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POLICING PUBLIC HOUSES IN VICTORIAN ENGLAND

Paul Jennings¹

Abstract

This article examines the policing of that most important site for leisure and pleasure among the Victorian working-classes – the pub. It begins with an examination of how changes in policing arrangements from the late-eighteenth century into Victoria's reign both reflected growing societal anxiety over the conduct of drinking places and led to increased action against them. It provides analyses of the overall incidence of prosecution of publicans in the period up to the important licensing legislation of 1869 and 1872. It examines that legislation and its effects and then turns its attention to the offences of permitting drunkenness and serving a drunken person as particularly indicative of the broader question of the conduct of public houses and of customers' behaviour within them, setting out trends in their prosecution. It then analyses what underlay the trends revealed, taking in the key variables of the law, the practicalities of its enforcement by the police, the attitudes of the magistracy and the actual conduct of individual publicans and drinkers, within the context of economic, social and cultural changes. By the late-nineteenth and early twentieth centuries, it is argued, pubs were more orderly places, but the achievement of that end was the product of a much more complex set of variables than simply policing arrangements.

Keywords: policing, public houses, liquor licensing, licensing law, drunkenness, respectability, nineteenth century

Introduction

The conduct of drinking places has attracted society's concern and the state's attentions for centuries. It continues to do so into the twenty-first century. Precedents for later regulation can be found from the Anglo-Saxon period onwards, covering the right to trade itself, permitted opening times, the character and conduct of the retailer and the behaviour of customers. Typically, these were localised but from the late-fifteenth century a national regulatory framework was created in a long series of statutes, royal proclamations and government orders. Regulation then had two facets. First, there was a system of licensing by local magistrates, who had discretionary power over the annual grant of the right to trade in alcoholic drinks. This system had attained its modern form by the middle of the eighteenth century and was

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the subject of consolidating legislation in 1828.² Second, there was the day to day policing of the conduct of those licensed premises. It is the conduct of public houses and the related question of the behaviour of their customers which are the focus of this article.

1 Police Reform and the Policing of Public Houses

From the late-eighteenth century, the conduct of drinking places and that of their patrons was one of a range of concerns about the course of social change, focusing on the 'lawlessness of poorer people', which contributed to the gradual reform, or 'improvement', to use a characteristic contemporary term, of the agencies of policing.³ Space here does not permit a detailed discussion of the development of policing, which has received considerable attention from historians, except to note that reform, as is now well established, did not represent a Whiggish progression of legislative milestones on the inevitable route to modern, professional police forces; rather, change occurred both through modifications to the ancient parochial system and through local, *ad hoc* arrangements, as well as from the better-known measures of 1829 for London, 1835 for the municipal corporations, 1839/40 permissively for the counties and 1856 compulsorily for counties and boroughs.⁴

² For the often complex history of licensing, see C. M. Iles, 'Early Stages of English Public House Regulation,' *Economic Journal*, 13 (1903) 251-262; Peter Clark, *The English Alehouse. A Social History 1200-1830* (Longman, 1983) pp.20, 28 and 166-194; Judith Hunter, 'English Inns, Taverns, Alehouses and Brandy Shops: The Legislative Framework, 1495-1797,' in Beat Kümin and B. Ann Tlusty (eds.) *The World of the Tavern. Public Houses in Early Modern Europe* (Ashgate, 2002) pp.65-82; and Paul Jennings, 'Liquor licensing and the local historian: inns and alehouses 1753-1828,' *The Local Historian*, 40 (2010) 136-150; there is no modern volume devoted to the subject but useful still is Sidney and Beatrice Webb, *The History of Liquor Licensing. Principally from 1700 to 1830* (Frank Cass, 1963, first published Longman, Green, 1903).

³ Clark, *English Alehouse* pp.250-60 and V. A. C. Gatrell, 'Crime, authority and the policeman state' in F. M. L. Thompson (ed.) *The Cambridge Social History of Britain 1750-1950. Volume 3, Social agencies and institutions* (Cambridge University Press, 1990) pp.243-4.

⁴ The Metropolitan Police Act 1829 created a force for London (excepting the City of London, which retained its separate police) under the direction of police commissioners but responsible to the Home Secretary; the Municipal Corporations Act 1835 included a requirement that corporations establish a police force under the direction of a watch committee; the Acts of 1839 and 1840 permitted the establishment of police forces in whole counties or parts of a county; the County and Borough Police Act 1856 required that all counties and boroughs establish police forces. There is considerable literature on the development of policing, see, for example, John Styles, 'The emergence of the police – explaining police reform in eighteenth and nineteenth century England,' *British Journal of Criminology*, 27 (1987) 15-22; D. Philips and R. D. Storch, *Policing Provincial England 1829-1856: the politics of reform* (Leicester University Press, 1999); and Clive Emsley, *The English Police: a political and social history* (Longman, 2nd ed., 1996).

But whatever form improvement took, the conduct of drinking places and the wider problem of drunkenness were central police concerns. This may be seen first in three examples of those modifications or *ad hoc* measures. In the industrial town of Huddersfield in the West Riding of Yorkshire, a new superintendent for the parish constables in the late-1840s waged what was dubbed a 'crusade' against drinking places, when an average of four to five publicans a week were prosecuted for permitting Sunday drinking, gambling or illegal sports.⁵ Also in the West Riding at the same time in Keighley, another industrial town, a small force of watchmen appointed under a local improvement Act gave attention particularly to the town's drunks and drinking places, as the diary kept by one of them, James 'Pie' Leach, amply demonstrates, noting, for example, an 'Irish row' at the *Woolpack* in October 1848 or the 'very ruf (*sic*) company' at the *Golden Lion* in June of 1850.⁶ And in the Lincolnshire market town of Horncastle, the provisions of the Lighting and Watching Act 1833 were used to create a local force whose prime aim was to police public houses and keep the streets free of noisy and troublesome drunks.⁷ Among the main policing measures, instructions, for example, to new forces from the watch committees set up by the legislation of 1835, make these duties clear. To take further Yorkshire examples: those of York, for instance, of 1836, directed constables 'to pay particular attention to all public houses and beershops ...reporting the hours at which each is closed and whether they are orderly or not'; or of the industrial town of Bradford, of 1847, where disorderly public houses and 'drunken and quarrelsome men' were similarly to be their concern.⁸ Police visits to licensed premises then became routine in both town and country.⁹ In rural Derbyshire, constable Mitton

⁵ Robert D. Storch, 'The Policeman as Domestic Missionary: Urban Discipline and Popular Culture in Northern England, 1850-1880,' *Journal of Social History*, 9 (1976) 481-509, p.484, which should be read with his 'The Plague of Blue Locusts: Police Reform and Popular Resistance in Northern England, 1840-57,' *International Review of Social History*, 20 (1975) 61-90.

⁶ Keighley Local Studies Library, diary of James 'Pie' Leach 1848-1853 BK309; Peter Bramham, 'Policing Keighley – a Northern Industrial Town in the Mid-Nineteenth Century,' *Craven History* (March, 2003) 40-50 and 'Policing in an industrial town; Keighley 1800-1856,' *The Local Historian*, 35 (2005) 243-53.

⁷ B. J. Davey, *Lawless and Immoral. Policing a Country Town 1838-1857* (Leicester University Press, 1983) p.64 and *passim*.

