

HUSH, WHISHT AND WABBLE SHOPS, ILLICIT SPIRITS, SHEBEENS AND BOGUS CLUBS: AN INTRODUCTION TO ILLEGAL DRINKING IN NINETEENTH-CENTURY ENGLAND AND WALES

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Introduction

A licensing system for public drinking places in England and Wales has been in existence since the sixteenth century. By a statute of 1552, keepers of ale-houses and tipling houses were required annually to obtain a licence from magistrates to trade. Only was an exception made for the provision of ale and beer in 'Booths or other Places' for those attending fairs, an essential feature of the economy at this time.¹ This requirement has had the corollary that there has been an equally lengthy history of illegal, unlicensed drinking places. In the early years of the system they were common. As Peter Clark suggested, 'Before the English Revolution there were often as many unlicensed as licensed establishments'.² However, from the late seventeenth century, as the licensing system became better organized and more effective, that proportion seems to have been significantly reduced and remained low through the succeeding century. Only then, around the turn of the eighteenth and nineteenth centuries, was there a rise in illegal trading, not only in unlicensed alehouses but also by illicit gin- and brandy-sellers.³

The purpose of this article is to offer an introduction to this illegal trading over the course of the nineteenth century down to the First World War. This conflict, which on the home front produced major alterations to the licensing system and greatly accelerated changes already underway in the nation's drinking habits towards lower consumption and less drunkenness, affords an appropriate cut-off point. It is not, however,

simply a question of the law; the nature and prevalence of illegal drinking was the product of economic, social and cultural influences which interacted both with each other and the law in complex ways. To try and make some sense of this complexity, I have grouped the analysis under four general headings: the hush, whisht and wabble shops of the early to mid-nineteenth century; the illicit production and sale of spirits in various forms over the same period; the shebeen which was one such form, although never exclusively for spirits; and the bogus clubs whose growth paralleled that of their legitimate brethren in its second half. There follows an excursion with the so-called Sunday traveller, a further example of drinkers' evasion, or at least stretching, of the law, before a conclusion seeks to draw together some key features of the overall phenomenon of illicit drinking. The article, it must be reiterated at the outset, claims to offer no more than an introduction to its subject. There is ample scope for further research into the by definition often shadowy world of illegal drinking to which it hopes to act as a stimulus.

Hush, whisht and wabble shops

As noted, by the late seventeenth century the evidence suggests that the licensing system was working effectively. Into that system the sale of gin, which had greatly increased during the first half of the eighteenth century in the so-called Gin Craze, had been successfully incorporated by the 1750s.⁴ Local magistrates, who administered the system, would seem to have operated it restrictively, despite the claim to the contrary by its first historians, Sidney and Beatrice Webb, who argued for its lax enforcement. In fact, if one looks at the num-

* This article has undergone peer review.

ber of licences issued, rather than contemporary complaint on which they based their view, the number of public houses may have fallen by as many as ten thousand over the course of the eighteenth century.⁵ This restrictive approach seems to have become more marked towards the close of the that century under the influence of wider and growing concerns about the behaviour in particular of the labouring population, including their drinking habits.⁶ A key underlying driver of such concerns was the sheer growth of the population. From some six million people in the mid-eighteenth century, it had risen to nine million by the first national census of 1801, to twelve by 1821, reaching 18 million by 1851.⁷ One result of this growth, in the context of restrictive magisterial licensing, was the failure of supply of drinking places to match increased demand. It was true of London, by far the most populous city in the country, where the number of public houses also fell over the course of the eighteenth century. But it was especially marked too in the newer industrializing areas: in Lancashire, the West Riding of Yorkshire and the Midlands, where, in contrast, magistrates had been willing to grant new licences. In Manchester township, for example, their number actually rose from 164 in 1773 to 223 in 1801 and to 436 in 1828-9 but the ratio to the population declined from one house for every 134 inhabitants to one for every 326. The same was true of other Lancashire towns like Bolton or Bury. Over in the West Riding, in Bradford, the fastest growing industrial town of all at this time, whilst the number of public houses over the half-century from 1781 rose by 50%, this was dwarfed by a population rise of over 410%.⁸

This failure of supply to meet demand was significant because of the vital role which the inn and public house played at this time in the country's economic and social life. They were central to the growing transport networks for both passengers and goods, providing lodging and refreshment for travellers, stabling for their horses and bases and storage for carriers and their goods. They provided facilities for a huge range of trading activities, for example markets for agricultural produce and manufactured goods. And they provided the venue for the meetings of an enormous range of individuals and private and public bodies, from businessmen doing deals, employers interviewing prospective employees, to auctions, petty sessions and coroners' courts, among very many. But above all, especially the mass of small-

er public houses, as the alehouse had largely come to be called by this time, they catered to the social and recreational needs of the labouring population. They offered a meeting place for friendly societies or early trade unions and, most importantly, provided the setting for those essential public-house pursuits of drinking, talking, making music and playing games.⁹

This social significance becomes apparent when we look at the incidence of illegal sale. Trying to estimate it is not, however, an easy task. Illicit retailing by definition would wish to conceal itself. Any assessment must be based on varied and difficult sources. In what follows, and in the succeeding sections, I have drawn particularly upon *The Times* and selected local newspapers and the voluminous evidence presented to the several parliamentary inquiries which looked into aspects of drinking and the drink trade over the course of the century.¹⁰ I shall be focusing in this section on those industrializing districts already identified, although illegal sale certainly was not confined to them. The select committee looking into the policing of London, which reported in 1828, noted the 'flash houses', frequently kept without a licence, which afforded resort for 'notorious thieves, professed gamblers, idle and dissolute persons of both sexes'.¹¹ Looking back from the late 1860s, Sir Richard Mayne, the chief commissioner of the Metropolitan Police, noted how in former times restrictive licensing policy had led to illegal sale in so-called tom and jerry shops.¹² Their name derived from the popular book, and subsequent play, by Pierce Egan: *Life in London, or, the Day and Night Scenes of Jerry Hawthorn. esq and his elegant Friend, Corinthian Tom*, whose sometimes violent antics in their 'Rambles and Sprees' provoked alleged imitation and certainly denunciation through the 1820s.¹³ The term after 1830, however, came rather to be used for the new beerhouses which obtained an excise licence to trade under the provisions of the 1830 Beer Act, which allowed its sale without magisterial sanction, as one at Uxbridge, west of London in 1831, for example, was described as a 'Tom-and-Jerry new beer-shop'.¹⁴ In rural areas too, illegal sale was reported. In Devon, the splendidly named MP for Totnes, Jasper Parrott, had also claimed, admittedly as one of its critics, that the restrictive licensing system before 1830 had led to the proliferation of illegal cider shops.¹⁵ And at the close of the 1840s, one of the chairmen of the Wiltshire Quarter Sessions noted the 'great many' unlicensed houses in the 'wild, wooded district' bordering the New Forest.¹⁶

