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A
LETTER
TO
THE RIGHT HONOURABLE
LORD SIDMOUTH,
ONE OF HIS MAJESTY'S PRINCIPAL SECRETARIES OF STATE, &c.
SHEWING THE
EXTREME INJUSTICE TO INDIVIDUALS
AND
INJURY TO THE PUBLIC,
OF THE PRESENT SYSTEM OF
PUBLIC-HOUSE LICENSING;
AND PROPOSING A
CONSTITUTIONAL REMEDY
FOR ITS NUMEROUS EVILS.

PARCERE SUBJECTIS, DEBELLARE SUPERBOS.

BY
J. T. BARBER BEAUMONT, Esq. F.A.S.
ONE OF HIS MAJESTY'S JUSTICES OF THE PEACE FOR MIDDLESEX,
AND FOR WESTMINSTER.

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1817.

A LETTER

TO THE

RT. HON. LORD SIDMOUTH,

&c. &c. &c.

COUNTY FIRE OFFICE,
Dec. 19, 1816.

MY LORD,

CONSIDERING the very unsatisfactory state of the Police, particularly about the metropolis, the alarming and increasing frequency of frauds and thefts—of juvenile demoralization and delinquency—and of the alienation of men's minds from the government, both in church and state: considering also that I have had the honour to be appointed a magistrate, I have thought it my duty to endeavour to understand the causes of these aberrations, and to devise (if I were able) means of amendment. I have done this, and believing your Lordship to be the proper officer of government to whom I ought to offer my suggestions, I proceed to submit them, without presuming to intrude upon your Lordship's time with any graces of introduction.

That it is better to prevent crimes than to punish them, all will admit. The most powerful

means of prevention, no doubt, are the inculcation of industrious, orderly, and good habits among the people, and particularly among the rising generation ; the directly reverse habits are drunkenness and bad associations. These, among the lower classes, are the never-failing forerunners of crime, by causing distress, perverting the just perception of right and wrong, and inflaming to acts of desperation. To the suppression, or at least lessening of drunkenness and bad company, my views are therefore principally directed, and as a necessary consequence turn to the scenes and practices which are encouraged at public-houses.

I do not mean to repeat the hacknied abuse of public-houses—that they are at best nuisances, and so forth ; on the contrary, I consider public-houses to be indispensable to the wants of civilized society, the most so of any commercial establishments : they have been found in all times and at all places where civilization extends. Man in his improved condition could not subsist without such houses. Where else would the traveller and way-faring man on their journies, or the labourer or artizan, drawn by temporary employment from their homes, find food, refreshment, or a pillow whereon to lay their heads, if there were not houses open to the accommodation of the public at large ? Where else would the single man procure his meals or a shelter from the inclemency of the weather, between the hours of labour and sleep ? And where so conveniently can men of the middling and inferior classes meet for mutual communication,

tion, and for that enjoyment of each others society, for which nature has adapted them, and to which, in moderation, they are justly entitled?—This usefulness, however, like all other good things, may be turned to a bad account. Where wholesome food and drink ought to be provided, inflaming liquors alone may be pressed into consumption; shelter as well as refreshment may be abused, and a public-house become the lurking-place of idlers and of thieves; and the instrument of drunkenness. Opportunities of meeting for cheerfulness and improvement also may be misdirected to hurtful purposes, to acts of sedition, or combinations of workmen against the public interest, or to immoral excitements. Still it ought not to be said, on these accounts, that public-houses are at best nuisances. Their usefulness arises out of the natural and reasonable wants of society—their pernicious mis-direction, in England, out of the partial, corrupt, and unconstitutional influence to which they are committed.

If a foreigner were to be asked how it happened that in Great Britain, where the people are among the most industrious and intelligent in the world, the public-houses are in many instances the worst, being open receptacles for thieves and whores, encouraging men, women, and children in drunkenness, obscenity, and uncontrolled rioting—he would probably attribute all to the excess of liberty which Englishmen boast of, and thank his stars that the limited portion of that *desideratum* allowed on the continent, at least defended his country

from such disorders : but when he found that public-houses in England were subjected to a despotic power, the most complete in the known world, insomuch that certain individuals were enabled to shut up such houses at pleasure, and were accustomed to do so, even where no fault was imputable or pretended—he would most likely be lost in conjectures, until he learnt that the uncontrolled power of setting up and putting down public-houses was grasped at and frequently obtained by persons indirectly, if not directly, interested in promoting hard drinking:—he might then begin to understand how it happens that the most profligately conducted houses are upheld, and also how unoffending ones are put down, where the interest of a favoured rival is thereby promoted.

I am quite convinced, from observations which I have made on public-house management in different countries on the continent, as well as in England, that the system pursued here is the very worst which man's evil genius could have devised. It commits the property of the subject to an *interested judgment*, and an *unconstitutional disposal*, without yielding *any good to the state in return* : the system is all-powerful for the purposes of gratifying individual avarice and malice; but singularly inefficient for any one good public object. The delegation of an uncontrollable and inscrutable power to local justices over victuallers, even to the extinction of their means of existence, has cast that useful class of tradesmen out of the pale and protection of the laws—generally speaking, they are the
slaves

slaves of partiality, or the victims of oppression. Unlike other men, they cannot reckon upon good conduct as the means of success, or even of safety from proscription—whence it is that they throw themselves into the arms of great brewers and distillers for security, and become dependent on tradesmen, *of whom, for the public good, they ought to be free.*

That it may not be thought that I advance these opinions on light grounds, I beg leave to refer to a few cases from among an immense number which may be adduced and proved. E. 2. Geo. III. King v. Williams and Davies, justices of the peace for Penryn, the defendants were found guilty on a criminal information. They threatened to ruin such victuallers as voted against those candidates, at an election for the borough, whose interest those justices espoused, and actually refused them licenses *on that account only.* A similar case occurs E. 5. Geo. III. King v. Hann and Price, justices for the borough of Corfe Castle, where the justices were also found guilty.

In 1813, King v. Bingham, a justice for Gosport, the defendant was found guilty of receiving a sum of money for the procuring of a license. I understand that there are a great many similar cases in the Law Reports, and that the number is not swelled to an immense amount, is owing to the caution which licensing justices have learnt of concealing their reasons in silence, in which case they are unassailable; and of concealing the chain of interest between their licensing acts and their own persons.

