and in default of immediate payment of any such penalty and the costs, if any, the offender may be forthwith committed to some House of Correction, in the case of a First conviction, there to be kept in solitary confinement for any period not exceeding Twenty-four Hours,—in the case of a Second conviction within the period of Ninety Days from the First conviction, there to be kept in solitary confinement for any period not exceeding Three Days,—and in the case of a Third or any subsequent conviction within the period of Ninety Days from the First conviction, or within the period of Thirty Days from the last preceding conviction, there to be kept in solitary confinement for any period not exceeding One Week, or there to be imprisoned and kept to hard labour for any period not exceeding One Month.

Index to be kept
of names of persons
convicted of
Drunkenness.

Entries or copies
of entries in
Police Office
Record Book
evidence.

Repeals 2 Vict.
No. 22, s. 48,
partially.

Commencement
of Act.

3 For the purpose of ascertaining more readily the persons who have been convicted of Drunkenness under this Act, a book shall be kept at the Police Office or usual place of holding Petty Sessions in each Police District containing an alphabetical index, according to the Surname, of all persons convicted of Drunkenness under this Act in such District; and the entry of the conviction of any such person in the Record Book of such Police Office or place of holding Petty Sessions, or a copy thereof signed by the Police Clerk or person acting as such at such Police Office or place of holding Petty Sessions, shall be sufficient evidence of such conviction without drawing up a formal conviction.

4 So much of Section 48 of the Act of Council of the 2nd *Victoria*, No. 22, as relates to Drunkenness, is hereby repealed.

5 This Act shall commence and take effect on the First day of *March*, 1858.