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PRIVATE STILLS

A

NATIONAL LOSS:

The RESULT of

SEVERAL CONVERSATIONS betwixt one of his
MAJESTY's JUSTICES of PEACE and a COLLEC-
TOR of EXCISE.

OFFERED

To the Consideration of the LANDED INTEREST of
SCOTLAND,

By their most humble Servant,

AGRESTES.

2018-19 **2019-20** **2020-21**

СВОИ ГАМОГАНЫ

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IN the year 1707, a duty of $3\frac{2}{3}$ d. Sterling was imposed on each gallon of spirits drawn from malted corn. Five successive statutes have raised the duty to 2 s. 11 d. *per* gallon. Molasses spirits pay no less than 5 s. 1 d. *per* gallon. It is proper to observe, that the law speaks here of an English gallon, which is a little more than a Scots quart.—One of the above statutes enacts, That the still for making spirits for private use, but not for sale, be reduced from 20 to 10 English gallons, the head of the still included.

This last regulation seems intended as a discouragement to private distilling, because one so trifling was thought

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thought incapable to hurt the revenue. Scarcely any political theory ever had a conclusion so very opposite to its intention. The duty on spirits is very high, consequently the temptation to commit frauds is great; and unluckily the statute has accommodated the size of private stills to the stock or purse of the lowest people. What is the consequence? Private stills have increased an hundred fold; the spirits drawn from them are cheap and bad, by which means our people are debauched, are poisoned, and the revenue greatly hurt.—It is a very extraordinary fact, that in the division of the Canongate alone, the spirits drawn monthly from private stills, which are known, and pay no duty, though sold, would yield a monthly revenue of £. 400 Sterling.—Such being the fact in the division of the Canongate alone, what may we suppose to be the amount of the rest of the country? To suppose

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the rest of Scotland to bear a proportion to the suburb of Canongate of 100 to 1, is, one should think, no offensive hypothesis. In order, however, to make the data of calculation unexceptionable, we will state the proportion as 20 to 1. It follows, from the facts already stated as to the suburb of Canongate, that the amount of the rest of Scotland must be £. 96,000 Sterling *per annum*; a sum double the land-tax of Scotland when highest, and equivalent to the duty of 240,000 barrels strong-beer at 8 s. *per barrel*. As these spirits are mostly drawn from molasses, the landed interest and the revenue are both materially hurt, and our people, in place of getting nourishment from wholesome ale, are destroyed with excess of a seducing poison.

If this pernicious private distilling was stopped, our people must drink ale, or whisky drawn from malt. Which of the two gets the preference, is a matter

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 of indifference to the landed interest and to the revenue, though by the bye it is very evident, that the great and national consumption would be Ale. A molasses spirit paying no duty prevents at present the consumption of malt to a great amount, as 200,000 bolls are requisite for the above 240,000 barrels of strong beer. Altho' the bulk of the private distilling is from molasses, no doubt some malt is used; and therefore, in place of charging a loss of 200,000 bolls barley *per annum* to the account of private stills, we shall strike off one half, which every person acquainted with the subject will admit is greatly too much. There remains then 100,000 bolls barley *per annum* lost to the landlords of Scotland, which, I am informed, exceeds its exports in any year the most favourable in the memory of the oldest corn-merchant in Scotland. In short, no liquor for the consumption of our labouring

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labouring people can possibly stand a competition against spirits which pay no duty. Accordingly we see every cellar and every garret become a laboratory of fraud and of poison; and it is a striking fact, that both the malt-duties of the year 1775, at the rate of $4\frac{1}{2}$ d. *per bushel*, yielded less money than the single duty of the year 1760, at the rate of 3 d. *per bushel*. The above 200,000 bolls barley would yield above £1,10,000 malt-duty. Our fisheries and linen-manufacture have national encouragements. That of woollen has lately become popular, is attempted in various branches, and is thought capable of supporting itself. It is proper to observe, that without increase of stock, without bounties, and without competition against powerful foreigners and neighbours, and (as will be endeavoured to be shown) by one act of Parliament alone, Scotland may re-

gain her independence. But you may per-

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ver an annual market for 100,000 bolls of her produce. When the important points of a Scots militia, of game laws, and the interesting question of votes, nominal and fictitious, are discussed and settled, the recovering to Scotland an annual market of 100,000 bolls of its produce, will, I hope, be thought a proper subject of enquiry at all our county meetings.

THAT the rest of Scotland, when compared with the suburb of Canon-gate, is stated greatly too low at the proportion of 20 to 1, will farther appear from the following fact: There are in the city of Glasgow 300 stills that run off 30 gallons spirits each per week, which amounts to 468,000 gallons per annum. The medium duty of corn and molasses spirits is 4s. per gallon: Here then is a sum of L. 93,600, which is more than double the Brew-erie-duty of all Scotland, on an average

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age of three years, since the year 1770, and within a trifle of what we supposed the fraudulent private distillery of all Scotland.

OBVIOUS as the conduct proper for the landed interest may appear, yet strange it is, that some country gentlemen not only connive at fraudulent private stills, but even thwart the officers of Excise when they sue for their condemnation. The age no doubt is very paradoxical; but this is not the only cause, Sir Crusty's valuation is higher than mine, as indeed is his real rental: In point of family, Sir Crusty has the odds against me of about half a century; he has likewise some fine nails, and other good bonds, which, God knows, is far from being my case. At a country meeting, I once had the bad fortune to put my friend Sir Crusty right in a quotation of Latin. From that day forth we became two parallel lines. Whig

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and Tory, Guelph and Ghibelline, Elephant and Rhinoceros, Alguazil and Pick-pocket, hold not a more determined antipathy. Our present subject was introduced at dinner, after holding a court. I attacked the small stills. Sir Crusty immediately drew in their defence, my arguments were mostly hypothetical. My antagonist got himself possessed of some certain facts, and discomfited my whole train of logic, by asserting, that Farmer Ploughshare, one of his tenants, in the space of 18 months sold six furlots of barley to one distiller.

