

## A DRAUGHT OF DISCONTENTMENT: NATIONAL IDENTITY AND NOSTALGIA IN THE BEERHOUSE ACT OF 1830

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Charles Dickens' *Sketches by Boz* contains the young author's first promising efforts to bring the grime and grit of London's streets to life. Published in various periodicals between 1833 and 1836, these vignettes offer glimpses of the wondrous characters and fabulous plot developments that would later become his stock in trade. The sketch that speaks to the interests of this study is a short piece titled 'Gin-Shops'. Dickens marks the emergence of this phenomenon as occurring in the late 1820s when the working poor began flocking to gas-lit gilded shops with a 'great rage for mahogany, varnish, and expensive floor cloth' for their after work refreshment.<sup>1</sup> Now in the mid-1830s, the shops have proliferated across London and the actors he describes may very well have been auditioning for *Oliver Twist* or *Bleak House*. Fingering the Irish as the instigators, Dickens details the breakdown in law and order that regularly takes place at the Gin-Shop as members of the working class imbibe a highly-intoxicating beverage and then begin their pugilistic dance:

a scene of riot and confusion ensues; ... the landlord hits everybody and everybody hits the landlord, the barmaid screams, the police come in; and the rest is a confused mixture of arms, legs, staves, torn coats, shouting, and struggling. Some of the party are borne off to the station house, and the remainder slink home to beat their wives for complaining, and kick the children for daring to be hungry.<sup>2</sup>

This colorful tapestry aside, Dickens here targets what society had considered a glaring social problem since the late 1820s: the rise, again, some 70 years after its

mid eighteenth-century social craze, of gin and other hard liquors, all simply called 'spirits'. That earlier crisis with gin and other spirits was most famously pilloried by William Hogarth in his 1751 print *Gin Lane*. In 1825, Parliament reversed its eighteenth-century legislative efforts to reduce gin drinking, notably the 1751 Gin Act, which Hogarth had supported with his satirical print, and agreed to reduce the duty on spirits in England by nearly 40% as part of an effort to reduce smuggling. As one problem was confronted, however, another took its place: sales of spirits doubled and, not surprisingly, beer sales began to fall.<sup>3</sup> Thus, as one historian has argued, the fear of a new gin age incentivized a return of social impulses back toward beer. Such a return in the late Georgian era offered the opportunity to radically change the system of beer retailing by bringing free trade principles to bear.<sup>4</sup>

The emancipation of the beer trade came in the spring and summer of the tumultuous year of 1830, a year that frayed nerves throughout Great Britain with the death of a king and a subsequent surprise general election, severe agricultural distress that ultimately developed into the costly Swing Riots, and the fall of Wellington's government, all, of course, set against the backdrop of revolutions on the Continent, especially in France. Emancipation meant injecting free trade principles into an alcohol retailing system that many considered medieval, capricious, and corrupted by the absolute power given to magistrates to dispense with public house licenses, an example of privilege that rankled a younger generation committed to free trade.<sup>5</sup> The Beerhouse Act passed into law in July of that year, creating a new type of beer retail outlet, the beerhouse, outside the jurisdiction of the magistrates, the license for which any ratepayer could apply for by paying an

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annual two guinea fee to the excise and the location of which could be practically anywhere. The preamble of this act stated it was written for ‘better supplying the public with beer in England [and] to give greater facilities for the sale thereof’; its companion bill removed all duties on beer and cider.<sup>6</sup> The controversy surrounding this act and the reverberations that radiated from it have been examined by a select few historians from Sidney and Beatrice Webb at the turn of the twentieth century to Brian Harrison, Peter Clark, Nicholas Mason, Paul Jennings, and T.R. Gourvish and R.G. Wilson, in their magisterial examination of the British brewing industry since 1830.<sup>7</sup> While the collectivist prohibitionism of the Webbs has been discredited by the later historians, Harrison, in his ground-breaking book *Drink and the Victorians: the Temperance Question in England 1815-1872*, argues that the thrust behind the act was the fear of the smuggler, while both he and Clark have surprisingly discounted the effect of the poor economy and agricultural distress that dominated parliamentary debate on the subject.<sup>8</sup> Mason corroborates the Webbs’ interpretation of the act as creating a social disaster of drunkenness, but he is more concerned about the how the passage of the act altered perceptions of the working class through the remainder of the century and influenced the writings of social commentators from Friedrich Engels to Henry Mayhew.<sup>9</sup>