⁸ Roger Swift, *Police Reform in Early Victorian York, 1835-1856* (Borthwick Paper 73, University of York, 1988) pp.26-7; West Yorkshire Archive Service (WYAS), Bradford, Bradford Corporation Watch Committee Minute Book BBC/1/5/1, 22 Dec 1847.

⁹ Supervision of public houses had formed one of the traditional duties of the parish constables and churchwardens, but a right of entry for the police was placed on a statutory footing for beerhouses in s7 Beer Act 1834 and to both fully-licensed and beerhouses in s5 Sunday Closing Act 1848; the Refreshment Houses Act 1860 s41 also empowered the police to assist in expelling drunks from licensed premises; these provisions then were restated in s18 and s35 Licensing Act 1872.

Simpson patrolled villages near Bakewell, as on Sunday 15 May 1859 when he 'Visited the Public Houses at Great Longstone and Little Longstone and Headstones & Ashford' during a four-hour tour of duty from 9 am to 1 pm. Inspecting pubs and ensuring publicans kept the proper licensing hours was similarly a regular duty of Hertfordshire constable James Jackson, based for most of his service from the mid-1860s to the mid-1870s in the village of Hadham, close to the Essex border.¹⁰

The Bradford example above also illustrates what was a major concern to police authorities, the threat to the discipline and effectiveness of their forces posed by drink. This was very real; forces everywhere had high levels of turnover of men due to drinking. The experience of the new Lancashire county constabulary was typical: of its first 200 recruits, 50 were discharged within six months, including 30 for drunkenness.¹¹ Thus the Bradford officers, as was usual, were forbidden from entering public or beerhouses except to discharge their duty and if possible were to be accompanied by another officer. This prohibition was reinforced everywhere by the penalty which publicans in turn faced for serving them. This was a provision of the Metropolitan Police Act 1829, which was commonly adopted elsewhere, including under s34 Town Police Clauses Act 1847, and finally legislated for the whole country in s16 Licensing Act 1872.

2 The Incidence of Prosecution to 1869/1872

What then was the effect of this general concern with the conduct of public houses and their supervision on the number of prosecutions? There are statistics for the whole country only from 1857, but local evidence for earlier years does indeed indicate that they were prosecuted. In Leeds, for example, the force of constables and watchmen which policed the town before the 1835 legislation secured an annual average over four years of seven convictions against licensed victuallers and 39 of beerhouse keepers; in three years following the institution of the new force under a watch committee, this average was increased to 12 and 49 respectively. This was at a time, however, when the numbers of public houses rose from 293 to 338, whilst those of beerhouses increased from 285 to 520. In London, where in contrast licensed victuallers were in the majority, between 1830 and 1838 an annual average of 621 licensed victuallers and 283 beerhouse keepers were charged before police

¹⁰ Derbyshire Record Office, Journal of Constable Mitton Simpson, D3376/Box9/4; Emsley, *English Police* pp.227-8.

¹¹ E. C. Midwinter, *Law and Order in Early Victorian Lancashire* (Borthwick Paper 34, St. Anthony's Press, 1968) p.26.

magistrates with breaches of the law.¹² Unlike in Leeds, however, these charges were not 'almost invariably' brought by the police. As was pointed out by the new police commissioners to a parliamentary Select Committee, several magistrates would not in fact allow the police to lay informations, deeming it not to be their proper business, and would refuse to grant a summons or dismiss a case brought before them.¹³

These were high rates of charges relative to the number of drinking places. Allowing for the obvious fact that some public houses may have been charged more than once, the London figures represent one charge for every six to seven houses, those for Leeds one for every 13 to 14. These are figures for all public houses but a significant point was that in both London and Leeds the beerhouse keepers were more likely to face prosecution. This was the case throughout the country, both in cities like Birmingham and Liverpool or in rural areas.¹⁴ The distinction between the two types of public house is an important one, which requires brief explanation here. The Victorian public house, or pub as it came commonly to be called only from the third quarter of the nineteenth century, had evolved from a variety of drinking places over the previous two centuries.¹⁵ This variety, comprising principally inns, alehouses, taverns and gin, or spirit, shops, whilst differing considerably in scale and in the range of services which they offered, by the beginning of the nineteenth century had come to be known collectively as public houses, a term which itself dated back to the late-seventeenth century. By the close of the 1820s, there were over 50,000 such establishments in England and Wales.¹⁶ Parliament then created a further drinking place - the beerhouse or beershop as they were interchangeably known – by the Beer Act of 1830. This measure permitted householders to sell only beer by purchasing a licence from the Excise, without the justices' licence required by publicans who also sold wines and spirits. This was an important distinction, one which led to a dramatic rise in the number of drinking places. In 1831, the first full

¹² Return of Number of Licensed Victuallers and Keepers of Beer-Shops charged before Police Magistrates with Breaches of the Laws, 1830-38, Parliamentary Papers (PP) 1839 (173) XXX.435; these are aggregate statistics, individual offences are not specified.

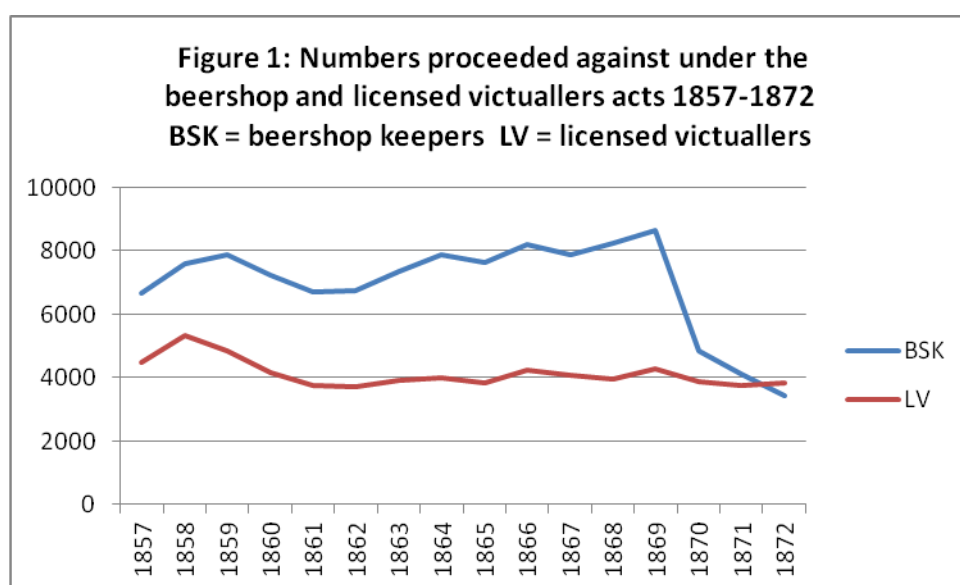
¹³ Report from the Select Committee on the Police of the Metropolis, PP 1834 (600) XVI.1, p.34.

¹⁴ PP 1839 (173) XXX.435; for example Essex, see Report from the Select Committee of the House of Lords appointed to consider the Operation of the Acts for the Sale of Beer, PP 1849 & 1850 (398) XVIII.483, p.27.

¹⁵ For that evolution, see Clark, *English Alehouse* and Paul Jennings, *The Local. A History of the English Pub* (Tempus, 2007 and The History Press, 2011).

