

**HANDY-BOOK FOR LICENSED
VICTUALLERS, BREWERS, WINE
RETAILERS, BEER AND
REFRESHMENT HOUSE KEEPERS,
AND POST MASTERS**

Published @ 2017 Trieste Publishing Pty Ltd

ISBN 9780649422074

Handy-Book for Licensed Victuallers, Brewers, Wine Retailers, Beer and Refreshment House Keepers, and Post Masters by William Barclay

Except for use in any review, the reproduction or utilisation of this work in whole or in part in any form by any electronic, mechanical or other means, now known or hereafter invented, including xerography, photocopying and recording, or in any information storage or retrieval system, is forbidden without the permission of the publisher, Trieste Publishing Pty Ltd, PO Box 1576 Collingwood, Victoria 3066 Australia.

All rights reserved.

Edited by Trieste Publishing Pty Ltd.
Cover @ 2017

This book is sold subject to the condition that it shall not, by way of trade or otherwise, be lent, re-sold, hired out, or otherwise circulated without the publisher's prior consent in any form or binding or cover other than that in which it is published and without a similar condition including this condition being imposed on the subsequent purchaser.

www.triestepublishing.com

WILLIAM BARCLAY

**HANDY-BOOK FOR LICENSED
VICTUALLERS, BREWERS, WINE
RETAILERS, BEER AND
REFRESHMENT HOUSE KEEPERS,
AND POST MASTERS**

HANDY-BOOK

FOR

LICENSED VICTUALLERS, BREWERS, WINE
RETAILERS, BEER AND REFRESHMENT HOUSE
KEEPERS, AND POST MASTERS,

INCLUDING THE

PUBLIC HOUSE CLOSING ACT, 1864,

WITH INSTRUCTIONS FOR BEGINNERS

AND

An Appendix of Useful Forms.

By WILLIAM BARCLAY, Esq.

SOLICITOR.

LONDON:
ROUTLEDGE, WARNE, AND ROUTLEDGE,
BROADWAY, LUDGATE HILL.

L. L. 1865.

CW. J. K.

605

7

L. L.

CONTENTS.

CHAP.	PAGE
PREFACE	7
I. Introduction	11
II. The Licence	16
1. Justices' Licences	16
2. Excise Licences	17
How obtained—	
1. Justices' to Innkeepers	19
2. Excise Licences	21
3. Occasional, Billiard, and Packet-boat Licences	23
III. Transfer of Licences	25
IV. Conditions of Licences	28
1. Justices' Licences	28
2. Excise Licences	30
V. Penalties	32
1. For selling by retail without Licence	32
2. For Offences against Tenour of Justices' Licences	33
1. To Innkeepers	33
2. To Music-House Keepers	35
3. For Offences against Excise Licences	35
VI. Appeals	36

CHAP.	PAGE
VII. Action against Justices and others; and Justices disqualified from acting at Licensing Courts	38
1. Actions against Justices	38
2. Disqualified Justices	38
VIII. Persons disqualified to hold Licences; and Persons free to sell Wine without a Licence	39
1. Persons disqualified	39
2. Free Vintners	40
IX. What is selling by Retail; and what are Standard Measures	41
X. Liability of Innkeepers to billet Soldiers; and in respect of the Goods of their Guests	42
1. To billet Soldiers	42
2. In respect of Goods of Guests, and how limited	42
XI. Innkeepers' Lien	45
XII. Brewers and brewing	46
XIII. Spirits, Spirit Dealers, and Retailers	49
XIV. The Public-house Closing Act, 1864	56
XV. Licence Duties and Fees; Stamp Duties and Taxes	60
1. Licence Duties under the Wine Licences and Refreshment Houses Act	61
2. Licence Duties under the Acts 6 Geo. IV. cap. 81; and 3 Vic. cap. 17	61
3. Duties payable by Postmasters	62
4. Licence Fees	63

CONTENTS.

5

CHAP.	PAGE
5. Duties payable by Brewers	63
6. Stamp Duties	64
7. Taxes	65
XVI. Matters common to all Householders as well as to Innkeepers	
1. Leases	67
2. Covenants of Leases	69
3. Waste and Repair	70
4. Rent	71
5. Distraint	71
6. Fixtures	72
7. Insurance—Fire	78
8. Servants	79
9. Horse Hiring, not being necessarily within the Trade of an Innkeeper	80
XVII. General Observations and Illustrations	81

APPENDIX.

1. Notice to be given when it is intended to Apply for a New Licence	85
2. Notice to be given when it is intended to Apply for permission to Transfer a Licence	85
3. Assignment of Fixtures and Goodwill of Business	86
4. Endorsement to be made on Licence in case of transfer	88
5. Copy of Section 1st of Act 26 and 27 Vic. Cap. 41, for Hall of Inns	88
6. Appeal against Justices' decision	89

	PAGE
7. Certificate of Value of House required in certain cases	89
8. Letter to Commissioners of Inland Revenue when Dealer shall have absconded	90
9. Withdrawal of entry with Excise	90
10. Entry by Licensed Victualler with Excise	90
11. Request and Receipt for Certificate Books	91
12. Form of Justices' Licence	91
13. Form of Licence to Keeper of Refreshment House	92
14. Form of Licence to Wine Retailer	93
15. Form of Licence to Keeper of Refreshment House to retail Wine	94
16. Form of Conviction for Offences against tenour of Justices' Licence	95
17. Form of Notice usually served on Innkeeper at billeting of Soldiers	96

P R E F A C E.

THE chief aim of this little work is to give a popular analysis of the laws which regulate and relate to the trade of that large section of the community known under the technical designation of *Licensed Victuallers*.

With that view it is written in an easy style, and without the unnecessary introduction of legal terms.

It is not meant to set aside, as it could not, the necessity of the services of an intelligent attorney as occasion may require, whether to advise the inn-keeper in the event of any action with a former guest or with his landlord; or of any alleged breach of the conditions of his licence; or of any dispute whatever, particularly if an action be feared. All that is meant is to make plain the laws that direct the mode of obtaining and transferring licences, and that specially affect the licensed victualler in the conduct of his business, and to furnish him with

such information as may serve to keep him out of any troubles into which, without the possession of that knowledge, he might find himself involved. We no more believe in the doctrine of every man being competent to act as his own lawyer than we believe that every man is qualified to act as his own physician. But we do believe that it is the duty of every one to acquire a fair knowledge of the municipal laws that concern himself in the exercise of his own particular trade, as we believe that it is his duty to acquire a fair knowledge of physiology and the natural laws of health. And we must take care always to remember the legal maxim that ignorance of a law is no excuse for a breach of it.

Having carefully analysed the maze of Acts embracing the laws in question to render their meaning intelligible to all, the author invites *his students*, the licensed victuallers, to follow him attentively through the manual, and so make themselves acquainted with those Acts, and with the summary of the reports of such decisions on law questions bearing on the subject as he may deem it to be essential to point out.

A lecturer usually begins his course with a synopsis of what the lecture may be expected to