Returning to those industrializing districts of Lancashire, the West Riding and the west Midlands, in the two former areas illegal houses were known respectively as hush or whisht shops, the latter term being also the dialect word for 'be silent', and in the latter as wabble or wobble shops.¹⁷ In the West Riding they were reported quite widely in the local newspapers. In November 1826, for example, 29 people, including one woman, were each fined £50 for keeping whisht shops in the neighbourhood of Bradford.¹⁸ Early in the following year, at a public meeting chaired by the Reverend Patrick Brontë, they were said to 'abound' in the chapel-ry of Haworth, then an industrializing village rather than the literary shrine and tourist trap it later became.¹⁹ And in 1829, the landlord of the Star Inn at Sowerby in the Calder Valley bemoaned 'so many husht shops' then in existence, which he blamed on the 'Bad ale sold at enormous price' in licensed houses.²⁰ Nor did the appearance of beerhouses under the 1830 Act seem to obviate the need for them. They continue to be reported, particularly through the succeeding two decades, but also beyond. Across in Lancashire now, hush shops or hush houses, according to the chairman of the Board of Inland Revenue at the end of the 1840s, had been 'very prevalent' in particular neighbourhoods in Lancashire such as Oldham. Whilst a solicitor from that town, George Clegg, told another parliamentary select committee in 1854 that as well as as being 'general' in Rochdale, they were still 'very numerous' there, with some 500 selling home-brewed beer. This number, according to a report of the borough's superintendent of police to the magistrates, had risen from a little under 400 at the beginning of the decade. With impressive precision he had enumerated their keepers: 217 in employment, 170 not employed, 272 married, 94 widowed and 21 'living in fornication'. This growth in illegal houses he attributed to the introduction of stricter Sunday closing in 1848, with public houses now required to remain closed until 12.30 pm or until the end of divine service.²¹

In the west Midlands, Gilbert Hogg, the high constable of Seisdon North and chief constable of Wolverhampton, gave evidence of wabble shops, where beer was sold without a licence, which he linked with the legal trade in table beer. This had originally been introduced as an intermediate level of strength between strong beer and small, the weaker brew for women, children and servants. In 1802 small and table had been merged into a

single category of table and shortly after the Beer Act was passed in 1830, a Treasury Order interpreted that measure to the effect that table beer could be sold without any licence so long as it was for not more than a penny halfpenny a quart. This added a further term to the lexicon of drinking places, as the places selling it were variously known as swankey shops, or tib shops in Somerset for example, whilst the beer itself went by the name of stiff shackle in the West Riding of Yorkshire. The introduction of the requirement of a licence in 1861 largely put an end to the trade.²² In contrast to the link detected by Hogg, Captain Henniker Roberts, the former superintendent of police and high constable of Seisdon South, claimed there were no penny-halfpenny houses in south Staffordshire, in reporting the great number of wabble shops there, which also predated the Beer Act.²³

What kinds of premises were they? Clearly, they would seem to have been simply ordinary workers' houses. Those of Sowerby in the late 1820s, for example, were low-rented cottages.²⁴ Indeed, where their locations are given they are invariably in a town's poorest districts. Only rarely, however, are we afforded a look inside one of these houses and in this case in fact a more substantial dwelling, perhaps a farmhouse, is indicated. This is by the radical Samuel Bamford, in the country near Bury in the mid-1810s, entering what he and his companion took from the 'noises of song, laughter, and revelry' to be a tavern:

The building was thatched, and consisted of several rooms on the ground floor, two of which were occupied by the company. The room into which we entered was a square one, with a good fire of turf and wood burning opposite the door. On the centre of the floor stood a kind of low table, formed of an inner door which had been lifted from its hinges, and placed on bricks and logs of wood to serve as a table, and on it two candles in clay sockets were burning. About a dozen pots, of nearly all sorts and shapes, were upon the table; each pot containing ale, or what appeared to be so. The room was dimmed by tobacco smoke; but we could discern not fewer than eight or ten men, seated in various parts of it, some on stools, some on piled bricks, some on logs of wood; whilst others occupied empty firkins, mugs capsized, or any other article affording a seat. The company was not less dissimilar in appearance, though all seemed of the labouring class. Some were farm servants, some factory workers, and some were weavers; there were also one or two, who we found

were poor men, but not workers at any branch, being known sots, bullies, and occasionally thieves.²⁵