Alternatively, Jennings examines the 1833 Select Committee on the Sale of Beer and its subsequent condemnation of the Beerhouse Act, which provided a boon for the nascent temperance movement. Building on Harrison’s evidence that the new act did not cause an increase in public drunkenness, he offers a more nuanced and balanced approach to this controversial legislation, arguing that the increased fears of public disturbances were overblown by contemporaries and historians alike.<sup>10</sup> However, only Gourvish and Wilson have supplied the comprehensive argument that the Beerhouse Act’s passage stemmed from a complex mixture of debates about free trade and arbitrary magistrates, cheap gin and the high price of beer, and economic problems that had challenged Parliament from the end of the Napoleonic wars, all coupled with those crises that Wellington encountered in 1829-30.<sup>11</sup>

What is missing, however, from the historiographical landscape is a fresh look at the language that both preceded the bill’s introduction and surrounded the bill’s

somewhat uphill passage in Parliament, all of which reveal a deeper crisis, a crisis of Englishness and a yearning for a time when the world was right: when France was the enemy, Catholics were not emancipated, Wellington was just a general, and beer was not losing sales to an effeminate and unhealthy liquor associated with the continent. Yes, the Beerhouse Act was contemplated as legislation to combat the feared resurgence of Hogarth’s *Gin Lane* and to modify what many viewed as an archaic licensing system. Further, the paternalistic act meant to ameliorate the economic distress that gripped the rural poor by lowering the high cost of beer with the removal of the duty. Yet, in the swirling oratory that accompanied both the preliminary discussions in 1829 and the passage of the bill the following year, one can detect what Hugh Cunningham has called the ‘vocabulary of patriotism’ in which a ‘golden past was constantly evoked’ to recall nostalgically a time when a greater sense of normality existed, when a worthy and hearty John Bull, pot of beer nearby, stood firm against a wily and haggard non beer-drinking Frenchman.<sup>12</sup> While Cunningham uses Chartist rhetoric from the late 1830s as his focal point, the earlier 1829-30 timeframe works just as well. Just as an idyllic England replete with roast beef and plum pudding was evoked during the late 1830s’ debates on the new Poor Law and the failure of political reform, those themes emerged, quite naturally, in the acrimonious dialogue about the national beverage. This dialogue rekindled the imagery from Hogarth’s companion print to *Gin Lane*, the more serene and optimistic *Beer Street*, which offered compelling visual rhetoric supporting the positive attributes of beer as opposed to spirits and argued for beer as the natural and socially-ameliorative beverage of Great Britain.<sup>13</sup>

### **A country in distress**

The economic strains of the late 1820s, which threatened to overshadow the political tension caused by the repeal of the test and corporation acts and Catholic Emancipation, ultimately made licensing reform seem reasonable. The stock market crash of December 1825 caused banks to fail, investors to flee, and currency to contract, leading to working-class rioting for non-payment of wages. Lancashire saw the worst of the risings in 1826, events that frightened property-holders across England, while economic recession further eroded wages against higher food prices. The psychological

shock of these events, especially the failure of the financial system, proved to have a long reach.<sup>14</sup>