The recent evidence in the Police Committee's Report proves, however, that neither caution nor ingenuity can always effectually conceal the truth. The Magistrates Gifford, Rhodes, and Beaumont, and a cloud of witnesses, prove the partiality shown in granting licenses in the Tower Hamlets division in favour of Messrs. Hanbury, Buxton, and Co. to the exclusion of others, and the interest which the licensers have in giving such preference. Huxen proves that he applied in vain for seven years to get his house licensed, but, when driven at length to sell it to Hanbury's, it was immediately licensed. Sir Daniel Williams presided at this licensing; Hanburys, on their part, canvass Huxen to buy his liquors of Stables, the very near and dependent relation of Sir Daniel. When Huxen applies to Hanburys for something additional, which he says was promised on the house being licensed, they excuse themselves by saying they had transferred the house to Messrs. Stables and Williams. The *quid pro quo* is here quite evident; Sir Daniel with his friends license for Hanburys—and Hanburys relieve Sir Daniel from the keeping of a young man, his very near relation, by introducing him to a lucrative business. But in this instance they appear to have gone further. The tradesman, who built the house and a great part of the street which supports it, is almost ruined in waiting year after year expecting his house to be licensed, and when at last he is forced to part with his freehold to Hanburys, it is licensed, and in the twinkling of an eye, is found to be in the possession of the dependent

dependent relation of the chief licenser, and be it observed, increased in value by such license by at least a thousand pounds beyond what the owner was compelled to part with it for ! The manner in which owners are refused licenses, and injured in their property, until they come down to Messrs. Hanbury's terms, is further proved by the evidence of Morgan, Harrison, Crush, and Beaumont,—and the cruel manner in which publicans are deprived of their licenses, without the smallest fault being imputed or imputable, to serve the interested views of a licenser, is shewn by the evidence of Stocker. Is not this transaction a fraud?—At the time that Stocker is keeping an old licensed house known by the sign of the Admiral Vernon,—another person connected with Mr. Merceron, the licenser, is licensed in a *private house* close by, which is falsely described to be of “the sign of the Admiral Vernon,”—and which thenceforth assumes to be the Admiral Vernon.

In further illustration of the manner in which licenses are upheld or taken away, I will just describe a fact or two which have come within my own official observation.

I have attended the annual licensing for two years in the divisions of the Tower Hamlets and of Kensington. On these occasions we have had deputations from parishes, also from magistrates, parish officers, and individuals out of number, complaining against certain houses, as being the resort of thieves and prostitutes by day and night;
where

where drunkenness, obscenity, and riots were practised continually, insomuch that decent persons avoided the streets. Shopkeepers were thus injured in their business, and others in their feelings and morals. It was stated, that owing to the closeness together of these public houses (every seventh or eighth house being a public house), that they could only be supported by such practices. Publicans of orderly dispositions, it was stated, had their customers drawn from them, by the licentious provocatives allowed at certain houses. *Not one of these licenses was taken away!*—In the course of the two years, the renewal of nearly *two thousand four hundred* licenses was applied for. Of the notorious flash-houses, cock and hen club houses, and gin shops, not one was put down—but the monotony of this complaisance was broken in *one* instance—and the circumstances of that solitary exception deserve *particular notice*.

A constable being called on to state what irregularities he had observed among the public-houses in his district, described several, among others the following:—

On a certain night, between ten and eleven, he had entered the Castle public-house at Brentford, kept by Joseph Harding; the house was shut up, but within it he saw four or five women drinking, whom he knew to be of indifferent character. It did not appear that they were drunken, noisy, obscene, or in any way disorderly. The high constable and the parish constable were both examined—they deposed that they had never seen any
thing

thing exceptionable in the conducting of the house either before or since; and acknowledged that the landlord was a very discreet, sober person. On the adjourned day several respectable neighbours attending, described Harding to be a superior man to the generality of publicans; a man who was always industrious, sober, and correct in his own conduct, and who took care that his inmates should behave in a similar manner. They said, they never saw or heard of a single disorderly occurrence in the house. His appearance confirmed their testimony. He accounted for the women being in his house, by saying, that his wife was at the time ill in bed; that he had gone up stairs to her, leaving her mother, an aged woman unused to their business in charge of the bar; she allowed the women to enter and have some beer. Upon these facts a majority of the licensers decided to shut up the house.

Harding was called in, and told simply that his license was refused. Upon the intelligence, he appeared ready to sink into the earth. He exclaimed, in unresisting anguish, "I have a wife and children—they must go to the work-house!—What can I do?" The appeal was heard with mute indifference, and the next license was taken up. I felt interested in the hard fate of this ruined family: I could not discover any fault in the man's conduct, nor even in the conduct of the aged woman left in charge of the bar; for as licensed victuallers they were bound by law to furnish refreshment to any persons, whether pure or
 impure,

impure, who in an orderly manner demanded it. The landlord would have been liable to an action had the beer been refused----there was nothing in my mind that wore the semblance of a reason for thus depriving Mr. Harding and his family of their means of subsistence—a hint that was thrown out that the house was unnecessary, because it was directly opposite to a house of Mr. Thompson's (the brewer's at Chiswick), appeared to me to be no reason. I therefore wrote to a respectable inhabitant at Brentford, requesting him to make diligent inquiry into the general conduct and character of Harding. His reply was, that he universally bore an excellent character, and that his house was conducted with greater decorum than the generality of public-houses at Brentford. I have lately written again to know whether the good opinion of the neighbourhood remained unabated, or, whether any thing had transpired to the disadvantage of his character. The answer says----“The opinion of the neighbourhood is unaltered: Harding and his family are still living in the house. A small subscription has been opened for their relief; they are very much depressed.”

Such was the SOLITARY CASE, out of the TWO THOUSAND FOUR HUNDRED, which was chosen for the extinguishing of a public-house.