It was their association with this latter type of customer and the attendant crime and disorder that excited particular alarm about such illegal houses. Indeed Bamford, having survived a nervous moment when they were accused of being excise men or informers, also witnessed a stripped-to-the-waist fight on ground behind the house. Inevitably, however, our sources are biased towards reports of such places. For example, in July 1827, one Jonathan Gott was convicted of keeping a disorderly house in George Street, Bradford, one of the town's worst slums. Since neither Gott nor a building there were licensed at that time, this was clearly a whisht shop. He was a persistent offender according to one of the constables, who at about nine one Tuesday evening found '18 men and boys drinking and gambling and making a most shameful noise. I could hear them when I was 30 yards from the door. In one room they were playing at dominoes, and in another they were sparring.' After another affray at what was likely the same house, it was reported that steps were being taken to remove it and that it was believed to be the only one remaining in the town.²⁶ More seriously, earlier that year a man had been killed at a whisht shop in Wibsey to the south of the town.²⁷ The Haworth meeting which was noted above passed a resolution condemning the facility which whisht shops afforded 'for the disposal of articles of every kind, and however got' and the 'strong temptations to licentious conduct, to outrage and to theft, and robbery of every description'. The connection to licentiousness was evidenced in a case reported in *The Times* in 1835 when three men stood trial for raping in a nearby field a young girl of about fourteen who had come into a hush shop in 'a narrow, unfrequented lane' on the border of Oldham Edge to enquire about factory work.²⁸ Illegal sale also took place in brothels, as Bradford's chief constable was complaining in 1852 of beerhouse proprietors selling to brothel keepers in the poor Longlands district of the town.²⁹ This particular example of sale indeed continued down the century, if not to the extent of the earlier period. In February 1883, for example, John Walker Hall pleaded guilty to selling beer (with over 800 bottles on the premises) without a licence and keeping a house open for improper purposes in Brunswick Street, which immediately adjoined the commercial centre of the town. Five 'girls of bad character' at the house were bound over to keep the

peace. Similar cases like this of illegal sale were reported into the new century.³⁰

Although these hush, whisht and wabble shops would seem to have been most common down to the 1850s, based upon the volume of references in the parliamentary inquiries and newspapers consulted, they did continue to be reported thereafter. Captain William Congreve, the chief constable of Staffordshire, told the House of Lords committee on intemperance, which reported in 1877 and 1878, of the 'good many' convictions of 'wobble shops' lately in that county.³¹ Whilst in Barrow-in-Furness, the mayor and director of the Duke of Devonshire's works there, Henry William Schneider, reported that in addition to the town's 89 public- and beerhouses, there had been 183 summonses and 145 convictions of illicit hush shops in just three years to August 1876.³² Barrow in many ways shared characteristics with those newly industrializing districts where illegal sale had earlier been prevalent. From a huddle of fishermen's cottages with a little over 300 people in the 1840s, it grew over the succeeding half-century to a town with a population approaching 60,000 as a port, with iron, steel and engineering works, jute, paper and pulp factories and shipbuilding.³³ And in the West Riding in the mid-1860s selling in hush shops was said to be 'extensive' in the hilly district of the Calder Valley. This was in a case heard at the West Riding court house in Halifax when two farmers from Soyland were fined for selling beer without a licence. An officer disguised as a travelling glazier had been sent to that area to make detections and had met a yeast dealer who agreed to take him to the places where beer was being sold illegally. Unfortunately, after the two farms in question he had got 'fresh' and plans to visit more had to be abandoned.³⁴

Nevertheless, the overall impression one gains is still of a decline in the incidence of these illegal houses from mid-century. A number of reasons may be suggested. The improving economic situation of many, although by no means all, working people from the 1850s may have lessened the attraction of the cheaper drink on offer and also gave an advantage to licensed houses with greater comfort and more attractive surroundings. This applied equally to the beerhouses, which became more substantial premises and adopted the interior design and fixtures and fittings of public houses, and to the new development from the 1820s and 1830s in those fully

licensed houses of so called gin palaces.³⁵ Conversely, there were certainly legitimately-run beerhouses which catered for the more rough-and-ready customer attracted to the illegal houses. When the requirement for a justices' licence was reintroduced for them in 1869, magistrates throughout the country took the opportunity to remove disorderly premises by the simple expedient of refusing a licence. Some 13% of the total then in existence were then closed, so that within two years their number had fallen by 6,540.³⁶ This did lead to some illegal sale in former beerhouse premises. There were a number of prosecutions in Bradford of these 'disestablished beerhouses', as for example of Ann Beanland, an 'elderly woman' whose former house in Chandos Street in the Broomfields slum district 'did not have a good character'.³⁷

Another reason for the more difficult existence of illegal houses was the growth of police forces. Policing arrangements had been gradually improved from the late-eighteenth century through to the creation finally under legislation of 1856 of forces throughout the country. This development had been partly driven by concerns over the conduct of drinking places and drunkenness. Accordingly, illegal drinking places, as well as licensed houses, received the police's attention.³⁸ Illegal sale of alcohol was also an offence under excise law, since it of course represented a loss to the Exchequer, and the financial penalties in consequence were substantial. In December 1858 one Bradford widow pleaded poverty following her conviction for selling a pint of beer without a licence and so was fined £5 (plus costs) rather than £20, but this was still a substantial sum.³⁹ And the Excise, succeeded by the Inland Revenue, would appear to have put much effort, and on occasion to have been willing to brave real danger, to bring prosecutions. At Chester Crown Court in 1846, several hush shops in the neighbourhood of Hyde having been targeted, one undercover officer had been followed and 'almost murdered' by a number of men after he had revealed himself on ascertaining that the law was being broken, two of whom received two years and eight months in prison.⁴⁰

Illicit spirits

It would appear that the illegal houses so far discussed were selling beer, which could be easily either brewed

on the premises or obtained from local breweries, which sold it in relatively small quantities for domestic use.⁴¹ But it was undoubtedly the case that spirits would also be served and one should not think of these as hard and fast categories. The term wabble shop was applied, in Wolverhampton for example, to the illegal sale of spirits.⁴² Similarly, the hush shops catering to the navvies on the major railway works near Harrogate, Yorkshire in the late 1840s were said, possibly with a certain amount of hyperbole, to be 'sod huts' converted into gin palaces and public houses.⁴³ It was also the case that the new beerhouses, which were licensed to sell only beer, sometimes broke the law by selling spirits. Excise officials confirmed this in evidence, for example from the late 1840s, pointing out, however, that it was difficult to detect.⁴⁴ Nevertheless, illicit distilling and sale of spirits is an enterprise sufficiently distinct to merit separate treatment.