¹⁶ Account of Number of Brewers, Retail Brewers, Licensed Victuallers and Intermediate Brewers in England, Scotland and Wales, Parliamentary Papers (PP) 1830 (190) XXII.161.

year of the Act's operation, nearly 32,000 such beer licences were issued and by 1869, when they too were placed under magistrates' control, there were over 49,000 beer-only houses alongside more than 69,000 fully-licensed premises.¹⁷ It was an important distinction too in the overall policing of drinking places. By the latter part of the century although there remained a legal and practical distinction between the two types of house, based upon the type of licence and the drink sold, licensed premises were referred to generally as public houses. From this time too the use of the term 'pub' became common.¹⁸



Source: Annual Judicial Statistics for England and Wales

The greater incidence of prosecution of keepers of beerhouses is then confirmed by the national figures from 1857. From that year until the major reform of the law in 1872, we have statistics for numbers proceeded against under the beershop and licensed victuallers Acts. These show that over the 13 years to 1869, when the beershops were returned to magistrates' control, an annual average of 64.4 per cent of total proceedings were against beershops, when their number averaged just under 40 per cent of the total of on-licensed premises.¹⁹ It must, however, be borne in mind that in some crucial respects the law was stricter with regard to the beershops,

¹⁷ They were placed under magistrates' control by the Wine and Beerhouse Act 1869; Account of Number of Persons in UK licensed as Brewers and Victuallers, PP 1831-32 (223) XXXIV.27; Return of Number of Licences for Sale of Beer, Wine and Spirits, PP 1868-69 (429) XXXIV.307.

¹⁸ Jennings, *The Local* p.88.

¹⁹ Annual Judicial Statistics for England and Wales 1857-1869; Annual Accounts of Number of Persons in UK licensed as Brewers, and Victuallers, PP.

notably their permitted opening hours.²⁰ Local figures, which detail offences, show this. In Bradford, for example, figures for the years 1855 to 1858 show that no fewer than 80 beerhouse keepers were prosecuted for opening in prohibited hours on Sunday, compared to 23 publicans, and for opening in prohibited hours on other days, 42 compared to just one publican. But this difference was true of other offences, although that covering opening hours was the most commonly prosecuted: those of permitting gaming, drunk and disorderly conduct, 'harbouring notoriously bad characters' and prostitution were proceeded against in total 73 beerhouse keepers but just 13 publicans.²¹ Bearing this point in mind, let us turn again to those national statistics. Figure 1 clearly displays the significance of the beershops within the overall figures. It also shows the rise in proceedings over the 1860s, years when the number of beer licences rose from under 40,000 in 1858 to over 49,000 by 1869. But what is most striking is the great reduction in the number of proceedings in 1870, to a total of 4,852 from the 1869 figure of 8,637, a fall of almost 44 per cent.

3 The Legislation of 1869 and 1872

This striking reduction was the result of the Wine and Beerhouse Act 1869. The beerhouses had in fact been the subject of criticism from the moment of their creation. Less than a year after the passing of the original Act, the Government had been compelled to acknowledge the force of that criticism and in 1833 a parliamentary Select Committee concluded that 'considerable evils' had arisen from

²⁰ The Beer Act 1830 s14 introduced statutory opening hours of between 4 am and 10 pm on weekdays and between 10 am and 1 pm and 5 pm and 10 pm on Sunday, Good Friday and Christmas Day; a further Beer Act 1834 s6 gave justices of the peace power to regulate beerhouse opening and closing times provided they opened no earlier than 5 am or later than 11 pm or before 1 pm on Sunday; and a further Beer Act 1840 s15 varied closing times on weekdays according to the size of the settlement, distinguishing between places with a population under 2,500, which had to close at 10 pm and those over that figure, which had to close at 11 pm, and those of London, which were permitted to open until midnight. In contrast, there was no statutory provision on opening and closing times for fully-licensed premises, other than a requirement to close during time of church service on Sunday, until the Metropolitan Police Act 1839 s42 closed public houses in the capital until 1 pm on Sundays; restriction on Sunday was then extended nationally by Acts of 1848 and 1854 (amended 1855) but not until the Public House Closing Acts 1864 and 1865 was weekday early morning closing between 1 and 4 am introduced and then only compulsorily for London but permissively elsewhere; this rather complicated picture is usefully tabulated in Brian Harrison, *Drink and the Victorians. The Temperance Question in England 1815-1872* (2nd ed. Keele University Press, 1994) pp.316-17.

²¹ Annual reports of the Chief Constable of Bradford, as reported in the *Bradford Observer* 22 Nov 1855, 9 Oct 1856, 15 Oct 1857 and 7 Oct 1858; it should be noted that in Bradford, as in other industrial cities, like Birmingham, Manchester, Sheffield or Leeds, the number of beerhouses actually exceeded the number of fully-licensed houses, for which point see Jennings, *The Local*, pp.62-3.

their management and conduct.²² Yet despite the ongoing condemnation, including by two further parliamentary enquiries, this free trade in beer persisted for almost 40 years. Indeed it was extended to wine in 1860 by Gladstone, when so called refreshment houses - places open for 'public refreshment, resort and entertainment', which also sold food, could sell wine, a facility which was extended to the existing beerhouses the following year.²³ Nevertheless, the ground was steadily being prepared for the re-imposition of magistrates' control, which was effected by Private Member's legislation in 1869.²⁴ The Act came into force in the summer, in time for the annual licensing (brewster) sessions, at which magistrates now had an opportunity to get rid of the kind of badly run beerhouse which had for so long been the object of complaint and which swelled the statistics of prosecutions. Of the four grounds for refusal, three related to their conduct: that the applicant had failed to produce satisfactory evidence of good character; that the house, or adjacent house owned or occupied by the applicant, was of a disorderly character, or frequented by thieves, prostitutes or persons of bad character; or that the applicant had previously forfeited a licence for misconduct.

Magistrates throughout the country now availed themselves of the opportunity. In Cumberland, 35 beerhouses, one fifth of the total, were now refused a licence, based upon previous convictions or other police evidence of misconduct; in Liverpool a similar proportion were refused from over 760 beerhouses on the grounds of the character of the applicant.²⁵ In Bradford, 60 beerhouses, about 13 per cent of the existing total, were now refused a licence. Almost without exception they were in the slum districts adjoining the centre of the town, where they were especially common, and in one particularly notorious street, Southgate, they were refused to no fewer than four applicants, due to the presence of thieves, prostitutes and disorderly characters, including prostitutes in adjoining houses to the *Uncle Tom's Cabin* run by

²² 3 *Hansard*, vol. IV cc. 502-12 (30 June 1831); Select Committee of the House of Commons on Sale of Beer, PP 1833 (416) XV.1, p.3.

²³ Jennings, *The Local*, pp.65-8

²⁴ Jennings, *The Local*, p.70 and Harrison, *Drink and the Victorians*, pp.231-2.

²⁵ Return of Number of Licences for Sale of Beer and Cider in England Wales granted or refused in each County and Borough at Brewster Sessions of 1869, PP 1870 (215 and 215- I) LXI.177 and 261; the figure for beerhouses is in the First Report from the Select Committee of the House of Lords on Intemperance, PP 1877 (171) XI.1, Appendix B, pp.332-3; the brewster sessions in London were later, see Return of Number of Licences for Sale of Beer and Cider in Middlesex and Surrey granted or refused at Brewster Sessions of March 1870, PP 1870 (434) LXI.277.