But if among the 2400 this is the only instance of a license being taken away—I have seen numerous instances of the renewal of them being suspended: that is from the licensing day to an adjourned

adjourned day, a space usually of about a week. Upon a vague, anonymous, or silly complaint, it is by no means unusual for a victualler to be informed that his license is suspended. The poor man thereupon is either plunged into a state of extreme anxiety—or laughs at the event—if he acts under a sure interest, he walks off in the latter mood—if he has only his innocence to depend upon, he is doomed to the former. The justices' clerk is then paid a guinea for a petition, whether he draws it or not; interest is made with the justices individually—the neighbourhood is canvassed for certificates of good character—sometimes the neighbours in person attend—when the complaint is found to have been abandoned *in limine*, and all the agitation to have been unnecessary: at other times the turn is different. I have known the license of a house of great value and respectability all but lost, because it was said that the landlord was the owner of a field sometimes used as a cricket ground.

A subject of very great hardship on these occasions is, the manner in which victuallers are harassed in altering their houses backwards and forwards according to the capricious directions of different justices. One will have the *tap-room* in *front* of the house—another at the *back*:—the same with the *bar*. One year a man is directed to clear away all his benches and tables, that people *may not sit down* to tiddle; another year he is called on to provide all these things, that people *may sit down* to drink beer instead of spirits. In one division I have known *every bench ordered to be removed*
from

from the front of road-side houses. In an adjoining one, *such accommodation is approved of*, a seat on which the traveller may rest while he drinks his ale, and then pass on, being thought better than to require him to enter the house and sit down among a company whose example and discourse might induce him to remain. Some justices require the persons drinking in a public-house to be *concealed from public view*—others insist upon the drinking rooms being *open to public view*, that the conduct of the inmates may be visible.

Oppressive as these contradictory directions must be to the victualler, and absurd as he might shew them to be if he dare speak, he knows that there is only safety in friends and silence:—But the outward shew of humility and awe, is generally repaid by inward scorn and hate. Men of intelligence and manliness, who, if they committed any breach of the law, I am sure, would bow to its sentence with becoming resignation and firmness, I have seen agitated throughout their frame, their lips quivering, and their complexion altered, upon being called in to hear the mysterious decisions on their suspended licenses. Yet these men were strong in the rectitude of their acts; and could only suffer through some private grudge, opposition of interest, or senseless caprice.

The sting of this tyrannical and cruel dealing is felt the more acutely, when it is seen to be inflicted by men, who, in some instances, are vulgar, ignorant, grossly immoral in their private characters, and notoriously corrupt in their official ones—men,
one

one might almost say, who are of the lowest description—men, certainly, who owe all the importance, and most of the property they possess, to their offices as justices. That such men, or indeed any men, should be allowed to possess a power in raising or exterminating the means of livelihood of others, according to the resolves of their own secret and sovereign will—upon motives which no human being dare question—and in a way which no power of the legislature can revise, is most extraordinary. If a jury err in judgment, the sufferer is entitled to a new trial; if those enlightened and pure characters, the Lord High Chancellor or the Judges, are supposed to err, the reasons of their decisions are open to investigation, and if found to be erroneous, a new trial offers redress: but licensing justices, however worthless, may divest families of their property, even to their ruin, without the possibility of any earthly revision. Nay, even the justices themselves, if upon reflection they should be disposed to correct an unjust decision, have not the means; every thing being wrapped up in the vote of a moment. There is nothing equal to this power in any other country. The officers of the Inquisition are answerable to the Pope; a Turkish cadi is accountable to his Moula; but an English licenser knows of no human superior.

And to what extent does this power reach? It is in evidence before the Police Committee of the House of Commons, that the ruling majority of licensers in the Tower Hamlets, in 1815, consisted
of

of six persons: viz. Sir Daniel Williams, and Messrs. Merceron, Robson, Windle, Mashiter, and Flood. In 1816, this number was reduced to five, by the secession of Mr. Flood. These five persons held an absolute and uncontrollable power of preserving, or of dispossession over the property of individuals to the amount of ONE MILLION STERLING.*

Will future ages believe that the legislature of Great Britain committed such a property to such a disposal, while *Magna Charta* declares that no freeman shall be dispossessed of his free tenement and liberties, or be any ways injured, unless by the legal judgment of his peers, or by the law of the land?

Hence, as before stated, innocence being found to be no safeguard against this mysterious and ruthless tyranny, the owners and tenants of public-houses are driven to seek the protection of brewers and distillers, who make it their business to be so connected with licensing justices, as to secure the licenses of their own houses; and to put down, or prevent the licensing of others. When it happens that a house is deprived of its license, the first question I have always found to be—Whose trade was it? the second—In whose trade is the nighest house?

Here we have the root and stem of all the evils complained of. Directly or indirectly the licensed houses fall daily more and more into the hands of

* There are nearly one thousand public-houses in this division, which are of the average value of full 1000*l* each.

brewers and gin-sellers. The consequence is most important, *their sole object is the greatest possible consumption of intoxicating liquors*. Scarcely any thing can now be had at a victuallers in or near the metropolis but *beer* or *spirits*. Respectable coffee-houses, chop-houses, hotels, and taverns, falling into the distillers' hands, we see daily converted into gin-shops. I have known victuallers, who, following the wants and pressing desire of their neighbourhoods, have begun to fit up their houses for cooking dinners, supplying tea, &c. stopped with the injunction, "This is a beer-house"—or, "This is a spirit-house"—"We must not have our trade turned round in this manner. Men are thus constrained, against their wishes, to drink intoxicating liquors, or they can get nothing in public-houses.

Hence the unsupplied and reasonable wants of the public, have given rise to the establishment of *cheap coffee and tea shops*. I exult in this effort of working people to enjoy sobriety in spite of brewers, distillers, and licensers ! I hail the opening of such houses as *an important step towards improved habits*. The arbitrary eagerness with which opportunities are sought to put down these houses deserves notice.*

It

* *Extract from Mr. Stafford's Evidence in the Police Report.* — "We sent a party of our patrol with a search warrant, and took the whole of the people found there (a cheap coffee-house) into custody ; considering that they came under the description of idle and disorderly persons, and such as they would be authorised by their warrants to apprehend.

It may perhaps appear extraordinary that the system of uncontrollable licensing should have

“ Were any of them in the situation of *reputed thieves*?—No I do not recollect that they were.