Earlier in the century smuggled spirits had been sold in coastal areas, in south Devon, for example, where it was attributed to the restrictive licensing policy there, or in Sussex in 'pop shops', which, however, were said to have been put out of business by a combination of the setting up of new beerhouses and official action.⁴⁵ In remote northern areas at that time, like Northumberland, illegal whisky was also available, either locally distilled or smuggled from Scotland. Here, action by the Excise and the narrowing of the gap in the level of duty between the two countries in the mid-1820s led to a reduction in its incidence.⁴⁶ Although reduced, it did persist there. And over in Little Langdale around the three shires border of Cumberland, Lancashire and Westmorland, Lanty Slee became a legendary figure, distilling at several locations and smuggling in the secluded dale's fells, low hills and scattered woodlands until his death in 1878 at the age of 76.⁴⁷ But illegal distilling and sale also became widespread in towns. The Inland Revenue, reporting in the mid 1850s, noted that illicit distillation had 'always been, more or less, carried on in the large Towns of England'.⁴⁸ A study of Manchester at the beginning of the 1830s claimed that three-quarters of the licensed public houses had gin shops attached to them, but that there were a further 322 by implication illegal shops which abounded 'in the poorest and most destitute districts'.⁴⁹

In Manchester and other towns, it was linked to Irish migrants, who brought with them their skill at distilling,

notably by women, and their taste for spirits. Consistent with this migration, consequent above all upon the Famine, the number of detections across the country concerned with illicit distillation, having fallen from over 300 a year in the mid-1830s, now rose markedly from the later 1840s to peak at over 500 in the early 1850s, before falling away steadily thereafter.⁵⁰ In Liverpool, the preeminent centre of Irish settlement, the commissioner of police asserted in evidence at the close of the 1840s that the greater part of the beerhouses there sold spirits, both smuggled from Ireland and Scotland and home distilled.⁵¹ In Manchester it was common in the Irish districts of Ancoats and Collyhurst, where strong community support for it was evidenced in resistance to attempts to stop it. Some stills held no more than ten gallons but others as much as 80.⁵² A study of all the cases reported in the local newspaper for Bradford, another favoured destination for Irish migrants, provides us with quite a detailed picture of the trade. Through the 1850s and 1860s there were a total of 65 reports of illicit stills and/or of selling spirits about the streets. Both the distilling and the hawking, as it was known, were carried on in the town's slum neighbourhoods, often by women, a feature of the Irish trade generally. It is thus of particular note in Bradford that there was an increased imbalance between Irish males and females from roughly 50/50 in 1851 to 40/60 a decade later, with a consequent rise in the number of fatherless families and the need for women to try to make ends meet.⁵³ In one case tried in 1851, Norah Rafter, appearing in court with an infant in her arms, had an illicit still in a cellar off Bolton Road, which bordered one district of Irish settlement, with five tubs each containing 30 gallons of wash and several gallons of spirits. As we saw, the penalty was heavy, a fine of £30 or three months hard labour in default in this case.⁵⁴ In another case from 1855, Mary Dowd was reported having no furniture at her house in Silsbridge Lane, which ran through Bradford's poorest district and one again of significant Irish settlement, but did have a still in the cellar, where also were found bladders for carrying the spirits around for sale. Said to be connected to 'an incorrigible gang of whiskey spinners', she had twice been convicted and was now fined £30 but in default went to prison for three months.⁵⁵ And in another case towards the end of the decade, the landlord of the Army and Navy beerhouse in Barkerend, Thomas Salter had had a 'very large' still, costing less than £2, built for him by a tinner in an adjoining cottage. It was worked by another man,

John Blakey, and when discovered was ready with 120 gallons of wash made from molasses and about half a gallon of 'excellent spirits'. The following year Blakey, described as an old offender against the excise laws, was fined £100, having been detected with four or five large jars filled with whiskey.⁵⁶

Illicit distilling and sale would seem to have declined from the mid to late 1850s. The Inland Revenue reported at the close of the succeeding decade that the practice was nearly extinct.⁵⁷ It attributed the decline to the 'complete success' of its crackdown from 1850, with 'numerous' detections combined with the severe punishments meted out to offenders. The Bradford newspaper reports of cases would seem to support that claim, with the highest number of those of illicit stills and illegal sale being ten in 1855 and the next highest seven in 1857. Apart from a spike of cases in 1862 and 1863, totalling ten, the reports then dwindle away. Given that there were very few cases reported in the later 1840s, when Irish migration was at its highest, it does suggest that there was indeed increased Revenue activity. A further reason for the decline, the Revenue suggested, was the removal of duty on methylated spirits in 1855, which cut off the trade to industrial users, who had formerly consumed a large percentage of the illicit product, a trade which was now rendered unprofitable.⁵⁸ Of course, one might question the Revenue's claims that its efforts were the decisive influence. If one accepts, however, the fact of decline then those causes which led to a diminution of the number of illegal drinking places may also have worked to reduce the incidence of illicit distilling and sale: the improving economic situation from the 1850s and more particularly the 1860s, the growth of the gin palace and the impact of police forces generally on such illegal practices. On the other hand, the Irish remained at the bottom of the economic pile and whilst the number of those born in Ireland actually peaked in 1861 at over 600,000, that population remained at over half a million at the census of 1881.⁵⁹

Shebeens

In Ireland and Scotland the places where illicit spirits were sold were called shebeens, where the term had been in use since the late eighteenth century. In Ireland, illicit distilling flourished from the 1780s to its peak years in the 1840s but remained common throughout the

century.⁶⁰ In Scotland, it was again linked to Irish migration in places like Dundee or Glasgow. Here too, illicit sale had a longer life than in England. An article in the *North British Daily Mail* in 1870 on 'The Dark Side of Glasgow' claimed that there were 150 shebeens in the city, which it divided into two types, those which only broke the licensing laws and those which provided a base for criminal activities like robbery, receiving stolen goods and prostitution. Many here too were run by women. In 1894 another report now claimed over 500 shebeens in Glasgow, mostly in working-class districts but including one at least in the middle-class West End. And in 1910, the *Scottish Licensed Trade News* informed its readers of the many enterprising Italians who 'not content with the legitimate profits of the ice cream trade' were 'suspected of hastening the day of their return to a villa in sunny Italy, by doing a little she-beening'.⁶¹ In Scotland the term was written into law in the Licensing (Scotland) Act of 1903 as any kind of premises which 'liquors are trafficked in, by retail, without a certificate and excise licence ...'