Mary Gould and to Samuel Woodrow of the *Sportsman Inn*, whose housekeeper was said to be a prostitute.²⁶

The legislation met with general approval, if not of course from the affected proprietors and their customers. The report of the House of Lords Committee on Intemperance at the close of the decade praised its effects, noting that: 'The process of weeding out the most disorderly beerhouses had been carried on throughout the country.'²⁷ The Licensing Act 1872, accordingly, made it permanent. It also made a number of changes to the administration of licensing and consolidated and brought up to date the law relating to drunkenness and the conduct of premises and increased the penalties. Prior to that, they were covered by statutes which dated back to the early seventeenth century, which had been added to by subsequent local and national legislation. Looking now in particular at the law on the conduct of premises, section 13 made it an offence to permit drunkenness or any violent, quarrelsome or riotous conduct or to sell intoxicating liquor to a drunken person. Sections 14 and 15 covered prostitution, the former making it an offence knowingly to permit the premises to be the habitual resort or place of meeting of reputed prostitutes, whether or not their purpose was prostitution, except for the purpose of 'obtaining reasonable refreshment'; the latter section, covering the most serious offence of all, permitting the premises to be used as a brothel, merited forfeiture of the licence and disqualification for life from holding one. Further sections covered gambling; having police officers on the premises and serving or bribing them; serving spirits to those apparently under 16; adulteration of the drink; and opening hours, which were tightened up and equalised between the two types of house. Offences were now to be recorded on the licence with provision for its forfeiture for three convictions.

Although much of this reproduced the sorts of prohibitions found in earlier legislation, and although it was slightly weakened by a further Licensing Act of 1874 from the succeeding Conservative government, for example in making the recording of offences on the licence discretionary or in removing the special position of publicans in relation to adulteration of the drink sold, this was an important measure. Indeed, it is reproduced in large part in modern law on the subject. At the time, it was important

²⁶ *Bradford Observer* 26 Aug 1869 and succeeding editions to 30 Sept and 7 Oct.

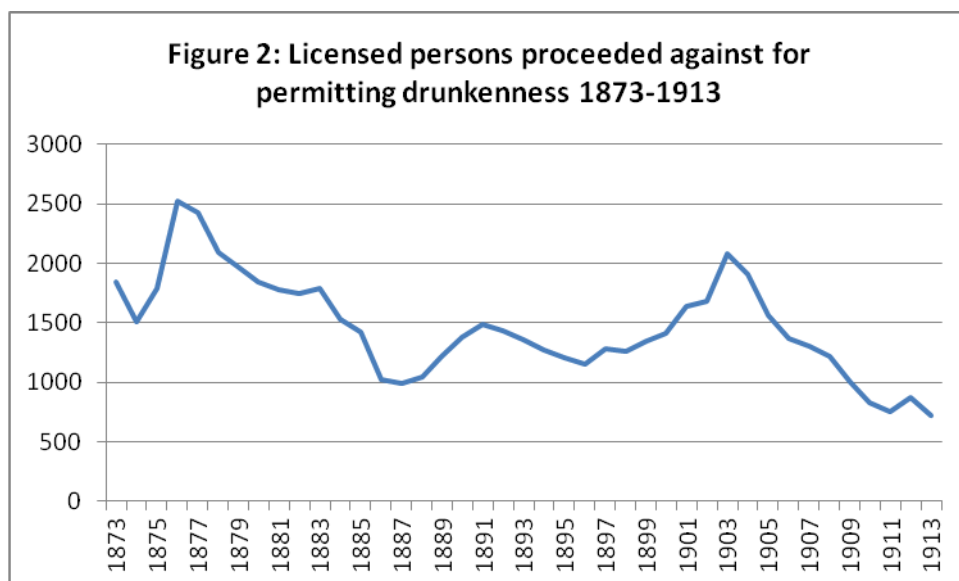
²⁷ Select Committee of the House of Lords for inquiring into Prevalence of Habits of Intemperance and Effects of Recent Legislation, PP 1878-79 (113) X.469, pp.xxx-xxxi.

not only as a consolidating and modernising measure but from the fact that, in the context of greater public concern over drink and drinking places, it inaugurated a period of restrictive licensing. The beerhouse route into the licensed trade was now closed and magistrates everywhere became stricter in their grant of new licences, with important consequences for the conduct of public houses, as will be seen.

4 The Incidence of Prosecution from 1872: Permitting Drunkenness

Another result of these changes was that henceforth the annual judicial statistics provide information for specific offences under the Act: those of permitting drunkenness or disorderly conduct and of adulteration, although most are grouped under a general heading of 'other'. Further, when the method of compilation and presentation of the judicial statistics was changed from 1893, this was retained as a separate heading, so permitting an overview of the offence for the whole period 1873 to 1913. In this section of the article, I shall focus then on the offence of permitting drunkenness, partly from the practical fact of its isolation within the statistics but in particular because it can serve as an indicator of my concern here – the conduct of licensed premises and the related question of the behaviour of their customers. The relevant statistics then are displayed in Figure 2. They do indeed show, first of all, that the number of prosecutions was low compared to the tens of thousands for drunkenness and drunk and disorderly behaviour, for which, in the peak years for prosecutions - the mid-1870s and the Edwardian period – there were annually over 200,000 for the offence.²⁸ Second, and unlike the figures for drunkenness, which remained at that level down to the First World War, those for permitting drunkenness by publicans show a long-term decline in its prosecution.

²⁸ Annual Judicial Statistics, England and Wales, 1857-1913, PP.



Source: Annual Judicial Statistics for England and Wales

Contemporaries, and in particular those committed to the cause of promoting temperance, were not slow to point out this contrast in levels of prosecution. The case of one James Crabb illustrates this. He was secretary to the Wesleyan Temperance Society and a campaigner in that cause for 30 years. In October 1894 he was tried at the Old Bailey for perjury.²⁹ Latterly, his temperance activism had focused on the policing of London's licensed premises, in pursuit of which, whilst following his usual business of traveller, he had reported several constables for drinking in public houses when on duty. In this particular instance, it was an officer whom he had observed in the *Flower of Forest* in Blackfriars Road. This had led to the prosecution of the pub's landlord, it being an offence as above to serve a police officer whilst on duty. The summons was dismissed, whereupon Crabb himself faced a prosecution for perjury instituted by the Licensed Victuallers' Central Protection Society of London. During the case, it was evidenced that whilst there were in 1892 some 30,000 convictions for drunkenness within the Metropolitan Police District, a mere 49 publicans had been convicted of permitting it or of serving one. As Crabb himself asserted, immediately prior to his acquittal, it had been his duty as a citizen

to call attention to the extraordinary difference between the number of persons convicted of drunkenness and the very few cases of proceedings against the licensed houses in which convictions are obtained, and what I believe to be the laxity of the police in dealing with licensed houses.

²⁹ <http://www.oldbaileyonline.org>, Old Bailey Proceedings Online, version 6.0, accessed 2 June 2011, October 1894, trial of James Crabb t18941022-872.