“ What did you do with the parties?—They were brought before the magistrate the next morning. A great proportion of them were discharged ; I am not sure whether any of them were held to bail : some stated that they were *journeyman printers, employed on the morning papers*, which required early attendance ; some said they were *fishmongers, men going to Billingsgate* ; and a variety of accounts were given by others. They all said that seeing the house open, they *went in for refreshment*. I think the *women taken among them were sent to prison*.”

In a great city, there are numerous persons whose employments require them to be out of their houses in the night. Refreshment is necessary for them, and they are entitled to it. No refreshment can be more innocent than warm coffee. The above persons, preferring a sober beverage, were dragged into confinement : had they chosen beer or gin, there were a hundred houses open to them, where they might have swilled intoxicating liquor until the next day, and their personal liberty still have been safe.

Coffee-shops, no doubt, like beer and gin-shops, and all other places open to public accommodation, are liable to receive bad company ; but this I will venture to say, that so long as bad company are allowed to enter any house of public accommodation, they can enter none less injurious to themselves and to the public than a coffee-shop. These yield them sustenance without exciting the passions of the sensual—rousing the fierceness of the desperate—or stupifying the consciousness of incipient misdoers. Their merit is all their own ; their abuse seems to me to be the fault of the police, who ought to prevent bad characters from assembling in numbers any where. If the police will not do this, however, I humbly think they ought not to throw inoffensive persons into confinement who are found in a coffee-shop, and suffer the vilest to be free when under the protection of a gin and beer-shop ; thus inverting the moral rule, that in sobriety there is safety, but that drunkenness leads to danger.

been

been endured so long, if thus pernicious and oppressive in its effects. The fact is, the seeds of its mischief were sown not much above sixty years ago. The act of 26 Geo. II. confining the licensing to a single annual session, supplied the means of upholding monopolies, and the interests of particular individuals. Previously, if a victualler was by one set of justices improperly refused a license, or if he neglected to supply a good commodity, or to provide the manner of victualling desired by his neighbourhood, a license might be procured from other justices; no corrective of this kind is now practicable. The licensers now carve out the licensing into their separate localities: by the way, no little quarrelling among them sometimes takes place in the partition.

The full developement, however, of the value to brewers of the present licensing powers, has only arisen since the late vast increase of new buildings. Until the act just mentioned, licenses were procurable so freely, that no profitable trade could be defended from competition; and the public was fully, and over supplied with public-houses. But latterly, as new neighbourhoods arose, this was very practicable, and most valuable monopolies have been secured.

Here it may be well to consider the weight that is due to a plausible pretence which is used on these occasions, namely, "We allow so few public-houses to be opened, in order to discourage tippling." This representation is catching with a great many, but allow me, my Lord, to examine its merit. Sup-

posing that only one public-house be allowed, where the wants of a neighbourhood, if left to their free operation, would give rise to three:—What is to prevent the persons who would frequent the three public-houses from assembling in the one? Will they be less likely to be drawn to a public-house by a *large company* of their acquaintances, than by a *few only*, or by solitariness, which they might meet with if the public accommodation were divided? Are they likely to *drink less*, to be less adapted for *combinations* against their employers, or for *political* opposition, when *collected in large numbers* than when *divided*? Upon the above pretence, no house is allowed to be licensed near a house of Messrs. Hanburys' in the Commercial-road, just by Stepney causeway. That house must be a fortune to them in itself. The house is so crowded, and the drivers of the East India Companies caravans are collected there in such numbers, together with their caravans, that the foot way and the carriage way are equally impeded by them. Their noise is often a nuisance; part of the neighbourhood are compelled to go an unreasonable distance for their beer; and all the neighbourhood to drink just such beer as Messrs. Hanbury and Co. chuse to give them, or none.

Even in this operation of restricting the setting up of public-houses, which is the only seeming good one of the present licensing system, the good is confined to the mysterious *cotterie* of the licensing interest. I have officially known upwards of a thousand pounds to be indirectly given, for procuring

curing a license to a house at Shepherd's Bush. The 1000*l.* was shared between a vestry clerk, who had influence with some of the licensers, and another person. The interest of sobriety in these monopolies is shewn to be ideal. The revenue and the state suffer in only receiving for one set of annual licenses, and one payment of annual taxes, and in having only one place for the billeting of troops ; where, but for the monopoly system, they would have had two or three. What then remains? What rational authority have the licensers to prevent a competition in the supply of drink any more than of eatables? What moral right have they to fence round a beer or gin seller against the rivalry of his fellow tradesmen, any more than a butcher or baker. A competition could not succeed against an established victualler, unless the new candidate supplied his victuals cheaper, or better, or more conveniently, than the old one.— People will not quit the house where they are settled, for a new one, to be *worse* off. The prohibition, therefore, to operate with any effect, must operate against the public.

It is not by *upholding* these *monopolies* then, that the public is to be well victualled, and disorderly conduct to be suppressed. The powers of the secret conclave erected on *one day annually*, for surveying the sins of the victualler during the past year, is manifestly useless for all purposes of *timely correction* : equally inefficient is the troublesome parade with recognizances, which benefits no one but the justices' clerks. It is also observable, that the licens-

ing board have but one instrument of punishment for the heaviest offence and the slightest fault, namely, the extinguishing of a property which may cause the ruin of the families of both tenant and landlord. And even where the licensers act with a pure regard to their public duty, which I am far from supposing is not the case with a great many of them, their *retributive justice is not only out of all time, but easily evaded*. A victualler may encourage bad practices in his house for a year; when, if he thinks he cannot make his peace by fair promises, or a shew of reform, just before the annual licensing day, he has only to transfer his license to a new tenant; and, according to the evidence of a Reverend witness before the Police Committee, who understands the whole *arcana* of licensing—"the guilt is put an end to, the house being brick and mortar cannot be guilty of any crime."