In England, in contrast, the term would seem to have been little used for illegal trading. In the north-east in the 1870s, the 'shebeening system' of drinking beer and spirits in private houses was described to the Lords committee on intemperance by the MP for South Durham, Joseph Pease.⁶² During the First World War in the capital, a Whitechapel hairdresser's shop where whisky was sold was described as a shebeen.⁶³ But these were rare examples in the sources I examined. The exception was its prevalence in south Wales. There, Sunday closing of public houses was introduced in 1882, as it had been in Scotland in 1853 by the so called Forbes Mackenzie Act.⁶⁴ Although illegal sale in private houses was said to predate this measure in what were known as Cwyr Bach or Little Beer, opened for the raising of money for friends and neighbours in need from hardship or for a wedding or funeral, the change led to their increase and permanence, above all in Cardiff.⁶⁵ This was the most populous town in Wales, and, paralleling the example of Barrow-in-Furness, was expanding rapidly at this time as a great coal port.⁶⁶ William Price, a police officer in that town for 34 years and acting head constable there when he gave evidence to the royal commission which looked at the working of the measure at the close of the 1880s, noted how since it came into force there had been a great growth both of bogus clubs (of which more below) and shebeens. The latter were

generally in very low neighbourhoods and now more prevalent than ever due to the suppression of the clubs. They were supplied by wholesale beer dealers, whose numbers had soared from 17 in 1881 to 75 within seven years, delivering on Saturday and collecting the empties on Monday morning.⁶⁷ A census undertaken at this time by David Davies, assistant editor of the *Western Mail*, revealed that the total number of shebeens in the town now exceeded 480, concentrated in particular neighbourhoods like Dockland and the town centre. Many were run by peripatetic workmen, mostly Irish navvies working on the construction of Barry docks. Invariably it was claimed they sold a highly adulterated beer, described by one customer as 'a cross between senna and vinegar', which was bought for 8d a gallon and sold at 6d a quart, a profit of 200%.⁶⁸ According to the police the shebeen-keepers were 'the very lowest class of the people' and their customers also of the lowest class'.⁶⁹ By the mid-1890s, a figure of about 1,000 shebeens was being suggested. Although convictions for illegal sale represented only a fraction of the total trade, they are indicative at least of the scale of its prevalence. There were none before Sunday closing came into force but then they averaged 41 a year in the seven years to 1889 and 168 over the following five years, with a marked peak in 1892 of over 600. Over the whole period, 502 were women, 45% of the total.⁷⁰ A stipendiary magistrate also testified to the fact that Cardiff abounded in illicit drinking and that shebeens were not infrequently the scenes of serious crime. During his seven years in office, in addition to the hundreds of convictions for illegal sale, several had been found guilty of perjury, many had attempted to bribe the police and many had been convicted of violent assaults in resisting police entry to their premises.⁷¹

Bogus clubs

These shebeens were clearly selling beer as much as the spirits of the Irish or Scottish variants. Alongside them, and possibly to some degree interchangeable, were so-called bogus clubs. Inspector King of the Glamorgan police did not distinguish between them and shebeens, referring instead to Sunday drinking places. On the other hand, he implied a distinction in claiming that bogus clubs in Penarth had largely been discontinued and replaced by shebeens.⁷² Nevertheless, a distinction can be made. A shebeen was simply a private house

where drink was sold. A bogus club was likely to have been the same but claimed the status of a club. It is important too to understand the nature of clubs and to distinguish between bona fide and bogus ones. Clubs for working men had actually originated around the middle of the century in attempts to provide them with social but alcohol-free environments, part of what reformers termed rational recreation. However, a combination of the actual preference of working men and the economics of running a club led to most of them selling drink. As Charles Booth commented of those in London towards the end of the century: 'The bar is the centre and support of a working men's club - the pole of the tent'.⁷³ The number of clubs like these, set up for political, sporting or social purposes, had reached nearly 2,000 by 1887 and approached 9,000 by the First World War.⁷⁴ As private clubs they were outside the licensing system and its restrictions, including on opening times, and the police did not possess the powers to enter them which they had for ordinary public- and beerhouses licensed by magistrates. The important distinction in law where the sale of drink was concerned was that because a club was not owned by a single individual, but by its membership, when a drink was bought, although the member paid in cash a sale had not in fact taken place since it was his own property as a member.⁷⁵ A bogus club, in contrast, was one where drinking was the main object. A bona fide club then came to be distinguished as one which usually had a constitution with certain common provisions: members paid subscriptions, divided profits equally as communal owners of the property and elected a committee which controlled the finances; new members could be admitted to the club and their guests could join them but they had to be signed in as such and could not order drinks themselves. As a further indicator of their respectability, many of them affiliated to the Working Men's Club and Institute Union, the body which fostered and regulated them and insisted upon proper administration and good order. In bogus clubs, in contrast, these elaborate regulations were either non-existent or a sham and anyone could get a drink with minimum, if any, formality.⁷⁶

As a result of Sunday closing, bogus clubs appeared throughout Wales, but in Cardiff particularly. At the police court there in August 1886, at one such club a man who was not a member was allowed to buy a drink and treat the company. The manager was only paid a salary when there was any money in hand and the

secretary said he helped himself from the till when he needed some cash.⁷⁷ The following month, another 'batch' of keepers of bogus clubs were fined, the Imperial, Greyhound and Cambrian Clubs, into which, it was claimed, people were decoyed and robbed. In addition, there was fighting in some and gambling in others.⁷⁸ Then in December of the following year police raids on about a dozen bogus clubs afford some further insight into what they were like and who used them. No resistance was offered to the police, except in the case of the Friend o' Freedom club. There a sharp conflict took place between the members - labourers and coal trimmers employed at the Bute docks - and police. The latter were at first repulsed but 25 to 30 constables eventually forced their way in through the locked and bolted doors, combating with their staves the bottles and glasses used by the 50 to 60 defenders. Taken away by the police were 50 hogsheads of beer, cases of whiskey, brandy and other spirits and even champagne.⁷⁹