Or as a contemporary academic put it, a little more pithily: 'A drunken person is a common object; the conviction of a publican for serving a drunken person is a rare event.'³⁰

A further point to note about the statistics is that the two clear peaks in the figures, in the mid-1870s and late-1890s into the new century, are common to both sets of statistics. Both those peaks in fact coincided with rising drink consumption, which in turn is in line with the state of the economy. The peak year for beer production (to focus on the great staple drink), following a long period of growth, was 1876. This was not exceeded for another 20 years but recovery then was marked to another peak in 1899.³¹ That there was a connection between the number of proceedings for drunkenness and the state of the economy was certainly perceived by contemporaries. The editor of the judicial statistics for 1899 put it succinctly: 'A year of great prosperity, 1899 was also a year of great drunkenness.' He noted too the similar effect on proceedings of the 'great prosperity' of the mid-1870s.³² There does then seem to be a case for saying that more drunks led to more prosecutions, although with the constant caveat, as contemporaries were also equally aware, that this bore only an uncertain relation to the actual incidence of drunkenness, and that there was also some increased action against licensees. But another reason for the peaks was the changes in the law in the 1872 Act and again in a further Licensing Act of 1902, which in section one gave the police a power of apprehension, rather than summons, of those found drunk and incapable in a public place and in section four placed the burden of proof of permitting drunkenness on the licensee to show that all reasonable steps had been taken to prevent it. The effect, however, would seem to have been short-lived and in the case particularly of permitting drunkenness, the fall in the number of proceedings was then steep.

³⁰ C. P. Sanger, *The Place of Compensation in Temperance Reform* (P. S. King & Son, 1901) p.117; Sanger was a barrister and Fellow of Trinity College, Cambridge.

³¹ T. R. Gourvish and R. G. Wilson, *The British Brewing Industry 1830-1980* (Cambridge University Press, 1994) pp.24-5.

³² Judicial Statistics, England and Wales, 1899, PP 1901 [Cd 659] LXXXIX, pp.16-17; for an investigation of the link between drunkenness, consumption and the state of the economy among other variables, see George B. Wilson, 'A Statistical Review of the Variations during the Last Twenty Years in the Consumption of Intoxicating Drinks in the United Kingdom, and in Convictions for Offences Connected with Intoxication, with a Discussion of the Causes to which these Variations may be Ascribed,' *Journal of the Royal Statistical Society*, 75 (1912) 183-247.

The long-term national decline in the number of licensees prosecuted is reflected in local statistics, which in addition give a clearer picture of its actual incidence. In London, as we saw, just 49 publicans were prosecuted in 1892. Looking at the city of Bradford for the whole period from 1875 to July 1914, the most commonly prosecuted offence was opening in prohibited hours, with 47 per cent of total proceedings, followed by permitting drunkenness at 20 per cent or 93 instances. This in turn was only slightly higher than those for permitting gaming. The figures for permitting drunkenness were in double figures in just half of the five-year periods from 1875-9 to 1910-14, three of which were before 1889, with the remaining one in 1900-04, mirroring the national trend.³³ The same trend was evident in neighbouring Leeds, this time during the period 1872 to 1895. The five years 1872 to 1876 and 1877 to 1881 saw the numbers convicted of permitting drunkenness or selling to a drunken person at annual averages of 17 and 21.2. But in the succeeding periods 1882 to 1886, 1887 to 1891 and 1892 to 1895, those annual averages were just 3.8, 5.6 and 3.5. Overall this represented a higher proportion of the total convictions than in Bradford, at 51.3 per cent.³⁴ This was a similar proportion to that of the port city of Southampton, with 42.9 of convictions for the offences in the years 1903 to the outbreak of war in 1914. But the actual number of convictions in that period represented an average of not much more than one a year.³⁵

5 Policing, the Courts and the Context

It is clear then that the offences of permitting drunkenness or of selling drink to a drunken person were not prosecuted in large numbers and that prosecutions declined over the long term. How do we account then for these two facts? Explanations may be sought in the practicalities of the policing of the offences, in the response of the courts to prosecutions and in the actual conduct of licensed premises.

The offences presented a number of difficulties for the police. There was no statutory definition of drunkenness. It was thus difficult to prove in the first place that a person was actually drunk. The widespread perception of the state of drunkenness, certainly

³³ Calculated from WYAS, Wakefield, Borough of Bradford Registers of Licensed Victuallers and Beerhouse Keepers A124/109-13, viewed with permission from the West Yorkshire Police Service.

³⁴ Second Report of the Royal Commission on Liquor Licensing Laws, PP 1897 [C.8523-I] XXXV.7, p.509 Appendix IV.

³⁵ Southampton Archive Service, Borough and County of the Town of Southampton Register of Licences 1903-1923 SC/MAG 3/2.

by publicans and their customers, was expressed by the landlady of the *Blue Bell* at Beverley in the East Riding of Yorkshire, accused in 1864 of permitting drunkenness. For her it meant simply the inability to stand up, rather than any stage along the way to that state, referring to a customer who had drunk on Christmas Eve from ten in the morning until seven in the evening, with nice distinction, as 'merry, and quite jolly, but not lushy'.³⁶ From his experience as a magistrate in Cumberland, the prohibitionist MP Sir Wilfrid Lawson similarly cited a barmaid's opinion for the defence to that effect and quoted the 'well-known lines':

Not drunk is he, who from the floor
Can rise again and ask for more:
But drunk is he who prostrate lies,
Without the power to speak or rise.³⁷

Anything less marked than this, moreover, might be hard to detect in a crowded pub.³⁸ Accordingly, successful prosecutions would seem to have been cases which left little room for doubt. In the case of George Cook of the *Albion Tavern*, Albion Road, Hammersmith, in September 1873, a sergeant had found the house 'full of drunken men', with Cook and his daughter serving behind the bar along with several drunken costermongers. On top of that, a general fight ensued when some of Cook's creditors turned up attempting to take possession of the place.³⁹ It might also be successful where the customer was also fined for drunkenness, as in a Knaresborough case of 1883. In this instance a constable had found a woman drunk with a pint mug of beer in front of her in the *Black Swan Inn* in the town. Advised of her condition by the officer, the landlord helped her up and tried to get her out of the pub but she became so violent as to be arrested and later gaoled. As was often the case, the landlord claimed not to be aware she was in the place, nor had he served her, rather she had come in and picked up someone else's pot.⁴⁰ Perjury by publicans and customers was cited by some senior police officers to the Lords committee on intemperance as a problem here by, for example, the Chief Constables

³⁶ J. Crowther, *Beverley in mid-Victorian Times* (Hutton Press, 1990) p.119.

³⁷ George W. E. Russell (ed.) *Sir Wilfrid Lawson: a Memoir* (Smith, Elder, 1909) p.124.

³⁸ Stefan Petrow, *Policing Morals: The Metropolitan Police and the Home Office 1870-1914* (Clarendon Press, 1994) p.194; Petrow's book provides a most useful account of the policing of drinkers and drinking places in the capital.

³⁹ *The Times*, 29 Sept 1873; I examined all cases of permitting drunkenness or serving a drunken person reported in the police court section of *The Times* (obtained from Palmer's index under the heading 'Police') for the years 1873-4; 1883-4; 1893-4; and 1903-4, together with selected reports of cases in the petty sessions for Bradford and Knaresborough, respectively an industrial city and rural market town, in the *Bradford Observer* and *Harrogate Advertiser*,.

⁴⁰ *Harrogate Advertiser*, 1 Sept 1883.

of Newcastle and Liverpool, with the latter alleging in addition that scores were 'wiped off' as an inducement to commit it.⁴¹ Further, it was difficult to prove that a particular licensee had actually caused the drunkenness or had in fact served the individual whilst drunk.⁴² The disorderly or incapable drunk out in the street, in contrast, presented a more obvious target for the police's attention.

