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IMPORTANCE
OF THE
B R E W E R Y

STATED :

AND THE EXTREME IMPOLICY OF RENEWING

THE IMPOST

Of Two Pennies Scots, or One Sixth of a Penny Sterling, *per* Scots Pint,

ON MALT LIQUORS,

BREWED WITHIN CERTAIN TOWNS IN SCOTLAND,

AND PARTICULARLY

WITHIN THE CITY OF EDINBURGH,

AND THE FOUR ADJACENT PARISHES,

DEMONSTRATED.

First published in 1797, and now re-published with

ADDITIONAL REMARKS.

Humbly submitted, by the BREWERS of EDINBURGH, to the consideration of
the Landed, Commercial, and Manufacturing Interests of SCOTLAND.

EDINBURGH:

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1798.

ERRATA.

- PAGE 6. line 26. read the *average* quantity
 — 6. — 27. read in the *four years* ending
 — 12. — 5. read the *average* ale duty in Scotland for the *four years*.
 — 12. — 6. read was *about*
 — 26. — 6. for *spiritual* read *spirituous*
 — 71. — 15. for *manufacturers* read *manufactures*.

IMPORTANCE OF THE BREWERY STATED,

&c.

IT is probable that accident first discovered the art of fermentation; and that the juice of the grape long continued to be the only substance that was esteemed capable of being converted into a vinous and exhilarating liquor. In process of time, it was found that the seeds of many plants were capable of the vinous fermentation, and of being converted into a beverage, if not more palatable, at least as salutary.

The art of distillation, or of separating the ardent spirit from the remaining ingredients of a fermented liquor, is said to have been first invented by a Grecian physician, but to have been improved, and brought nearly to its present perfection, by the Arabians under

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the government of the successors of Mahomet.

During many ages this art remained wholly in the hands of apothecaries and compounders of medicines; and ardent spirits were never used except under the direction of physicians, as a cordial in certain diseases.

Were the first inventors and improvers of distillation to rise from their tombs, with what surprize would they behold a liquid which they administered only in particular cases, and in dozes not exceeding a dram, become the general beverage of the people? Physicians sometimes prescribe strong stimulants, which, if taken in large quantities, would prove poisonous; but he would be a bold adventurer who should attempt to persuade us that such medicines would prove salutary as our daily food.

The inhabitants of warmer climates, where the sun ripens into perfection the juice of the grape, seldom taste the wine which it produces, or the spirit which it yields by distillation. But in our northern climate some exhilarating drink seems absolutely necessary to promote our health and comfort; and the question is, whether fermented liquor,

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quor, or the ardent spirit derived from it, is best adapted to answer the purpose?

It appears that this question ought to be solved by a reference to the different situations and employments of mankind. Persons of sedentary professions, and who have few opportunities of taking exercise in the open air, are perhaps less liable to injury from diluted spirits in moderation, than from fermented liquors. But for the great mass of our labouring poor, a class of men whom it ought to be a principal object with every wise legislature to render comfortable and happy, spirits, unless taken occasionally, and by way of cordial, operate as a slow poison. The frequent use of this liquid gradually creates an insatiable appetite for it, which impels the devoted victim to seek the means of gratification even by the perpetration of crimes. The excessive use of either species of liquor, we admit, brings its peculiar diseases, which it is unnecessary here to discuss. But if excess is to be admitted, the labouring part of the community are certainly less exposed to injury from the too liberal use of good ale and porter, than of spirits, even when diluted.

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A wise legislature will therefore endeavour, by the imposition of suitable duties, to raise the price of spirits, so as to prevent the excessive use of them among the labouring poor; while, at the same time, it will remove every impediment which prevents the manufacture and consumption of good fermented liquors.

By the late regulations respecting the Distillery, this branch of business, in the lowlands of Scotland, is made to approach somewhat nearer the English Distillery, respecting the quantity of public taxes imposed upon each; but the exemption granted in favour of the highland district must ever operate unfavourably, both to the Brewery and Distillery, in the low country of Scotland.