In the creation of this anomalous power, the legislature appears to have fallen into two great errors. It has presumed first, that men may be *safely trusted* with an uncontrollable official power in raising or destroying property; and, secondly, that they are able to *foresee* what houses will be misconducted, and will refuse licenses accordingly. But the event proves that men so empowered, are very apt to use their discretion in applying the favours to themselves and connexions, and the injuries to their opponents, and that justice has little or nothing to do in the business. Further, it appears that where they have the will, they have not the
gift

gift of foresight. During the whole history of our legislation on public-houses, however, it is not discoverable that the power of *immediate correction*—as, for instance, to punish the victualler who encourages or suffers bad conduct, and to suspend his license at the instant—has been once thought of. In every other country we see such powers at hand—in this we have none. Our means of correction, (practically speaking), merge in the mysteries of the annual licensing. We have seen the insufficiency of such means; its injustice in the best hands is equally apparent. By withholding a license lest it may be misused, a *positive injury* is often done to *prevent a possible harm*. Punishments are inflicted on *illusory anticipations*, while *actual disorders reign with impunity*.

Having thus shewn that the *strength* of the present licensing powers is seen only in *acts of extortion, and of injury to individuals, and to the public*, and their *weakness in a thorough incapacity to prevent crimes and disorders*; it may now be proper to consider what is the *best system to substitute* in their room.

I think, my Lord, I may fairly assume: First, That the public are entitled to as beneficial a supply and accommodation, as victuallers are ready to provide for them. Secondly, That due precautions ought to be adopted to prevent victualling houses from becoming disorderly. Thirdly, That means of *immediate correction*, and even of suppression be at hand, should bad practices be encouraged, or suffered within them.

For the main object of affording to the public the most beneficial accommodation, it would be only necessary to throw the trade of a victualler, like every other trade, open to general competition ; by granting licenses at any time, to any persons of good character, and in the occupation of suitable premises, who should ask for them and pay for them. In this way public-houses are licensed in France, and other countries on the continent, subject, however, to their being suspended in twelve hours if disorderly. Notwithstanding this facility, and numerous as public-houses are in France, every one who has been in that country must acknowledge that the conducting of such houses there, is infinitely superior to what it is in England : a disturbance is scarcely ever known within them, or a drunken man any where visible. They know nothing of our partial and corrupt practices in prohibiting the public from procuring drink, excepting from the favoured by the licensers ; they allow the public the free supply which they have a natural right to enjoy ; and they only arrest the hand of the victualler who conducts his business prejudicially to good order. These are the principles of common sense. I am thoroughly persuaded that if similar principles were adopted in the management of public-houses in England, similar good effects would follow.

I therefore presume to recommend, that licenses be granted in England to any proper person on his application, subject to provisions and regulations necessary to secure good order, and of effectual

fectual powers to *suspend* such licences *immediately*, and *ultimately* to *annul* them if misemployed.

But, as it may be feared, (and might be the case for a time), that if the procuring of a license were made thus easy, men would take them out, meaning to conduct disorderly houses; and knowing that they must soon incur their forfeiture, but reckoning on the profit which they might make in the interim: I propose that any person taking out a license for a house not already licensed, shall pay a stamp duty of (say 200*l.*) for such license to keep a public-house. And following up the principle of causing victuallers to have a substantial interest in the preservation of their licenses: I propose, that at or before the next annual licensing, the occupier of every public-house now licensed shall pay a stamp duty of 20*l.* for a license to keep a public-house.

With these pledges lodged, the practice of taking recognizances may well be given up. As a security it is a mere mockery. I hope that victuallers will cheerfully pay a commutation of 20*l.* to be relieved from the trouble of providing sureties, and paying for recognizances. On their legally quitting possession, I propose that they shall be entitled to receive the 20*l.* from the landlord, or other successor. Those who would object to pay this 20*l.* I am sure would be very few, and only where the houses were of the most indigent kind. It would be well that all such houses ceased to be occupied as public-houses.

Those who desire to open new houses, would regard the payment of 200*l.* for a license as nothing
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in comparison with the immense loss and anxiety to which they are now exposed. The very few house-owners who succeed, without indirectly purchasing their licenses, have to wait several years, eight or ten sometimes, before they can make up a sufficiently strong interest to prevail: far the greater part, however, after having endured the disappointment and loss of rent many years, are at last run down, and compelled to part with their houses to a brewer, or other connexion of the licensers, for about a third or a fourth of the value of which the house immediately becomes on its being licensed. I am sure that there is not a person who, on an *independent interest*, has built a public-house near the metropolis of late years, who would not gladly have preferred *paying government two hundred pounds* for leave to open it when it was ready, to procuring it through the degrading and slippery path of licensing favour. It is right that there should be a decided value in a license, that victuallers may be careful in keeping it; but *that value had better be paid for in a direct way*, and applied to the *service of the state*, than in circuitously feeding the *avarice and cupidity of licensers or brewers*, or of their *clerks*, or their *dependents*.

As respects brewers or distillers property in public-houses, I recommend measures to prevent the further accumulation of such houses in their hands, and to give them a *life interest*, and no more, in the houses they hold already. This will procure the gradual withdrawing of such houses from their possession

possession and control. If it is thought wise by the legislature to prohibit tanners from working up the leather they prepare, it must be much more so to prevent brewers from having the command of houses for the sale of the liquors they compose. In the leather retailing, the *property* of the consumer might be affected by the tanner, were no competent judge of the quality of the leather to intervene between them ; but in the liquor dealing the *health* as well as the *property* of the consumer are exposed, if a bad commodity be forced into consumption. And when to these considerations is added the important one that public-houses, instead of being a benefit, become a nuisance to the public, if they encourage drunkenness, and that brewers and distillers have a *direct interest* in promoting *excessive drinking*, it is in the last degree imprudent to allow them to have the property in, and the direction of public-houses. In the proposed arrangement for their interest in such houses therefore, these great tradesmen will see that due homage is paid to the weight and influence which they have acquired, and greater indulgence suggested than they have been accustomed to shew to those from whom they have drawn their new public-houses.