One should remember, however, that it was the bogus nature of the club as merely offering a cover for drinking which was the issue. Legitimate clubs could open for their members on Sunday. *The Western Daily Mail* published evidence regarding this in January of 1895, from a survey of 21 of the 24 clubs then in Cardiff (the other three did not open on Sunday). Nine were Conservative clubs, one Liberal and the remainder trade and social clubs. Over the whole day from 8 am till 11 pm (although they didn't all open the full day) 5,194 individuals entered these 21 clubs, 4,724 left and 470 remained at closing time, with some clubs then 'still in full swing'. They were mostly in working-class districts but the survey did note too the 'unregistered clubs and shebeens which swarm in certain quarters of the town'.⁸⁰ It was not until the First World War that all clubs were required to close on Sunday, one of the many restrictions on drinking and drinking places introduced as part of a concerted effort to combat their perceived adverse effects on the war effort.⁸¹

Unlike shebeens, bogus clubs were not largely confined to Wales. In 1885, at the annual meeting of the Working Men's Club and Institute Union, the secretary reported that bona fide clubs such as theirs were exposed to a 'great and serious danger from bogus associations calling themselves working men's clubs, which were really public houses in disguise'. A London conviction for illegal sale of 1888 affords us a glimpse into one. This was

the German City Club in Sun Street, Finsbury, established in former shop premises converted to a private house. Its purpose was to offer 'a social gathering for the German element' with 'music, dance parties, and theatrical entertainments'. Inside it was fitted up with small tables around the room and billiard tables in the centre and a barmaid served lager beer. The club was said to have around 350 members, but the defence that it was indeed a bona fide club failed. Unfortunately, the report does not elaborate so one can only assume that either it was not properly constituted, as I described above, or that such arrangements as it had were a sham.⁸² Frequenting or running illegal clubs seems to have been popular with some members of immigrant communities. In July 1897 an Italian waiter called Pictoro Silvestre, with three previous convictions for running bogus clubs, was now fined £120, or three months in prison, for selling beer, wine, spirits and tobacco without a licence in West Brompton in west London.⁸³

A parliamentary select committee examining proposed legislation to introduce a system of registration for clubs, which had reported in 1893, heard much evidence of these bogus clubs. In Liverpool in 1890, for example, in what was described as the first major prosecution by the Excise, 198 individuals belonging to 26 betting clubs faced charges, of whom 69 were convicted of illegal sale in relation to 25 of them.⁸⁴ The following year in Oldham, this time in an unsuccessful prosecution, in which 519 of 523 summonses, covering eight clubs, were dismissed due to the magistrates' concerns about entrapment by the Excise, the chief constable maintained that a third of the town's clubs were in fact mere drinking dens. But whilst asserting that properly conducted clubs 'had a good influence on the working men of today', the same could not be said of one such as the Young Men's Social Club in George Street which allowed prostitution to be 'committed in the yard'. Raided on Christmas day when the pubs were closed, 88 persons were found to be drinking there, including 26 women, and entertained by a comic singer. Only 24 were members of the club. Four barrels of beer, 858 bottles of ale, spirits, wine, port and sherry were seized.⁸⁵

The whole subject of bona fide and bogus clubs was examined in some detail by the Royal Commission on Liquor Licensing Laws which heard evidence between 1896 and 1898. It provided statistics (some avowedly

'not absolutely reliable') of the number of clubs closed during the last ten years. In London, 72 had been closed by the police and 15 by the Excise; in the counties 30 by the police and just two by the Excise and in boroughs 37 and six respectively. In England the greatest total was Liverpool with ten closed but the highest of all was Cardiff where 124 had been shut down, a long way ahead of Swansea with five.⁸⁶ Both the majority and minority reports of the commission recommended a system of registration for clubs and one was duly included in the Licensing Act of 1902. It contained in fact no express definition of a club but all clubs supplying drink to members and guests had to register and magistrates were empowered to strike a club off the register on a number of grounds, including that it had not been conducted in good faith as a club and relating to its conduct and the serving of non-members and if the supply of drink had not been under the control of members or their committee. This did not end the opening of bogus clubs. In 1903, for example, there were further prosecutions of bogus betting clubs in Liverpool and in London in 1913 two cases of 'foreigners' conducting bogus clubs were successfully prosecuted, one also a gaming house.⁸⁷

The Sunday traveller

As we saw, the introduction of Sunday closing in Wales led to the proliferation of shebeens and bogus clubs in some areas. But its most pronounced and widespread effect was to promote a particular form of Sunday drinking - that of the so called bona fide traveller. Although total Sunday closing was never enacted for England itself, the reduced hours of public-house opening on that day, for many working people of course their only full day of leisure, also meant that the species was common there too. It is necessary first then to state just what the law was. The numerous ancient licensing statutes enacted since 1552 were consolidated in a single Act of 1828. Licensed premises were required to close on Sunday during the hours of divine service but an exception was made for them to receive travellers, this of course being one of their essential functions.⁸⁸ This exception was retained when closing before 12.30 pm 'or before the time of termination of divine service' was introduced, first for London in 1839 and nationally in 1848.⁸⁹ But it was legislation of 1854 which extended the period of closing in the afternoon and made the first reference to

an exception for bona fide travellers.⁹⁰ A decade later, a select committee of parliament examined a bill to provide for complete Sunday closing in England and Wales (more limited in London). The proposal was rejected, including on the grounds ‘That it would create discontent, evasion of the law and bring it into disrepute’.⁹¹ The chief commissioner of the Metropolitan Police, Sir Richard Mayne, had evidenced to the committee the problems of public opposition, enforcement and the difficulties of proving cases. He cited case law to the effect that a traveller could be just two miles from home and so long as he had not gone solely to obtain a drink then a publican ought not to be convicted if he honestly took him to be a traveller.⁹² A limit of at least three miles from where a person had lodged on the previous night was then included in the Licensing Act of 1874 and publicans were relieved of the onus of proof, merely needing to believe that he was indeed a traveller.