It is a common, though a very erroneous opinion, that the Distillery is a far greater object of importance to the farmer and landholder for the consumption of grain, and to the public as a source of revenue, than the Brewery; and, through the prevalence of this opinion, the landlords of Scotland have exerted their united efforts to protect and encourage the Distillery, while they have permitted the Brewery to languish under an
odious

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odious and partial impost, which, like a millstone hung about its neck, has operated as a prohibition of that improvement which might create a more general consumption of malt-liquors, and yield a greater amount of public revenue.

It shall appear from the following statements, that the Brewery, if left unfettered, is better adapted for the consumption of grain, and the production of revenue, than the Distillery. The causes which have prevented this from being verified in Scotland, shall be afterwards considered.

Importance of the Brewery to the Farmer and Landholder, in the Consumption of BARLEY.

WERE we to look back to the situation of Scotland before the establishment of local or towns imposts on the Brewery, we might show, that fermented malt-liquors were calculated to produce an immense consumption of grain. But after these imposts (to be afterwards explained) have laid, as it were, a
grave-

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grave-stone upon the Brewer in Scotland, it is not fair to conclude, from the present diminutive proportion of grain consumed in the Scotch Brewery, that it is not capable of consuming a larger quantity. In order to reason fairly upon the subject, let the proportion consumed by the island at large be taken, including England, on whose Brewery no such partial taxes have been imposed.

In England, it is calculated, that the public Brewer, upon an average, uses one quarter of malt in making $2\frac{1}{4}$ barrels of strong beer, and also one quarter of malt in making six barrels of small beer.

From the best information we can obtain, it appears, that the average quantity of strong beer annually brewed in England by the public Brewers, amounts to above 4,500,000 barrels, and of small beer to nearly 2,000,000 of barrels; besides table-beer, which we shall take no notice of, as we have no access to know the amount. Hence the total average of malt consumed in the public Brewery of England exceeds 2,333,333 quarters.

average
The quantity of strong beer made by the public Brewer in Scotland, in the year ending

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ing at Midsummer 1796, was ^{about} 51,775 barrels; of twopenny ale, 146,238 barrels; and of small beer 138,193 barrels. At the usual estimate of $2\frac{1}{4}$ barrels of strong ale, 4 barrels of twopenny, and 6 barrels of small beer, each from a quarter of malt, the annual consumption of malt in the Scotch Brewery amounts to 82,611 quarters.

Hence the total average of malt consumed annually in the public Brewery of both kingdoms is 2,415,944 quarters.

Every person, who examines this statement, must be struck with the magnitude of the consumption of grain occasioned by the public Brewery of this island, and must be satisfied that it holds out an immense market to the farmer and landholder.

At the same time, every one must be struck with the very small comparative proportion of malt consumed in the public Brewery of Scotland.

By the towns imposts *chiefly* has the progress of the Scotch Brewery been checked, the balance turned in favour of the Distillery, and the malt-liquor of England enabled to drive what was manufactured in Scotland out of our own market.

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It may now be proper to institute a comparison between the Brewery and Distillery of this island, as affording a premium to the cultivator, by the consumption of grain.

From the best information we can obtain, the average quantity of spirits annually manufactured in England, for home-consumption, does not exceed 4,000,000 gallons, and for exportation, 1,000,000 gallons, in all 5,000,000 of gallons. The quantity of spirits drawn from a quarter of grain is there stated at 18 gallons: but suppose the English distillers only obtain 17 gallons per quarter. Hence, the annual consumption of grain by the distillery of England does not exceed 294,117 quarters; but we shall call it 300,000 quarters.

Since the Distillery of Scotland was subjected to the licence-duty, we have no data from which to calculate the quantity of grain annually consumed in that manufacture. But from the general use of spirits in this country, there is reason to suppose, that the quantity is very great. Let us admit, that it equals the amount of grain annually consumed in the Distillery of England; the quantity, then, of grain annually consumed in

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in the Distillery of both kingdoms does not exceed 600,000 quarters.