The fact that publicans were now legally represented also strengthened their position. As Metropolitan Police Commissioner Bradford informed the Home Office in 1894, police proceedings were often dismissed 'on technical points or side issues' because publicans were 'invariably well represented' by solicitors and often by counsel. The result was that magistrates were sometimes unwilling to convict, even where, as was noted in this particular instance, they felt the police were right to bring the case. In London, to counter this, the police sought Home Office approval themselves to use legal assistance. This met with some success but it was noted by the police that this was against counsel 'not too scrupulous as to their methods of defence' and in some cases again, the 'gross perjury' of witnesses.⁴³

The police were also placed in a stronger position by the development of case law on the offences as to the publican's liability if he did not have personal knowledge and, as noted above, in s4 1902 Licensing Act, the burden of proof of permitting drunkenness was placed on the licensee to show that all reasonable steps had been taken to prevent it.⁴⁴ The significance of this is shown in the following case from September 1904. Walter Lewis, landlord of the *Boston Arms*, Junction Road, Clerkenwell was charged with selling drink to a drunken person and permitting drunkenness. His defence was that the drunk in question, a soldier, had only been served shandy bitter (two parts ginger beer and three parts bitter) and moreover his staff were given printed instructions as to their duties, including regarding drunken persons. Barmaid Mary Andrews supported this, saying that she did not consider he was drunk and it was her duty so to know a drunken man. She saw the instructions daily as they were 'hung beside a looking-glass', she said, to laughter in the court. In dismissing the summons, the magistrate agreed then that every precaution seemed to have been taken according to the law but he was also influenced by testimony as to Lewis's character and that this was his own business, in which he had invested

⁴¹ PP 1877 (271) p.18; PP 1877 (171) p.30.

⁴² PP 1877 (271) p.78, Chief Constable of Preston; Petrow, *Policing morals*, p.194.

⁴³ Petrow, *Policing morals*, pp.195-6; PP 1877 (271) p.302, Chief Constable of Durham.

⁴⁴ Petrow, *Policing morals*, pp.195-8.

£20,000 and where the Lord Mayor and sheriffs had dined in his assembly rooms. But in the end it was a question of whether or not the man was drunk and in this case he did not think that on the evidence he could convict. The police were right to bring the case and 'it showed with what extraordinary care the business of a public house had to be conducted in order to distinguish between a sober and a drunken man.'⁴⁵

Overall then, whilst the offences did present the police with difficulties, those difficulties were progressively mitigated. Yet, as highlighted, the number of prosecutions for the offences remained low and, despite short-term increases, over the long term actually declined. This was in the context of routine supervision of public houses by the police. We saw earlier how this had been an important role of officers from the creation of new forces. Post-1872, that certainly continued and may indeed have increased. In Newcastle, from the mid-1870s the force kept a Public House Visit Book, in which the daily visits of a sergeant and his superior to a specified number of pubs were recorded. In Manchester, in the mid-1890s, over 31,000 such visits were made annually to more than 3,000 pubs by a sergeant or inspector and constable; in Bradford around 10,500 visits were made to some 600.⁴⁶ A small number of forces set up special inspectorates, as did Liverpool in the mid-1870s, with six inspectors and six constables plus plain clothes men, whose sole duties involved public houses, although this was later replaced, following accusations of corruption, by a general responsibility on superintendents but who continued to use plain clothes officers.⁴⁷ Inspection to this degree, however, was not universal: the police in Leeds, for example, did not favour it and officers were only permitted to enter public houses for 'some definite reason', for fear that the men might drink or 'do anything'⁴⁸ Elsewhere, another fear, of alienating the customers, led to a more cautious approach, as the Chief Constable of Norfolk put it, explaining their policy of only visiting the public houses on Saturday night and Sunday and only entering if they had reasonable grounds to suspect something 'in order not to provoke a collision'. Men in plain clothes were employed if a house was suspected of being 'very bad' but it was not favoured.⁴⁹

⁴⁵ *The Times*, 22 Sept 1904.

⁴⁶ PP 1877 (271), p.11; PP 1897 [C.8523-I], pp.89-90; WYAS, Bradford, Annual Reports of the Chief Constable of Bradford.

⁴⁷ PP 1877 (171), p.8; PP 1897 [C.8523-I], p.12.

⁴⁸ PP 1897 [C.8523-I] p.138.

⁴⁹ PP 1877 (271) p.292.

The implication of the Norfolk example is of course that the police were minded to ignore minor infractions of the law for practical reasons. But they were also accused of taking a venal approach. In a London case of August 1874, a landlord was fined £5 and costs for attempting to bribe an officer with a drink not to proceed in a case of opening in prohibited hours, the magistrate opining that it was important to have convictions to put a stop to the practice.⁵⁰ Towards the end of the century, Charles Booth's survey of the capital considered both questions. It acknowledged that the police 'may shut their eyes to minor infringements of the licensing acts' but that it was difficult to go beyond public opinion in enforcing the law and risk thereby 'disturbing the happy relations which exist between police and people'. As to bribery, it preferred to follow the defence in that London case of 1874 and refer rather to 'treating'. This certainly existed, as publicans sought to secure the goodwill of constables, and a teetotal officer, it was humorously said, 'ought to be ashamed of himself, spoiling the beat for the poor fellow that follows'. But such treating was less frequent now than formerly and overall as regards venality the police came out 'fairly well'.⁵¹ The Royal Commission upon the Duties of the Metropolitan Police, which reported positively overall on the force in 1908, found that as to taking money or drink from licensed victuallers, 'just' 17 complaints from the public had been substantiated together with 19 from senior officers and that overall, the police discharged their duties 'with honesty, discretion and efficiency'.⁵²

It would seem, therefore, that an explanation for the declining incidence of prosecution might lie in the actual conduct of the premises, that, in short, pubs were better run. This was the view of the Lords committee on intemperance, based upon the voluminous evidence which it heard. It was not the difficulty of obtaining convictions, nor the level of police action, that had produced the diminution of the number of prosecutions of publicans, rather it was to be attributed largely to their 'improved conduct'. This was in turn due, in the committee's opinion, to the role of public opinion in stimulating police actions, to the earlier closing times introduced in the 1872 Act and to the fear of loss of the licence due to previous convictions, also introduced in that legislation. The latter was all the more potent because the trade

⁵⁰ *The Times*, 31 Aug 1874; and another case 12 Dec 1874.

⁵¹ Charles Booth, *Life and Labour of the People in London: Third Series Religious Influences* (Macmillan, 1902) pp.52-3 and *Life and Labour of the People in London: Final Volume Notes on Social Influences and Conclusion* (Macmillan, 1902) pp.132-5 and 141-2.

⁵² Royal Commission upon the Duties of the Metropolitan Police, PP 1908 [Cd. 4156] L.1, pp.100-1.

overall was more profitable and the owners of public houses were careful to ensure that this did not happen, through enforcement of good management and the removal of errant tenants.⁵³

The second and third of these reasons are worth pursuing in a little more detail. The changes in the law of 1869 and 1872 were significant. The re-imposition of magistrates' control over the beerhouses led to the removal at a stroke of large numbers of badly conducted premises, nationally more than one in ten of those in existence before the Act. Together with the 1872 Licensing Act, which both made its provisions permanent and introduced changes to the administration of licensing, they inaugurated a much stricter licensing climate. Magistrates were still willing to grant new licences, but this willingness decreased over time. In the eight years from 1873 to 1881, 3,699 new full-licences were granted; in the ten years from 1887 to 1896 the figure was 1,930. This was in years when the total number of licences continued to exceed 100,000. Many of these were not, strictly speaking, new licences, being upgrades of existing beerhouses. Further, many were removals from one location to another or were granted in return for the surrender of one or more (usually beer) licences. Also, new licences were often in fact granted to hotels, restaurants or such as railway refreshment rooms, rather than to new pubs.⁵⁴ At the same time, the stock of existing pubs was progressively reduced. This was the result particularly of demolition, for slum clearance and in the redevelopment of towns and cities for new streets, public and commercial buildings and railway infrastructure. The closure of pubs by temperance-minded ground landlords and the removal by magistrates of licences for misconduct, although accounting for not as many pubs, were also important.⁵⁵ The result was a fall in the number of pubs. Having peaked in 1869 at 118,499, the number of on-licences had fallen by 1901 to 102,846. The decline in the number of beerhouses was the important element in this fall. The number of full-licences actually rose, although as I pointed out, many of these were not pubs, but

⁵³ PP 1878-9 (113) p.16.