The next point to be considered is the regulations under which victuallers are to conduct their houses. This is a very important subject. The general regulations which are necessary ought, if possible, to be elicited, and to be reduced to legal rules ; at present almost every thing is left to the
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ever-varying ideas of the justices; the law has provided but few rules, and those are in part impracticable; for instance, an act of James I. declares that if a victualler *suffers tippling* in his house, or gets tipsy himself, he shall be disabled from carrying on his business for *three years*. Such a law can do no good, but must do harm. What victualler can prevent persons tippling in his house? Does it not happen in the best regulated taverns—in the presence of, I had almost said, in the persons of—but certainly under the auspices of princes, bishops, judges, and senators? Is it not the necessary concomitant of every feast or public dinner? To continue a law in force which prohibits a man from following his trade for three years, if he does that which, in the exercise of his trade, he cannot avoid doing, is I think ridiculous. And it has this injurious effect. By shewing to him that the law is absurd and inoperative in one instance, it leads him not to respect its injunctions in another, but to believe that its penalties may be avoided in one case as well as the other. I therefore think that the various laws imposing disproportionate and impracticable penalties on victuallers ought to be repealed, and that the regulations concerning them ought to be revised and corrected, and, with the Excise Laws, as far as they regard victuallers, be embodied in one Act of Parliament.

The regulations which I presume to recommend provide that a due regard to decency shall be secured by the manner of fitting up the premises,
and

and that certain definite hours for opening and shutting such houses shall be uniformly observed.

To put a stop to the various disorders, *in limine*, which so commonly arise in public-houses, viz. excessive drinking, visible drunkenness, games of chance, swearing, obscene, threatening, seditious, or turbulent language and conduct; and to prevent the confluence of thieves and lewd women, I propose to employ a means, which, although simple in its design, will, I am strongly persuaded, prove singularly efficacious in practice. It is, to enjoin victuallers under penalties, quickly recoverable, to refuse liquor to parties under any of the above mentioned circumstances; and I propose further, to invest the victualler with the power of a peace officer, as far as regards the taking into custody and bringing before a magistrate any persons so misbehaving, or improperly assembling on his premises.

The withholding of liquor in the above cases would go far to prevent almost all the disorders which disturb the metropolis, and indeed all parts of the country. It is an effective instrument of order wholly in the command of the victualler: to this his mind ought to be directed, and his attention roused by good looking after. I cannot conceive any admonition that would come so effectually home to the feelings of a person who was misconducting himself, as the landlord saying—"Sir, I dare not supply you with any more liquor, you have had such a quantity already, or you have used such and such expressions;" or again, that would so severely

verely point out to the thief and the whore their outcast condition, and discourage their callings, as the answer—" You can have no drink or abode here; such people as you are cannot have any liquor, or mix in any company in a public-house." I think, under the regulations proposed, *Victuallers* may be made *Peace Officers* of superior value.

Flash-houses it is true could not exist under this discipline; but the doctrine of keeping such houses open for the purpose of facilitating the trade of thief-taking I hope will no more be advocated. The horrid connexion between the trades of thief-taking and thief-making has been so fatally proved, and also the instrumentality of flash-houses to that connexion, that the *professional convenience* and *advantage* of these " Preserves" must give way, I submit, to the public safety. My observations have long indicated flash-houses and cock and hen clubs to be the most effectual nurseries, academies, and houses of call for vices and crimes that can be devised. They administer to their victims course, from their boyish seduction to their apprehension for the gallows. There the novice sees decency laughed to scorn, and vice extolled as spirit: there each encourages the other to new expressions and acts of depravity: there thieves are brought together, and enabled to combine for extensive mischief: there inflaming liquors are at hand to drown reflection, and to excite to deeds of fierceness: there, to crown the whole, innocent men are inveigled into the commission of crimes, by the agents of men whose duty it is to suppress crimes,
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in order that money may be made by hanging them. All these evils have been suffered, because thief-takers say if it were not for such houses they would not know where to find the thieves. Perhaps they might go a little further, and add—"If it were not for such houses we should not have any thieves to find!"

If thieves are proscribed from receiving liquor and entertainment in public-houses, they will not have their wonted opportunities to decoy new men into their ways, while, in the comparative solitude into which they will be driven, they will have leisure to reflect on the misery of their trade, and be furnished with motives to look out for a better. Street-walkers, prevented from artificially exciting their spirits at the numerous gin-shops now open to them at every step, will be less likely to terrify by their yells and expressions, and to shock decency by their appearance. To check the pernicious habit of dram-drinking, I propose that victuallers shall not deliver any spirits to be drank *in or about their premises*, unless mixed with an equal part of water.

Having thus proposed measures stronger than heretofore for the prevention of drunkenness, obscenity, and disturbance, I must stop short of what is already enacted to prevent men from taking cheerful and healthy amusements. I think the prohibition against skittles, nine-pins, and other games of exercise, both unfeeling and unjust, as well as impolitic. It is not doing as we would be done by. I submit, that it is absolutely necessary for the health

health of artizans following sedentary employments to have frequent recreation, both mental and corporeal. Working tailors and shoemakers in general die prematurely, owing to the position in which they work: lively exercise is necessary to relieve the oppressed viscera. The above games afford much exercise in a short time, and more time they cannot spare. I even doubt the wisdom of prohibiting men from playing at drafts, and other old and innocent amusements. Most single men must, and many married men will spend part of their evenings in public-houses. Men of strong animal spirits and ardent minds, after the monotony of their daily labour, will naturally assemble for social intercourse. If lighter recreations are prohibited, and they are only allowed to *talk* and *drink*, they almost universally fall upon politics, because that is the only subject perhaps which they all believe they understand, and in which they are all pretty much of one mind. No small number, who find they have the gift of speech, start in the preaching line. Thus, it appears to me, people are absolutely *driven* into the gloom of *political* and *sectarial fanaticism* and *hypocrisy*, and hence the late rapid increase of such proselytes. The assigned reason—that sports and amusements lead to drunkenness and gaming, I cannot think a good one for their suppression. Where is the good thing which is not convertible to a bad use? Evening religious meetings notoriously lead to unholy amours. It is said that divines have laid wagers which should get through the service quickest; but who

who would propose indiscriminately to shut the doors of the one, or the mouths of the other, because they are capable of such abuses. I submit that it is the duty of a vigilant government to arrest evil-doing as it emerges from good—not lazily to forbid the operation of that which is in itself good, through fear that it may be perverted to evil. Besides, with what consistency does government interdict a man from the enjoyment of an innocent sport, lest it should lead him to gaming, (as for instance,) whether he or his shopmate shall pay for their jug of beer upon the event of a game of skittles or drafts, while, for the lucre of gain, the said government permits bills to be thrust into their hands, and before their eyes, invoking them to disregard the pursuits of honest industry, and aspire to the condition of gentlemen, by staking their all in that deceptive game of hazard the “State Lottery?” To do as we would be done by is expected in the dealings between legislators and subjects, as well as amongst others. If that good rule is set at nought on the powerful side, submission may be compelled, but respectful obedience cannot be expected from the weaker.