As the economic blight continued into 1829, letter writers, editors, and politicians began calling for remedies ranging from free trade to currency reform to lower taxation, all while the political earthquake of Catholic Emancipation shook the foundations of Wellington's Tory ministry. In this heady mix, continued agricultural distress and increased spirits consumption provided the opportunity for a new debate on malt and beer duties in both the provincial periphery and the political center of the country. In the developing debates of 1829 appear the central disputes and points that dominated the political discourse until the final passage of the Beerhouse Act over a year later. These included warnings about the host of social ills that followed from the drinking of spirits, the repeal of both the malt and beer duties as a way to combat that threat, and the need to help the agrarian laboring class. In this rhetoric we also can view Britons trying to cling to a very recent past when they had stood victorious over Catholic France before quickly slipping into a postwar malaise of economic distress and protest. To borrow from Linda Colley, if the social adhesion of war was gone and the hegemony of Protestantism destroyed by Catholic Emancipation, the British could look, in uncertain times, to common social customs and patriotic nostalgia to bind them together again.<sup>15</sup> Or as Keith Robbins has argued about the long development of eighteenth and nineteenth-century Britishness, much like A.W.N. Pugin's approach to designing the new Houses of Parliament in the 1840s, there was a general desire to look backwards for guidance, inspiration, and community preservation.<sup>16</sup> Beer fit the bill, so to speak.

### **The debate about beer and malt duties**

As early as spring 1829, the agricultural southeast began agitating for a reduction in the malt duty to encourage growth in the malt trade, as did brewers from Dundee, Scotland, who were concerned that reduced spirit duties since 1823 had eroded their livelihoods.<sup>17</sup> In May, Whig statesman, Robert Slaney, while lecturing Commons on the history of the malt duty and the need for its reduction, made reference to beer as the 'national beverage', which had been endangered when the laws encouraged the British to look overseas for their beverages, such as

coffee from the West Indies, rum from Jamaica, cocoa from Brazil, and tea from China, rather than 'encouraging the consumption of an article the product of our own soil and industry'.<sup>18</sup> Further, he lamented that the high malt duty had caused an increase in the number of spirits licenses. Licenses to sell spirits had increased by nearly 11,000 between 1807 and 1827 compared to an increase of only 300 alehouse licenses in that same period. The malt duty, he added, forced the poor to drink spirits that were unhealthy and led to increased criminal activity and the 'destruction of the constitution and morals'.<sup>19</sup> The feeling that the nation, especially the crowded industrial cities, was headed back to the social horrors of Hogarth's visual nightmare can be viewed in a letter to the editor of the *Manchester Guardian* in January 1830. The correspondent is quick to point out the 'torrent of sin and misery' emanating from 'the increase in dram shops in this town', the solution to which required the efforts of many to make Parliament respond.<sup>20</sup>

A lively meeting at the York Hotel, in Blackfriars, to draft a petition for the repeal of the malt duty helped frame the language that would be used for months afterward. Speakers consistently emphasized the point of the petition, to help the laboring poor, and tied it to the insalubrious nature of spirits and the rise of crime, the nourishing nature of beer, and the need for a return to times when both the industrial and agricultural worker were satiated with work and strengthened with good ale. Interestingly, this was also the first of the 1829 discussions to broach the need for political reform. Complaining about the onerous malt duty, a Mr Fife said that 'if the nation had been fully and properly represented in Parliament, no such oppressive enactments would have been tolerated'.<sup>21</sup> In response to the meeting at the York Hotel, a correspondent with the pseudonym Robert Morecorn, wrote to the *Morning Chronicle* to argue that an instant repeal of the malt and beer duties remained the only way to stop the growing distress in the country, a country, he said, that had been taking away the peoples' liberties with oppressive acts like the malt duty. Perhaps referring back to the more steady and triumphant days a generation before, he opined wistfully, 'I want to see the good old days return when every cottager brewed his own beer', a resolution he argued would be possible if the malt duty was repealed.<sup>22</sup>