⁵⁴ Return of Number of new Licences granted by Justices in each County of England and Wales, 1873-78 PP 1881 (135) LXXXIII.387 and 1878-81 PP 1882 (33) LXIV.489; Royal Commission on Liquor Licensing Laws, Statistics relating to the Number of Licensed Premises in G. B. and Ireland, PP 1898 [C.8696] XXXVII.205, pp.33-6 and 43-91.

⁵⁵ Jennings, *The Local*, pp.168-70.

the number of beerhouses was reduced by over 20,000, more than 40 per cent of the 1869 total.⁵⁶

Since the total number of public houses was in decline and it was becoming increasingly difficult to open a new one, the licence became more valuable and its possible loss through misconduct in consequence a more serious matter. This point then needs to be set in the context of another important development, the consolidation of brewery ownership and control of licensed premises. This 'tying' of a public house to a particular brewery company, which obliged the publican to sell its products, was effected through direct ownership, leasing or the provision of loans. It was already widespread by the beginning of the nineteenth century and over the course of that century the majority of pubs came to be tied in this way.⁵⁷ A pub then represented an investment not just to the publican but to its brewer, and increasingly to shareholders as brewery concerns went public, one moreover which was increasing in value. The result was greater pressure on publicans not to endanger the licence by falling foul of the law. If they did, they were likely to lose their pub. For tenants it was written into the tenancy agreement that he do nothing which might endanger the licence, including any convictions against the licensing Acts, and managers similarly faced dismissal.⁵⁸ In Norwich in the 30 years between 1872 and 1901, of 198 licensees convicted of an offence, including 28 more than once, 95 (48 per cent) no longer remained the licence holder the following year.⁵⁹ Elsewhere it was still more strictly enforced: at the Bradford brewster sessions in 1893, it was noted that in every case where an offence had been committed, the tenant had been removed.⁶⁰

The requirements of brewers would tend in this way to raise the general quality of licensees. Contemporaries felt that this was so. As the senior magistrate of the metropolitan district, Sir John Bridge, put it to the Royal Commission on Licensing in

⁵⁶ Account of Number of persons in UK licensed as Brewers, and Victuallers, PP 1870 (187) LXI.281; G. B. Wilson, *Alcohol and the Nation: a contribution to the study of the liquor problem in the United Kingdom from 1800 to 1935* (Nicholson and Watson, 1940) p.236.

⁵⁷ See Jennings, *The Local*, pp.97-101 for a concise summary.

⁵⁸ Edwin A. Pratt, *The Licensed Trade: An Independent Survey* (John Murray, 1907) pp.305-11, appendices A and B: typical forms of agreement with tenants and managers. Most publicans were tenants who retained the profit from the business; a minority were salaried managers, who sometimes also received a commission on sales.

⁵⁹ Rob Donovan, 'Drink in Victorian Norwich Part III,' *Brewery History*, 134 (2010) 87-139, p.119.

⁶⁰ *Bradford Observer*, 24 Aug 1893.

1897, commenting upon the fall in convictions, the reason simply was that public houses were now better managed by a better class of men.⁶¹ Booth's survey similarly quoted a police officer that publicans were 'much more respectable and steady' than formerly and 'for the most part careful as to the conduct of their houses'.⁶²

But were their customers too becoming better behaved, less drunken and disorderly? Certainly one can find plenty of examples that they were not, like the beershop visited by journalist James Burnley in the White Abbey slum district of Bradford in 1886, where 'drunk and disorderly' seemed to be the motto of the establishment.⁶³ But here again, contemporaries were of the view that they were indeed becoming more orderly. The Lords committee on intemperance concluded, commenting on the effect of the recent legislation of 1869 and 1872, that there had been a 'vast improvement ... in producing better order in the streets of our large towns', although one might perhaps expect legislators to see positive results from their labours. As to drunkenness, it was their view that it was 'less common among the more respectable portion of the working classes' and that 'the increase has taken place chiefly, either in the lowest grades of society, or among those whose advance in education has not kept pace with the increase of their wages'.⁶⁴ The Royal Commission on Licensing saw this process taken further, concluding in its majority report that from the vast amounts of evidence it heard, whilst a 'gigantic evil' remained to be remedied: 'Most persons who have studied the question are of opinion that actual drunkenness has materially diminished in all classes of society in the last 25 or 30 years'.⁶⁵ Elsewhere I have shown that although the absolute totals of drunks proceeded against remained high down to the First World War, the rate of proceedings relative to total population, showed a long-term decline. This corresponded to the trend in the consumption of beer, where the total consumed remained high but per capita consumption similarly

⁶¹ PP 1897 [C. 8356] p.134.

⁶² Booth, *Final Volume*, p.69.

⁶³ *Bradford Observer*, 2 Feb 1886; any examination of Victorian newspapers will turn up many examples.

⁶⁴ PP 1878-79 (113) pp.13-14 and 21.

⁶⁵ Royal Commission on Liquor Licensing Laws, Final Report, PP 1899 [C.9379] XXXV.I p.2; the Commission's membership was split three ways between the drink trade, temperance supporters and neutrals; in the event its chairman, Lord Peel, sided with the temperance members and two reports were issued; for a journalist's common sense discussion of whether drunkenness had declined, see Arthur Shadwell, *Drink, Temperance and Legislation* (Longmans, Green, 1902) ch.3, 'The Decline of Drunkenness'.

declined. In the context of persisting concern with drunkenness and drink more widely, it is suggestive that actual levels of drunkenness did indeed fall.⁶⁶

Similarly, within the pub there was greater sobriety and orderliness than its opponents claimed. One unique source demonstrates this, albeit of course for just one locality, for the mid-1870s. James Scurrah, a Bradford house painter, Methodist lay preacher and temperance supporter undertook a detailed survey of the town's public houses on several Saturdays, Sundays and Mondays in February and March 1875, with a further survey the following month of the town's dram shops and music halls. This was to provide evidence for the observation noted above of the discrepancy between the number of prosecutions for drunkenness and the number of publicans proceeded against for permitting it or serving them. One might reasonably expect Scurrah, both from his views, with a perhaps stricter estimation of the state of drunkenness than the ones cited above, and from his stated purpose, to find drunken people in pubs. And indeed he did, like the 'very many both men and women worse for liquor' in the *Neptune Inn*. But what is striking is the many occasions which either called for no comment from him or when he found it quiet. Similarly, where he described the customers, he certainly found rough men and 'loose' women, to use his characterization, but he also noted the respectability of many women and was taken aback to find Sunday School teachers and 'a man that is a Class Leader in our connection' in pubs he visited.⁶⁷ Towards the end of the century, Charles Booth, whilst acknowledging the pub's 'bad side', could portray 'the ordinary public house at the corner of any East End street, run by a 'decent middle-aged woman', with her and her customers presenting a scene that was 'comfortable, quiet and orderly'.⁶⁸

Why then had drunkenness diminished? The Royal Commission felt that it had 'many causes', including the temperance movement, education and the 'passion for games and athletics' as a rival for working men to the 'excitement' of 'boozing'. But it did also note the 'probable' increase of what it termed 'superfluous drinking falling short of actual drunkenness', a result of the general rise in prosperity, part of the 'habit of

⁶⁶ Paul Jennings, 'Policing Drunkenness in England and Wales from the Late Eighteenth Century to the First World War,' *The Social History of Alcohol and Drugs*, 26 (2012) 69-92.