Under the system and regulations which I presume to recommend, the victualler will have a clear guide for his conduct. Observing the directions prescribed by equal laws, he will not have to dread the confiscation of his property by an arbitrary power. Disregarding them, he will see that no influence can protect him from continual fines, nor even from the immediate forfeiture of his
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license.

license. The necessary effects must be, that Flash-houses will be forthwith given up or put down ; that where public-houses are so crowded as to be only supported by disorderly practices, they will disappear in like manner. That where a fair competition has been shut out, and neighbourhoods are ill supplied, new candidates will offer, and readily pay government for licenses, to improve the local accommodation. Thus will the distribution of public-houses be equalized and regulated by the reasonable wants of the public. One neighbourhood will not be annoyed by a redundance of them, nor another suffer through a monopoly. Independent men may once more gain possession of public-houses, and brewers be only able to command the supply of a neighbourhood through the superior quality or cheapness of their provisions. The moral habits, as well as the pecuniary interests of the public will be improved, and the magisterial office, divested of the odious licensing powers, rise in respectability and general estimation.

While all these important points are gained for the public, and individuals are emancipated from the hateful tyranny of the present mode of licensing, the government will receive a valuable addition to the revenue. I have no doubt that three hundred new licenses will be applied for during the *first* year in the neighbourhood of London, and at least as many more in different parts of the country.— This will produce the sum of 120,000*l.* for new houses.

By the Excise Return laid before Parliament, it
appears

appears that during the year 1815 the number of beer licenses taken out was 48,762. Anticipating that the effect of the proposed act would be to reduce the number of public-houses in some measure, say to 48,000, the twenty pounds required from the landlords of old houses, in commutation of recognizances, would yield 960,000*l.* which, added to the former sum of 120,000*l.* gives an immediate amount of one million and eighty thousand pounds. Nor would the revenue to government stop here: for as old licenses become forfeited, and new neighbourhoods arise, new licenses will be annually required.

I have the honour to be,

My Lord,

Most respectfully,

Your Lordship's obedient humble Servant,

J. T. BARBER BEAUMONT.

APPENDIX.

Heads of a proposed Bill for the Licensing and better Regulation of Public Houses.

RECITAL.—That many complaints were made of partial and oppressive practices under the present licensing laws. That the uncontrolled power given to justices in granting or refusing licenses, had been abused in favour of brewers and spirit dealers, to the injury of the public in their property, health, and morals. That the laws concerning public-houses were contained in a great many different Acts of Parliament, which it was found desirable to simplify and methodize, and that there was wanted a detailed plan of general regulation to be observed in the conducting of public-houses.

ENACTMENTS.

That the several Acts of 1st James I. c. 9—4th James I. c. 5—7th James I. c. 10—1st Charles I. c. 4—26th Geo. II. c. 31—32d Geo. III. c. 59—together with the 14th section of 30th Geo. II. c. 24—and the 7th, 8th, and 10th sections of 48th Geo. III. c. 143—be repealed, and the following regulations be substituted in lieu thereof :

2d.—That His Majesty's Commissioners of Excise be empowered to grant general *licenses* to keep public

public victualling-houses to the occupiers thereof, provided that such occupiers shall produce a certificate from a magistrate, the major part of the principal parish-officers, or of three or more substantial housekeepers, setting forth that the applicant, to the certifiers' knowledge, is a person of good fame, and of sober life and conversation ;— and provided also that the house be of not less than the yearly value of 20*l.* and be rated at that value in the parish book, and that no reasonable objection shall appear to such commissioners against the opening of such house as a public-house.

3d.—That any person applying as above for a *general license* to keep as a public-house, any house in which, or on the site of which the occupier is *not now licensed*, or shall not be licensed, as hereafter provided, to sell beer, shall pay a duty of 200*l.* upon such license being granted.

4th.—That all licensed victuallers in possession of houses in which, or on the site of which, the occupier is *now licensed* to sell beer, shall, if desirous to continue the said house as a public-house on or before the 1st of October next, pay a duty of 20*l.* for a *license to keep* such house open as a public victualling-house.

5th.—That His Majesty's Commissioners of Excise be empowered to receive payment for the aforesaid license duty of 20*l.* any time in October next, from any superior landlord of any house now a licensed public-house, in case the tenant shall have refused or neglected to pay such duty; and upon the

the landlord's recommendation thereafter of an approved tenant in possession, the said commissioners shall issue a license to keep as aforesaid, in manner as if the license had been taken out on or before the 1st of October next.—*Also*, if at any time a licensed victualler shall die or desert his premises, and his license shall not have been transferred to his landlord, or an approved tenant in possession, as hereinafter provided, then upon the landlord's regaining possession of the premises, and recommending an approved tenant, the said commissioners, upon proof of the facts, shall issue to such tenant a license to keep such house as a victualling-house, subject to his paying for the same a duty of 20*l.*—*Also*, if a license to keep, &c. be lost or destroyed, upon due proof of the fact, a duplicate license may be issued in lieu thereof to an approved tenant in possession, subject to the payment of a duty of 5*l.*—*Also*, upon the certificate of two justices of the peace, that a *new* public-house is wanted in a particular situation for the accommodation of the public, and that upon effectual notice given of their opinion that such house was necessary, no person was willing to open a public-house at or near such place, subject to a duty of 200*l.* for a *license* to keep the same, and that no person was willing to give more than a certain sum, being not less than 50*l.* for such license, the said commissioners may in their discretion issue such license, upon receiving such reduced duty as aforesaid.

6th.—That a tenant paying the aforesaid duty of 20*l.* upon legally quitting possession of his premises,

mises, and not having so misconducted the business of the house as to have brought it into disrepute, nor under the censure of the magistrates, shall be entitled to receive such sum of 20*l.* from the then landlord of the premises, or other person receiving his surrender, and upon such 20*l.* being tendered to such out-going tenant, he shall execute a transfer of the same to his landlord, or to a tenant accepted by his landlord, as the case may be.