WHEN a gentleman's passions or honour are engaged, no doubt he must stand to it, let the consequence be what it will; but as small stills have not yet become an object of party to many, I must needs use the freedom of taking it for proven or granted, that the mischief arising from them is very great to the landed interest.

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ANY gentleman who will seriously support them, may, I think, be likened to the animal which scratched its tongue on a file, and fed upon its own blood. But how are we to find a remedy for this evil? Very few landed gentlemen avail themselves of their privilege of private distillery,—and indeed very few people of any rank use private stills as the law directs; therefore a prohibition would be a sacrifice very gainful to the country.

PRIVATE brewing and private distilling, however, are considered by the English as a right as essential to their liberties as electioneering, or a writ of *Habeas Corpus*,—a prohibition therefore will not be attempted. It remains then to look around for some medium, by which the use of private stills may be continued, and yet the abuse prevented. It has been suggested, to subject private stills to a licence granted by Justices of the Peace.

This

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This scheme has an appearance of success! It is necessary however to find out its weak side. It evidently does not sufficiently interest the gauger to be active, which I esteem the true principle of success in the matter. The small still gentry are really no prize; their 10 gallon still is their whole stock, and, in place of affording a reward to an active officer, is not worth the expence of condemnation. A zealous publican may possibly exclaim, Execute the law with rigour, and cast the offenders into prison. We must observe to this zealous publican, if any such exists, that he must previously build more prisons, as the present set, disgracefully numerous as they are, will not hold a moiety of the offenders. Besides, humanity revolts against this mode of justice, and it is known to be in fact impracticable.

BUT

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BUT allowing the offenders to be all cast in prison, or even to be hanged, neither the Revenue nor the State will be bettered one iota. The irresistible calls of hunger will immediately raise a supply of offenders as numerous as ever. Supposing that landed gentlemen would submit to ask, and consequently run the hazard of being refused a licence, it seems to me impossible for any law to point out to the Justices, much less to enact any characteristick proper and improper for private distilling:—Their power must needs be discretionary, of course a thousand channels of application are opened. A favourite servant of either sex would consider a licence as a lawful perquisite; they would even be adapted as charities, and granted to stop the mouths of cottars, nurses, and cast-serving men. A leading man of a county may have his *mollies aditus*, his easy points of access, as well

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well as others, a hint from him is readily accepted, and he on his part cannot refuse to return the compliment; an example once given becomes contagious, and the law is eluded.—For indeed, “why not my servant as well as another?” Besides, a person acting under a Justice’s licence, becomes sanctified in the eye of a gauger, and every attempt to convict before the Justices, a distiller licensed by themselves, appears ridiculous: So that the idea of licences affords little consolation; neither do I think the scheme of obliging the private distiller to find caution, either practicable or a bit nigher the mark. Having reasoned much, and reflected long on the subject, it at last occurred to me, that the prescribed size of the private stills was the real root of this evil. As already observed, these stills are cheap, and suited to the purse of our poor people. Their operations

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are unsearchable and past finding out; and the service of a gauger employed against them, may be compared to the claws of a lion against a gnat. Let me suppose the case to be reversed, and small stills prohibited, none permitted for example under the size of a hogshead, and the use thereof subjected to reasonable restraints, every possessor for example obliged to signify the same to the Excise-office: What would be the necessary consequence of such arrangement? The poor could never purchase an utensil so expensive, which of itself is almost a radical cure. No gentleman would ever think of trespassing against the law; so that the only probable offenders will be a few desperadoes who can muster up L. 30, which I shall suppose the cost of his apparatus.— Will any man in his right senses expose his whole property, and person besides, to the hazard attending this

C unlawful

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unlawful trade? His operations in a still of a hogshead size, cannot, in the nature of the thing itself, be any secret; he must have associates; if his transactions are striking to the senses, are obvious, and liable to detection. A gauger, in place of hunting after a great many minute objects, which is the case at present, will have his attention directed to a few that are obvious and glaring. His zeal may be stimulated with a share of forfeitures, with promotion in office; and the offender's utensils are no mean security, besides his other estate and his person. I think the proposed plan acquires force, by putting the following question: Suppose yourself a gauger, and that a handsome fee or perquisite was offered you to suppress private fraudulent stills; in such case, Quer. Whether would you choose to act against a great number of ten gallon stills to abstain from distilling 5d stills, v

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stills, or against a few of the size proposed? ~~poor~~ ~~and~~ ~~bad~~ ~~and~~ ~~ill~~ ~~do~~ ~~ill~~
It's further to be observed, that in case licences are thought proper, they are not repugnant, but may be adapted to the plan proposed. We are told in Justamond's translation of the History of the Two Indies, &c. that the Chinese Emperors have suppressed the use of opium in their dominions, by condemning to the flames every vessel that imports, and every house that receives this species of poison. This wholesome severity is laudable, and worthy of imitation, consistently with our manners. A Chinese Emperor no doubt is absolute; but may not the same epithet be given to the laws of every country? The hands employed in the destructive trade of private distilling are more numerous, and undoubtedly the cause of more deaths, than any regiment in the service! The health and morals of our lower

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lower people are important topics, which I leave to be handled by others. I conclude, however, with asserting, that unless some remedy is found for the above great and growing evil, the BREWERY and its DUTIES are annihilated.

F I N I S.