‘Travelling’ for a drink then seems to have become something of a national institution. The Lords committee on intemperance heard from the chief constable of Birmingham that the bona fide traveller question was ‘the greatest nuisance that ever the police officers had to deal with’, as people went out from the city into the suburbs in a ‘swarm’.⁹³ A similar story was heard from Liverpool, although in contrast, it must be said, the chief constables of Gloucester and Norfolk reported no problems.⁹⁴ The readers of *The Diary of a Nobody*, which first appeared in *Punch* and was published in 1892, would certainly have understood the humour of the incident when an indignant Pooter is refused admission to the Cow and Hedge, having given his correct address to the man at the gate, whilst his companions claim to have travelled the necessary three miles and are let in to enjoy their brandy and soda.⁹⁵ What precisely constituted bona fide status was decided in the case of *Penn v. Alexandra* in 1893. Around 130 persons had walked out from Northampton one Sunday morning about three and a half miles to the village of Little Houghton, where they had each enjoyed a pint of beer at a table specially set out for them. The justices upheld the conviction of the publican for opening in prohibited hours, citing the earlier case of 1864 (noted by Mayne above) that simply going for a drink did not constitute travelling. One dissenting justice, however, argued that working men were entitled to their beer after a walk in the country.⁹⁶ And it would seem that working men continued to share that view. In the mid-1890s, thousands were said

to head out from London’s East End to Epping Forest and Wanstead Flats on Sunday morning to obtain refreshment from the 50 public houses catering for them. In the last five years, however, just eight publicans had been prosecuted for serving in prohibited hours and 135 persons for falsely representing themselves as travellers.⁹⁷ The dissenting judge had a point about the class aspect to the law, and indeed the class dimension to this whole question, as the better-off enjoyed access to their gentlemen’s clubs or to the contents of their private cellars, was one which contemporaries were certainly conscious of. It was evidenced in the Sunday traveller question, for example, in a Yorkshire case of 1893. In this, a publican from Ripon and another man ‘of considerable means’, who it was said didn’t need to travel for a drink as they would have plenty at home, had driven in a trap from Ripon via a hotel at Boroughbridge to an inn at the nearby village of Kirby Hill. Their defence first of all cited the ancient legal obligation on innkeepers to supply refreshment to travellers and opined that ‘It was a different thing selling to men like that to supplying drink to loafers who just walked beyond the three mile radius for the sole purpose of getting drink.’ After dismissing the case, the chairman of the bench, Sir Reginald Graham, then asked ‘as a matter of curiosity’ what they had to drink, to which the innkeeper who had served them replied to laughter in the court: ‘It was gin and soda water. I had one myself’.⁹⁸

But it was in Wales in particular that the Sunday traveller thrived. The Royal Commission into the Act’s Operation found that ‘nothing like a general prohibition of Sunday trading had been effected due to the traveller rule’. They journeyed in populous or commercial and manufacturing districts in the south, especially in the suburbs of large towns, in mining districts, and in the watering places and seaside resorts of the north-east.⁹⁹ As Glamorgan’s chief constable noted, in Pontypridd, where there were previously just four or five vehicles, now 75 brakes went out every Sunday to different neighbouring localities. The same was true of the trip from Cardiff to Barry. Whilst of Swansea, a magistrates’ clerk there noted people either coming into the town for a drink or going to the resort of Mumbles, which in his view explained the relative absence there of shebeens and bogus clubs. Although, in contrast, in the north of the principality an officer in the Flint county police noted that in resorts like Prestatyn or Rhyl, where for

three or four years at first it had been extensive, Sunday travelling had now 'decreased very considerably'.¹⁰⁰ But above all again in Cardiff, Sunday travelling was popular and their 'Mecca' was Rumney in Monmouthshire, over the border in England. This was according to the *Western Daily Mail*, which published (along with the survey of Sunday clubs discussed above) in January 1895 the results of an observation of 29 country public houses situated beyond the three-mile limit. This was on the first Sunday after the Christmas holiday and on a bitterly cold and snowy day, both of which might have been thought to have acted as deterrents to venturing out. The observers counted 2,086 persons, chiefly Cardiffians, who set off for a drink that day, 502 to the 21 pubs in Glamorgan and 1,584 to those in Monmouth, of whom no fewer than 1,369 went to Rumney.¹⁰¹ Another facility finally for the travelling drinker in Wales was the additional exception in the Act for railway passengers. For them it was held in a case heard in 1899 from Aberaven, Glamorganshire, that even though a ticket was bought and a journey made solely for the purpose of drinking, he was still a bona fide traveller.¹⁰²

As with clubs, the restrictions imposed during the First World War included the removal of the exception for the bona fide traveller. Further, 'to stop the Sunday exodus', entire Sunday closing was ordered now in Monmouthshire. Later, it was extended still further to west Gloucestershire to stop a like incursion from Monmouthshire. For similar reasons, it was also ordered in parts of Cumberland in an around Carlisle to bring them into line with the position in the adjoining Scottish section of the hinterland of the Gretna munitions works.¹⁰³ After the war, the status of bona fide traveller was not restored. Whilst Sunday closing in parts of England was overturned, it was retained in Wales, but including now Monmouthshire. So the position remained until the 1961 Licensing Act made provision for local votes on the issue; Glamorgan, Monmouthshire, Breconshire, Radnorshire and Flintshire now voted for Sunday opening, with the remaining counties eventually following suit.¹⁰⁴