7th.—That whenever a person is desirous of acting on a transfer of a license to keep a public-house, he shall produce a certificate of character as before provided, to two or more justices acting for the division at a sessions holden for the transfer of publicans' licenses, and if they are satisfied therewith, but not otherwise, the said transfer shall be *allowed*, and have effect by an endorsement on the said license, signed by the transferer and two magistrates.

8th.—Each license to keep a public-house, shall be printed upon parchment, and bear a number as belonging to its particular parish, the duty received to be expressed therein.

9th.—The said commissioners of excise shall keep a register of all licenses which by forfeiture or otherwise shall be cancelled.

10th.—No license for the sale of beer or spirits shall be granted to any person who shall not be in legal possession of a license to keep a public-house as aforesaid.

11th.—No license shall be granted for the selling of beer or spirits, to the occupier of any house belonging

longing to a common brewer or distiller, or vender of beer or spirits in the gross, or to a trustee for any of them, except in respect of such public-houses as shall have belonged to such brewers, &c. previous to—

12th.—That no vender of beer or spirits in the gross, nor any trustee for any of them, shall be eligible to take an assignment of a term in any house wherein the tenant is licensed to sell beer or spirits, and should any contract be entered into for any such purpose, the said contract shall be *ab initio* void.

With a provision empowering the commissioners of excise, or the magistrates in general session, to require all persons interested in the ownership of any public-house to declare their trusts upon oath.

13th.—Every victualler shall provide a commodious tap-room, with firing in the proper season, and tables and seats; and also so fit up his premises as to provide for a due regard to decency, and to prevent his premises from becoming a nuisance.

14th.—His house shall only be open (except to travellers) between the hours of six in the morning and eleven in the evening; and he shall not supply any one with liquor to drink therein, otherwise than between the above hours, and except as aforesaid.

15th.—He shall not refuse victuals and lodging to any one of good fame, who in an orderly manner shall require them, and shew that he is able to pay for them.

16th.—He shall not refuse to receive the billets of soldiers.

17th.—

17th.—He shall sell food and liquors of the true legal weight and measures, and not combine with other victuallers to raise the prices of victuals, nor impound the chattels of any guest for his refusal to pay an exorbitant charge.

18th.—He shall not buy, receive, exchange, or detain any arms, clothes, or regimental necessities, belonging to any soldiers.

19th.—He shall not suffer any unlawful meetings to take place in his house.

20th.—He shall not supply liquor to any one who is visibly drunk, or who shall have drank in or about his premises so much liquor as to be likely to be intoxicated, nor to any person who on the same day shall have used any obscene, swearing, threatening, or turbulent language, or conduct in or near to his premises, or who in any other way shall have so misconducted himself as to alarm or annoy others of orderly behaviour; nor to any person who shall be, or have been in or about his premises playing at any game of chance; nor to any driver of a cart, caravan, or waggon, whenever there are already as many as three such carriages standing in the road in the front of, or near to his premises; nor shall he harbour, or supply liquor to any reputed thief, or common whore, or known cheat, or convicted rogue or vagabond; he shall not harbour any watchman or patrol while on duty, or suffer any such person to tipple. But if any such person or persons as aforesaid, shall not desist from their disorderly conduct, or leave his house upon being required by him so to

do, he shall be empowered and required to take such person or persons into custody, and prefer a complaint against him or them forthwith before a magistrate.

21st.—He shall not sell any spirits by retail otherwise than openly, in full view of his tap-room or the street; nor deliver any spirits to be drunk in or about his house unless mixed with an equal quantity of water.

22d.—He shall not alter the name of his sign without leave from two justices, and an entry of the same being made in the victuallers book of his parish herein after mentioned.

23d.—He shall fix up and preserve in his tap-rooms, and also in his bar, a list, which the overseers are required to furnish him with annually, of the parish officers for the current year, also of the turncock and firemen residing within his parish, with the particulars of their several residences; and immediately above the list in his bar, he shall, if required, hang up the key of the fire-ladders, in constant readiness for use.

24th.—If any victualler offends against any of these regulations, he shall, on information and conviction before a justice of the peace, in a summary way, be liable for each offence, in a penalty not exceeding 10*l.* nor less than 1*l.* Such victualler shall have the right of appeal to the next general sessions, upon giving security for the payment of costs if again convicted—half of the penalties to go to the informer, half to the Crown. Power for the justices to enforce fines by distress or committal.

25th.—

25th.—Each victualler shall be furnished with a printed copy of the above regulations and penalties at the time of his taking up his licenses annually, and shall fix the same, and continue the same fixed, in a conspicuous part of his tap-room during the ensuing year.

26th.—The overseer of each parish shall provide a book, in which every conviction of a victualler residing therein shall be minuted, with the cause of conviction, and be signed by the convicting justices. Two alphabets shall be annexed to it, one referring to the name of the sign, and the other to the name of the occupier; and the production of such book shall be good and sufficient evidence of convictions in any court of justice.

27th.—That if it shall appear to any two or more justices, constituting a majority at a petty sessions to be holden for the purpose, that a public-house is so improperly conducted as to be injurious to the public, or be so situated as to be likely to be a harbour for bad characters, or to be a nuisance to a considerable number of persons in the neighbourhood near to it, they may, by an order under their hands, declare the same to be a public nuisance, and the occupier's licenses to keep such house, and to sell beer, wine, and spirits therein, to be suspended, and such licenses shall be thereupon and thenceforth of no effect, until such time as a bill of indictment for such nuisance shall be preferred against the occupier at the next general sessions, and an issue shall be tried thereupon; when, if the occupier shall

shall be found guilty, his licenses may thereupon be declared void; or, upon the prayer of the superior landlord, he may be put out of possession of the premises, and be punishable in the discretion of the court by fine or imprisonment, and be further incapacitated from being a licensed victualler for a term of years, or for life.

28th.—That in every such case, and upon the order of two justices, the parish shall be bound to indict for a nuisance, and to prosecute with effect.

THE END.