The debate about whether to repeal the malt duty, beer duty, or both dominated these early discussions. It was

also a debate about class. Editorials in the *Morning Chronicle* addressed how the abolition of either tax would affect the beer trade and the different social strata. The malt duty taxed all products that used malt, thus affecting all classes of society. The beer duty, however, only taxed those who purchased beer, a variance the paper described as a ‘striking exemplification of the indifference of the rich towards the poor’. The wealthy generally brewed their own beer and, thus, despite being in ‘receipt of £10,000 or £20,000 a year, may consume any quantity ... without having to pay one farthing of duty’. Therefore, the *Chronicle* and ultimately many politicians advised removing the regressive beer duty, rather than the malt duty, because of the immense burden it placed on the poor.<sup>23</sup> The issue, however, was far from settled. An editorial in the *Bury & Norwich Post*, in the agricultural heartland of East Anglia, argued for the removal only of the malt tax because of recent depressing news from Edinburgh, ‘that most moral portion of the Empire’, where 130 intoxicated females were recently arrested for being drunk and disorderly, which proved that a low spirits duty, like a reduced beer duty, would lead to a moral disaster.<sup>24</sup> Two months later, a meeting of ‘gentlemen and farmers’ from Suffolk cheered the removal only of the malt duty, with men arguing that this change would, like the wealthy, allow the poor to brew their own beer at home, allow them to share this nourishing beverage with their families, and make gin less appealing, while at the same time, of course, increase demand for their barley. A thoughtful gentleman farmer remarked with some amount of wounded nationalism that because of the malt tax and the general depression of agriculture, even the ‘peasantry of France were at the present time in a far better state than the peasantry of our own country’. ‘There must’, he argued further, ‘be a general spirit of determination to see the country righted’ to its normal condition; in this man’s mind, righting England meant returning beer to its rightful place as an affordable national beverage, which had been the natural state of things until recent years.<sup>25</sup>

### **The push for free trade in brewing and beer licensing**

The months leading up to the Chancellor of the Exchequer’s March 1830 announcement to appoint a select committee to examine the twin issues of the beer

and malt duties and the licensing system brought added public debate that helped to delineate more specific strands of argumentation. In addition to the malt vs. beer tax debate, with its class undercurrent, and the threat of spirits to the health and welfare of the poor, the licensing system had entered the crosshairs of those wanting to bring free trade principles to the beer industry. A meeting in December 1829 to discuss the duties called for an ‘end of the odious monopoly resulting from the licensing system’ or else the effect of the removed duties would be negligible.<sup>26</sup> A group of maltsters meeting at the Corn Exchange in London made a similar argument, pressing the rather nostalgic idea that English liberty must be restored to the trade through an abolition of the malt tax and the reform of the licensing system that would restore ‘those happy days of former times when every farmer and every labourer brewed his own beer and seldom knew the taste of gin’.<sup>27</sup> The *Times*’ editorial page agitated for an opening up of the beer trade, which it described in terms of the ‘monopolist-in-chief’ (the brewer) controlling publicans to the detriment of the people in a system whose purpose was to bring great profits to the large brewers.<sup>28</sup> As petitions for the removal of the malt duty began to arrive in Westminster from agricultural districts in February, an advocate for free trade wrote an open letter to Prime Minister Wellington, published in the *Standard*. The writer acknowledged the extent of the economic distress that was causing diverse interests to advocate for the repeal of either duty, often in opposition to one another, but he claimed that unless the present beer licensing system was thrown open, the reduced duties would effect little positive change. Almost as if the correspondent was reading from the actual bill produced a month later, he suggested that new licenses to brew and sell beer be granted under the Excise office, distinctly beyond the purview of the magistrates who operated the present licensing monopoly. If the duties were removed and the trade opened,

the spirit of enterprise would be engendered and encouraged, capital would be advantageously employed, a wholesome beverage would be brewed and vended, and the moral character of the lower classes ... rescued from the debasement into which it has been thrown by the ... use of ardent spirits.