Concluding remarks

Various forms of illegal sale and drinking then were carried on throughout the nineteenth century. Just how

common, and what were changes in its incidence over that time, is more difficult to say. There is of course the question of the evidence itself. The available data in the principal sources I consulted - newspapers and parliamentary inquiries - of course is a reflection of police activity and in turn of public concern, or at least of some articulate sections of the public. This applies also to the broader question of trends in levels of drunkenness. The fact, for example, that different localities had enormously divergent statistics of proceedings for the offence suggests that the role of individual police forces could indeed be crucial.¹⁰⁵ They in turn might reflect local opinions. This is nicely illustrated in a detailed study of the Westmorland towns of Kirby Stephen and Kirby Lonsdale. Police in the former were much more likely to arrest or summons drunks, whereas those in the latter concerned themselves more with vagrants, reflecting local priorities respectively for the temperance cause and the tourist trade.¹⁰⁶ The fact that Cardiff was apparently such a centre for illegal drinking places might similarly be a reflection of local police priorities and the concerns of local elites, a question upon which more detailed local research would shed light. In the case of drunkenness, however, as I have argued elsewhere, it is possible to suggest that there was an actual decline in its incidence in the later nineteenth century if one sets the evidence of criminal statistics in a wider context, in that case of levels of alcohol consumption, the economic situation and changing patterns of behaviour among the working classes in particular.¹⁰⁷ It was suggested that the incidence of hush, whisht and wabble shops and of illicit distilling and sale did indeed decline from the middle of the century. Certainly reports of these activities fell and, as we saw with the Excise over illicit distillation, it was argued by the authorities that the decline was a real one as a result of their efforts. But the wider context too supports the suggestion that this was indeed a real decline.

The elements of that context may be summarised as follows. There was an overall improvement in working-class standards of behaviour from the middle of the century, and more particularly after the 1870s, which increasingly eschewed heavy drinking and drunkenness and resort to the kinds of drinking places represented by such as whisht shops. Although total and per capita consumption of beer and spirits actually rose to a mid-1870s peak and along with them prosecutions for drunkenness, this belied important changes taking place. The

contrast puzzled informed contemporaries, like Henry Bruce, Home Secretary and a former magistrate, looking at the statistics in 1872, 'for if he was to judge by his own observation and what others had told him of their experience, he would say that in the last fifty years there had been a marked improvement ... in the general conduct of the people'.¹⁰⁸ The Lords committee inquiring into intemperance later that decade, of which Bruce (by then Lord Aberdare) was a member, felt that the police statistics were inconclusive, but not without some significance in making estimations of the extent of drunkenness in different localities. But overall it concluded that drunkenness was in fact 'less common than formerly 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'.¹⁰⁹ One might suggest then on the one hand that the potential custom for illegal drinking places was contracting and that an improving economic position, in addition to greater respectability, for some of the working classes would also incline them towards the greater comfort and orderliness of the majority of legitimate public- and beer-houses. These trends became still more marked from the later 1870s, and from then too, per capita consumption of beer and spirits also began to fall. Working-class living standards rose appreciably as spending shifted towards a wider range of foods, clothing and household goods, all of which became cheaper whilst drink, in contrast, became relatively more expensive. At the same time better housing for many moved the focus of life to the home, including as a place to spend leisure time, whilst outside it a range of commercial leisure opportunities - music halls, the cinema from 1900, organized sports and the growth of day trips and holidays - all offered competition to the public house. Culturally, improved material circumstances were linked to a greater commitment to that ideal of respectability. For some this meant not drinking at all as supporters of the cause of temperance, but for many more it meant moderation not excess.¹¹⁰ In this view then, only a minority of the poorest in society, of whom however there still many into the Edwardian period, and of the roughest, to use the contemporary characterisation, would resort to illegal drinking. As we saw, illegal drinking places and illicit spirits had always been particularly prevalent in the poorest slum districts of towns and cities. The drink might have been cheaper than in the regular public

houses, the proprietor less concerned about any disorderly behaviour. Thus the more many working-class people attained a better standard of living and aspired to more respectable behaviour, the less likely were they to frequent illegal houses.

This point then applies to the forms of illegal drinking which prevailed to the greater extent in the second half of the century and down to the First World War, in that they were the result of restrictions on Sunday opening of public houses, above all complete closing on that day in Wales. This was a restriction which impacted widely among working people, including those who certainly thought of themselves as respectable. They were exemplified by those 130 who went out from Northampton to Little Houghton in 1893 for their prearranged pint. The law cut across a social habit much more widely shared among working men than the 'rough', to use again the contemporary designation. As noted, Sunday was for many their only full day of leisure. On the other hand, as we saw, respectability was not a term which could be applied to some of the shebeens and bogus clubs which there were, still less to brothels. To reiterate, despite improvement for many, great poverty persisted through the Edwardian period and there were still potential customers for illegal drinking places. Brothels and places devoted to gambling or associated with criminal activity would always be pushed into illegal sale, the more so as licensed drinking places became more closely regulated by the police and licensing magistrates, processes which were put in place particularly by the formation of police forces, the extension of magisterial control to beerhouses in 1869 and the tightening up of licensing law in 1872. The suggestion here is that this was, however, altogether more marginal than in the days of whisht shops and illicit stills.

To what extent had the law had an impact on illegal drinking? One might note at once, that in one key way, in restricting Sunday drinking, it had actually exacerbated the problem. As the parliamentary committee which rejected Sunday closing for England rightly recognised, it bred discontent, led to evasion of the law and brought it into disrepute. Particularly to the point, it led to this among the otherwise law abiding. But also, as with the Irish distillers in Manchester or the men at the Friend o' Freedom club in Cardiff, there were those who quite clearly were prepared to resist its imposition, on occasion with violence. Not only that, but as the police, as

we saw with Sir Richard Mayne, liked to point out, these were, like many licensing offences, difficult ones to prove.¹¹¹ Overall, then, the impact of policing was tempered by constraints such as these.

Illegal drinking then, as with drinking generally, helps to shed light on many aspects of English society in the nineteenth century. In this article I have focused on illegal drinking by the working classes but there was also another, albeit smaller, world of illicit drinking by the better-off. Towards the end of the century, at a time when bogus clubs were much in the news, a witness to the royal commission which heard so much about them was also reporting 'night clubs' in Soho open from 12.30 in the morning until 5.30 or 6, 'places of assignation for what may be called the best class of prostitutes and men who have plenty of money to spend'.¹¹² As well as the sex, there was no doubt also an attraction there for some among the better-off of the illicit for its own sake. I must reiterate again finally the enormous scope there is for further research, especially at the local level, into the whole question of illegal drinking.

Note

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