The quantity annually consumed by the public Brewery of both kingdoms, was already stated to be 2,415,944 quarters. Hence there is a balance in favour of the Brewery, with regard to the consumption of grain, of 1,815,944 quarters. This balance, which far exceeds the amount of grain consumed by the Distillery of both countries, arises even at present; while the Brewery of Scotland, fettered by a partial impost, is prevented from consuming that quantity of grain which would take place, were it in all respects upon a level with the Brewery of England.

Importance of the Brewery as a Source of
PUBLIC REVENUE.

HERE again, from the depressed state of the Scotch Brewery, we are unable to draw any very favourable conclusions from the quantum of revenue it yields to the State. Had things been left to their natural course; had the Brewery of Scotland not been fetter-

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ed, while its rivals, the Distillery of Scotland and the Brewery of England, enjoyed freedom: it is more than probable that the amount of revenue, produced from it, would now have borne the same proportion to the population of Scotland, that the revenue arising from the English Brewery bears to the population of that country. Had not the Brewery of Scotland been fettered in its operations, its produce should have increased with the increasing population and wealth of the country, instead of suffering a lamentable diminution. In viewing the Brewery as a source of public revenue, it is therefore fair to take into consideration what the Brewery yields to Government in both parts of the island; for to infer from the small amount of revenue yielded by the Scotch Brewery at present, that it is not capable of yielding a greater amount, would be as unreasonable as to assert, that because a man, whose legs are fastened in the stocks, cannot walk, he is hence incapable of walking though he were set at liberty.

This diminutive proportion of public revenue is chiefly to be ascribed to the town's imposts; for besides their other bad consequences,

quences, being charged by the excise-officer along with the King's duty on ale, they operate as a powerful temptation to evade both. It is a general principle, that where strong temptations exist, frequent deviations from the line of rectitude may be expected. Frailty will ever continue to be the lot of man; and the true way to make him honest, is to remove every temptation which may impel him in the opposite direction.

The annual average of excise-duties on ale and beer in England, exclusive of malt-duty, exceeds - L. 1,800,000

The duty on each quarter of grain made into malt in England is 10 s. 6 d.; but as 4 s. per quarter of this duty, which was imposed in May 1780, was intended to affect private Brewers and Distillers only, the law allows the public Brewer a drawback out of his ale-duties equivalent to 4 s. per quarter on the malt he consumes, which reduces his malt-duty to 6 s. 6 d. per quarter; therefore the malt-duty on the above 2,333,333 quarters consumed in the English Brewery, ———

B 2 Carried forward, L. 1,800,000

Brought forward, L. 1,800,000
 amounts to - - - 758,333

 Total of malt and excise duties }
 the English Brewery yields, } L. 2,558,333

Average
 The ale-duty in Scotland, for the ⁴ year ⁵
 ending Midsummer 1796, was ^{about} L. 54,900
 The duty on each quarter of grain
 made into malt in Scotland, is
 5 s. 3 d.; but as 2 s. per quarter
 of this duty is allowed to be drawn
 back in the same way, as above
 stated, respecting England, the
 neat duty paid by the Brewer for
 the malt he consumes is 3 s. 3 d.
 per quarter; therefore the duty on
 82,611 quarters of malt, formerly
 stated to be annually consumed in
 the public Brewery of Scotland,
 amounts to - - - 13,424

 Total of malt and excise duty the }
 Scotch Brewery yields, } L. 68,324

 Therefore the annual average a-
 mount of duties the English
 and Scotch Breweries conjunct-
 ly yield, is - - - L. 2,626,657

To

To this add the duty on that part of
 the hops which the public Brew-
 ery consumes in both parts of the
 island, and which cannot be less
 than L. 50,000.
 Therefore the amount of all the duties
 the Brewery of both countries
 yields, will not be less than L. 2,676,657

A source of revenue this, the greatest, the
 least fluctuating, and most secure, of any
 in the kingdom; and which it is highly the
 interest of Government to increase, by re-
 moving those impediments which have di-
 minished the produce, and of consequence
 the revenue, that might arise from the Scotch
 Brewery.