We might then hope to see the good olden times restored [he argued] when the poor rates were the refuge of the old,

the infirm and helpless, and not the source of support to the sturdy peasant

all of this accomplished by simply allowing beer to once again take its proper place in society.<sup>29</sup> Proponents of these ideas were placing quite a lot of pressure on a humble pint of porter, but these sentiments were in line with a growing desire to reduce all forms of excise taxation that affected retail trade.<sup>30</sup>

### **The Chancellor of the Exchequer's Beerhouse Bill**

The distress in the countryside dominated the press, public discourse, and parliamentary debate in the first quarter of the year and was the issue that led most directly to the Chancellor's plan to investigate the beer trade and introduce bills to amend that trade and the beer and cider duties. The general consensus was that taxation was too high a burden on the poor and had exacerbated the effects of the slow agricultural economy. The *Times* reported on an early January meeting of farmers and land owners in Ely who urged a reduction of all 'taxes pressing directly on the necessities of life, and particularly on the wholesome beverage of the poor'.<sup>31</sup> MPs began bringing petitions from their constituencies that linked the distress to high taxation, especially that of malt and beer. February saw several petitions and heavy discussion of the topic in Commons and Lords with the goal of relieving the distress of the poor, and if gin drinking could be made less attractive in the process, so much the better.<sup>32</sup> In delivering a petition in Lords, the Bishop of Bath and Wells described the distress in his Somerset as 'unparalleled in the history of the country' and a 'sad state for Englishmen to be reduced to'.<sup>33</sup> When a petition was brought into Commons by Davies Davenport on 3 March to complain that the distress had spread to Britain's industrial core, Richard Vivian asked the house not to delay action on the problems plaguing the country because Britain was on the precipice of a revolution.<sup>34</sup> The next evening, the Chancellor of the Exchequer announced the creation of a select committee to look into the beer trade, specifically for purposes of weakening the monopoly by free trade. The committee, he hoped, would appreciate the detrimental effects of the current restricted beer trade that led to substandard and overpriced beer, which he called 'a severe tax on the poorer classes'.<sup>35</sup> Further aspects of the Chancellor's intended

action came during a meandering speech on the evening of 15 March when he explained that he not only intended to open the beer trade, but he wished to remove the beer duty and raise the duty on spirits, all to help 'relieve those classes which have been suffering so much from distress'.<sup>36</sup> Thomas Fowell Buxton, Whig MP and a London brewer, articulated the extent of the tax on the 'poor man's recreation' during a debate on 11 March. He told Commons that champagne was taxed at 27%, claret at 28%, port at 56%, and beer at 165%. Further, he said that a rich man paid 20s. for a quarter of malt for brewing, while the poor man paid 55s. for the equivalent amount in his beer.<sup>37</sup>

Released on 6 April, the report of the select committee confirmed the intentions of the Chancellor. Despite fears that adulteration of beer would surge with the creation of unregulated urban beer houses and, on the part of publicans, that they would lose their investments and go out of business, the fact that three prominent politician-brewers were interviewed on the first day set the tone for the remainder of what was viewed as a foregone conclusion.<sup>38</sup> London brewer and Tory MP Charles Barclay confirmed that spirits sales had surged at the expense of beer and that

if the beer duties ... remain as they are now, the beer trade will gradually sink. ... The consumption of spirits will gradually take the place of beer. Nothing but the reduction of the duties will remedy the evil.

Of course he did not want the malt duty lowered because that would allow more people to brew themselves. The beer duty's removal was acceptable because that was a savings that could be passed down to the poor and he stated that only the large, efficient brewers could supply the demand the projected new beer houses would generate. Reflecting the industrial age in which they lived and brewed, he confidently stated, 'We are the power loom brewers, if I may so speak. ... We are not afraid of any competition'.<sup>39</sup> The chairman of the select committee, the Whig John Calcraft, then introduced the bill into Parliament on 8 April with the hope that the poor would be able to obtain a 'better, cheaper, and more wholesome beverage' after its passage.<sup>40</sup>