⁶⁷ WYAS, Bradford Records of the Bradford Sunday Closing Association DB16/C40/3 and 5; for a short discussion of Scurrah's survey see Paul Jennings, 'Liquor licensing and the local historian: the Victorian public house,' *The Local Historian*, 41 (2011) 121-137, pp.133-5.

⁶⁸ Charles Booth, *Life and Labour of the People in London: First Series Poverty Volume 1* (Macmillan, 1902) pp.113-14.

needless indulgence in luxuries of all kinds'.⁶⁹ It is to this general rise in prosperity, shorn of its moralistic overtones, that one historian, in a widely accepted interpretation, has attributed that decline of per capita consumption noted above. For A. E. Dingle, the improvement in working-class living standards from the late 1870s was the result of rising real wages as prices fell (although, significantly, not that of alcoholic drink). The resulting expenditure went not on drink, as it once would have, but on the expanding range of cheap mass-produced goods which were becoming more available: packaged foodstuffs, clothing, shoes and furniture and a similarly growing range of opportunities for leisure spending: from newspapers and magazines to visits to the music hall, sporting events or day trips to the seaside.⁷⁰ These spending patterns point to changing patterns of behaviour, towards a more home-centred lifestyle and incorporating a greater diversity of leisure pursuits. Together these could act to produce greater sobriety.

More people could now aspire, however modestly, to a better life, and that better life, at this particular historical moment, was one in which the role of alcohol was diminished. Together with that was an important cultural development, one which linked a sense of personal self-worth and status to better standards of behaviour. For both contemporaries and historians, this is expressed by the idea of respectability. To Victorians there was a straightforward distinction between the respectable and those who were not – the rough. For Geoffrey Best, writing on mid-Victorian Britain, the 'sharpest of all lines of social division' was that 'between those who were and those who were not respectable: a sharper line by far than that between rich and poor, employer and employee, or capitalist and proletarian'.⁷¹ Subsequent historians writing of the concept have laid greater stress than did Best, although he did acknowledge them, on its 'variations and ambiguities', particularly among the working-class.⁷² As Brian Harrison pointed out, it was never a 'fixed position', rather it was 'a process, a dialogue with oneself and one's fellows'.⁷³ This is seen in two

⁶⁹ PP 1899 [C. 9379] p.2.

⁷⁰ A. E. Dingle, 'Drink and working class living standards in Britain 1870-1914', *Economic History Review*, 2nd Series XXV/4 (1972) 608-22; space here does not permit a full exposition of Dingle's arguments but see also the discussion in Gourvish and Wilson, *British Brewing Industry* pp.27-40 and Harrison, *Drink and the Victorians*, pp.38-62 and 290-308.

⁷¹ Geoffrey Best, *Mid-Victorian Britain 1851-70* (Fontana, 1979) pp.282-6.

⁷² Peter Bailey, "'Will the Real Bill Banks Please Stand Up?'" Towards a Role Analysis of Mid-Victorian Working-Class Respectability,' *Journal of Social History*, 12 (1978-9) 336-353, p.356.

⁷³ Brian Harrison, *Peaceable Kingdom. Stability and Change in Modern Britain* (Clarendon Press, 1982) p.161.

contrasting attitudes relevant to our enquiry here. For some working-class men, products of the temperance movement and its obsession with the drink evil, complete abstinence from alcohol was a *sine qua non* of respectability. But for many others, the enjoyment of a drink clearly was not incompatible with their sense of their own respectability. Scurrah's class leader and Sunday School teachers, one assumes, felt comfortable inhabiting both the worlds of chapel and pub. As Ellen Ross noted, in a study of the subject in late-Victorian and Edwardian London, the ability to treat one's friends to a drink in the pub demonstrated a popularly understood facet of respectability, the small cash surplus which made it possible. So that what might seem on the face of it wasteful, rather like an elaborate funeral, was, to those who could interpret its meaning, in fact an outward display of respectability.⁷⁴ Similarly for women, Andrew Davies found in early twentieth-century Salford and Manchester that for some, enjoyment of a drink and the pub did not diminish, again certainly not in their own eyes, their respectability.⁷⁵ Scurrah's survey of Bradford pubs, where, as we saw, he found many women whom he describes as looking respectable, demonstrates that point for the mid-1870s.

Overall, what was essential to any self perception of respectability was not drinking to excess and certainly not to get drunk. The widening belief in an ideal of respectability did then contribute to a continuing reduction in levels of drunken behaviour, although one should not in turn exaggerate its extent, certainly before 1914. In his study of working-class London, Gareth Stedman Jones felt that whilst straightforward heavy drinking had become less widespread, there had not been a dramatic shift, as frequent and heavy bouts of drinking remained common in traditional London trades and jobs requiring great physical exertion. For him, in a point which returns us to my earlier comment on the influence of living standards, moderation would come with increased mechanization of those trades and less overcrowded housing, neither of which conditions prevailed before 1914.⁷⁶

⁷⁴ Ellen Ross, "Not the Sort that Would Sit on the Doorstep": Respectability in Pre-World War 1 London Neighbourhoods,' *International Labor and Working Class History*, 27 (1985) 39-59, p.43.

⁷⁵ Andrew Davies, *Leisure, Gender and Poverty: Working-class culture in Salford and Manchester 1900-1939* (Open University Press, 1992) pp.61-73.

⁷⁶ Gareth Stedman Jones, 'Working-Class Culture and Working-Class Politics in London, 1870-1914; Notes on the Remaking of a Working Class,' *Journal of Social History*, 7 (1974) 460-508, p.473.

Conclusion

In this article, I have examined the policing of that most important site for leisure and pleasure among the Victorian working-classes – the pub. It was an institution which attracted the attentions of those in society and government who worried about the drunkenness and disorderly behaviour associated with it and who sought through the law, licensing magistrates and police to control it. The law, in the Acts particularly of 1869 and 1872, was important. But its enforcement depended upon the policies and actions of magistrates and police. Those of the former created a restrictive licensing regime. Those of the latter, whilst seeking to discharge one of the main objectives with which they were tasked on their creation – the maintenance of day to day public order – were essentially pragmatic. But as I have sought to show by focusing on the specific offences of permitting drunkenness and serving a drunken person, in order to understand why the incidence of those offences was low, requires a much wider perspective. That perspective includes changes in the structure of the drink trade and the resultant relationship between brewer and publican. The effect, in the context of the stricter licensing regime, was that publicans had to take greater care to maintain order in their houses. It includes too the actual behaviour of customers and here, I have argued, one can see a movement towards greater sobriety and orderliness, which was the result of interlocking economic, social and cultural developments.