But in order to put this matter in a clear-
 er point of view, it may also be proper to
 institute a comparison between the Brewery
 and Distillery, in both parts of the island,
 respecting the revenue which each produ-
 ces; as was done respecting the grain which
 each consumes.

The duty levied from corn-spirits manu-
 factured in England for the year preceding
 July 1795, (the amount of which exceeded
 all

all former years, was considerably under L. 800,000.

But say, - L. 800,000

We have already shown the quantity of grain annually consumed by the English Distillery to be 300,000 quarters; but as Distillers use at least two-thirds of their grain in an unmalted state, the quantity of malt consumed in this manufacture is only 100,000 quarters, for which they pay the full malt-duty of 10s. 6d. per quarter; amounting to - - - 52,500

Total of malt and spirit duty the English Corn Distillery yields, } L. 852,500

The duty on licensed stills in the low country of Scotland for the year ending 1794 (which was more productive than the year following, when the distilleries were stopped) amounted to - L. 98,329

Carried forward, L. 98,329

Brought forward, L. 98,329
And in the highlands, the duty on licensed stills for the year 1794 was - - - 16,797

Total licence-duty of the Scotch Distillery for one year, } L. 115,126

It is very difficult to form a computation of the malt-duty paid by the Scotch Distillery. On the one hand, it is certain, that the Distillers in this country, like those in England, use a large proportion of unmalted grain; on the other hand, the highland district, which employs a much larger proportion of licensed gallons than the low district, pays no malt-duty. But let us assume, for the sake of argument, that the Scotch Distillery, like the English, pays duty for 100,000 quarters of malt. This, at 5s. 3d. the full malt-duty in

Carried forward, L. 115,126

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Brought forward,	L. 115,126
Scotland, amounts to,	26,250
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Total licence and malt duty of the Distillery of Scotland for one Year,	L. 141,376
Brought forward duties the English Distillery yields,	852,500
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Total duties the Distillery of Great Britain yields,	L. 993,876

But we have already shown, that the Brewery of Great Britain annually yields L. 2,676,657.

There is, therefore, a balance in favour of the Brewery of Great Britain, as a source of public revenue, amounting to L. 1,682,781.

From the preceding facts, which we have drawn from authentic documents, or have warned the reader when we have had recourse to conjecture, it appears evident that the British Brewery exhibits to the farmer and land-holder one of the greatest markets in the island for the consumption of grain; while it is to Government one of the most productive and permanent sources of public revenue.

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revenue. We have shown that it consumes more grain than the Distillery, by at least 1,815,944 quarters, while it yields more revenue to the public by at least L. 1,682,781.

Every person who impartially peruses these statements, must be satisfied that the British Brewery is highly entitled to the protection of the farmer, the landholder, the Government, and of every person who is interested in the prosperity of these Kingdoms.

The true interest of the Government and of the public, is to impose such duties upon the Corn-Distillery as may prevent the excessive use of spirits among the labouring part of the community; while, on the other hand, the Brewery is relieved from every local and partial restraint. The only limit which this general principle admits, is to beware of raising the price of corn-spirits so high, that the country may be in danger of being inundated by spirits smuggled from foreign parts. The Home-Distiller takes from the Brewer his yeast, which otherwise would be lost. It is therefore much more the interest of the Brewer, that the people should consume the spirits manufactured at home, than those which are furnished by a foreign, perhaps

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a hostile nation. All that we contend for is, the propriety of preventing the excessive use of spirits of any kind, and to render malt-liquors, of good quality, accessible to the poor.