Meanwhile in Commons, the bill began its three-month ascent toward passage with the issue of whether or not the beer houses should be allowed licenses for on-prem-

ises sales becoming the first major point of debate and disagreement. Many of those disposed to support the bill also supported amendments to require all beerhouse sales for off-premises consumption only because, as Whig MP John Monck argued, 'it was the intention of the legislation to make the trade in beer free, not to create an unlimited number of alehouses', presumably in the cities where, as John Denison, another Whig MP, quickly added, 'scenes of drunkenness and debauchery ... would ensue'.<sup>41</sup> The debate on the second reading of the bill on 4 May brought to light further language upholding beer as a more proper and venerable drink for the laboring classes of England. When critics raised questions about how such a law might lower morals through an increase in public drinking spaces, Whig MP Gilbert Heathcote argued in support of the bill because it supported a good beverage that would actually improve public morality. John Bennett, MP from Wiltshire, spoke of the bill's positive effect on the beer trade by helping to eliminate the long-discussed problem of adulteration of the national beverage, as if the adulteration of beer was morally wrong because beer represented something much too important for the country. John Calcraft claimed that competition would eliminate the frequent challenge of adulteration and 'introduce among the labouring classes a good old English beverage, which could not now be got in any part of the country, nor in many parts of the towns'.<sup>42</sup> The Whig stalwart Henry Brougham made this point more obvious and succinct when he said that making beer more competitive with gin and putting the beer shop against the gin shop was based on sound principles because beer was 'a moral species of beverage'.<sup>43</sup>

As the bill approached its third reading, the *Times*' editorial page offered its unconditional support, despite the late arguments in favor of an off-premises amendment proposed by victuallers to convince politicians that their property losses would be immense, and despite fears that the beerhouses would lead to rampant drunkenness and loss of morality. The *Times* was happy that with this bill the poor and the treasury would be assisted, 'not by consumption of a deleterious article, but of the wholesome and nutritious beverage of the country, by which the labouring man is sustained and strengthened'.<sup>44</sup> The noble Duke himself later answered the fear about morality by highlighting the numerous clauses in the bill designed to prevent mischief and impose fines for non-compliance with the measure. As to the loss of property

value for current victuallers, Wellington argued that the current licensing monopoly had provided great profits for years and that the new measure would only open beer to competition; publicans would still retain exclusive rights to wine and spirits and would no doubt benefit from increased beer sales due to the duty being removed.<sup>45</sup> The bill eventually passed into law on 12 July and went into effect in October.

### **Conclusion: nostalgic gazing**

This debate, and related others in late 1829 and early 1830, assumed greater intensity because the agricultural distress and decline of industrial trade had people thinking it was 1819 all over again; all that was needed was another mass meeting at St. Peter's Fields in central Manchester and a massive governmental overreaction to return to those dangerous days over a decade before.<sup>46</sup> In fact, urban radical political activity by 1830 had risen to a level not seen since 1817-19, which, Peter Jupp has observed, was not recognized by political elites until well into 1830.<sup>47</sup> The political cooperation between Wellington's government and leading Whigs that had emerged from Catholic Emancipation began to break down that summer and would emerge even more tenuously after the general election following the king's death. Yet the Beerhouse Act was supported by Tories and Whigs and, for Wellington, could be characterized as low hanging political fruit and was part of what Jupp refers to as Wellington's 'reactive pragmatism', part of this administration's greater effort to reduce the cost of living for the poor by nearly £5 million per annum, while also helping to stabilize agricultural interests.<sup>48</sup> Even those arguing against it generally supported it in principle and wanted greater social controls, such as limiting the new licenses to off-premises establishments only or finding some way to ease the burden on publicans who stood to lose property value.

Given the rising number of recent protests and violent events, such as Peterloo in 1819 or the Lancashire Riots in 1826, and given the state of the economy, the debate on malt and beer duties and, subsequently, the Beerhouse Act revealed a yearning for a not so distant past, perhaps pre-1815, when, despite a war with France, society was not so fragile, Britons not so fragmented, social cohesion not so elusive, and the national beverage not so besieged. It was a national conversation

in which a member of the House of Lords could declare at a packed beer bill meeting at Penenden Heath, County Kent, that ‘he was desirous of bringing back the happy days of England, when an Englishman’s house was his castle, and when, with his wife and family, he could enjoy his home-brewed ale’.<sup>49</sup> This evocation of a friendlier idyllic past, replete with the beverage that England called its own, revealed a less confident society in fear of the troubled present and hesitant about a future that would continue to bring dramatic political and social changes.

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