The late addition to the licence-duty in Scotland, has not operated to enhance the price of corn-spirits so much as was expected. This may perhaps be partly ascribed to the indulgence granted in favour of the Highland Distillery, which enjoys an exemption from a great part of the duties paid by the low-country Distillery. It is in the recollection of every one, that this was formerly the case when the district of Ferintosh enjoyed an exemption from duties; yet that exemption was guarded by as many legal fences as the present exemption in favour of the Highland district. Similar causes will always produce similar effects. The exemption in favour of Ferintosh, being confined to a small spot, was much more easily guarded than the present, which extends over a large tract of country, accessible in all parts by arms of the sea, and comprehending a vast number of islands; from which the utmost vigilance cannot exclude the introduction of lowland
Barley,

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Barley, or prevent the spirits extracted from it from passing into the low country.

The Highland Distillers formerly had some pretensions to an indulgence in point of duties, on account of the high price of fuel. In many places, their only fuel was peat or turf, which a wet summer prevented them from accumulating in sufficient quantity; and such summers are too frequent in that district. Now, from the late patriotic repeal of the duties on coals carried coastwise in Scotland, for which measure the Right Honourable Henry Dundas deserves immortal honour, they can bring coals by sea perhaps at as cheap a rate as most of the Brewers and Distillers of Scotland can procure the same fuel.

Upon the whole, therefore, the exemption they enjoy seems now unnecessary, and evidently is pernicious to the revenue, to the lowland Distillery and Brewery.

Every one who candidly peruses the preceding statements, must be struck with the languishing condition of the Scotch Brewery, compared with that of England. He must perceive several causes conspiring to produce this effect. The Scotch Brewer

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is not so powerfully protected against his natural rival, the Distiller, as the Brewer in England. This protection never can arise from imposing higher duties on distillation, while that district, of all others in the island best adapted for defeating the operation of these duties, enjoys an exemption from the largest part of them.

The Scotch Brewer indeed, in common with the Scotch Distiller, pays only one half of the English malt-duty: but as the malt-tax is charged on the mere bulk, without regard to the intrinsic quality of barley, this seeming indulgence is no more than an equitable allowance for the acknowledged inferiority of the grain of this country.

At the Union, strong ale and small beer brewed in Scotland became immediately liable to the then existing English duties, and have since been subjected to every additional tax that has taken place in England. Of this arrangement the Scotch Brewers never complained: they are ready and willing to pay all the public or national taxes imposed upon their manufactured produce; and their sole ambition is to be put upon an
equal

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equal footing with their brethren, the Brewers in England.

But in addition to the public taxes which equally affect the English and Scotch Brewery, the Scotch manufacture of fermented malt-liquors is subjected to the grievous and oppressive tax to towns, already mentioned, from which the English Brewer is wholly exempted.

It is believed that this tax, for impolicy and absurdity, has no parallel in Europe. This is the chief cause of the depression of the Scotch Brewery; and the impropriety of renewing this tax for the city of Edinburgh, and other towns in similar circumstances, it shall be the object of the remaining part of this Work to demonstrate.

The Impolicy of continuing the Impost of Two Pennies Scots, or 1-6th of a Penny Sterling, on Malt Liquors Brewed within the Jurisdiction of the City of EDINBURGH, and other TOWNS in SCOTLAND.

THIS impost was first granted to the city of Edinburgh for thirty years, by an act of
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the parliament of Scotland in 1693. The first grant was limited to all ale "brewed, brought in, or vended, tapped, and sold" within the city, suburbs, and liberties. Many other towns in Scotland have followed the example of the capital, and at different times, both before and after the Union, have applied to Parliament, and obtained grants of imposts upon malt-liquors, nearly in the same terms.

De Foe, in his History of the Union, p. 90. informs us, that the English commissioners who framed that engagement, objected to the continuance of the impost-grants, for which several towns were then applying. He observes, "The excise upon liquors payable to private hands indeed was a novelty in England; and it seemed very odd, that while it was pled for Scotland that the country could pay no more excise, application should at the same time be made for additional duties on ale to burghs." He adds, "But the duty being so small as two pennies Scotch, which is but $\frac{1}{2}$ of a penny Sterling, on two quarts English, it was generally agreed to."

This tax might appear trifling to the English commissioners when such diminutive quantities

quantities, both of liquor and tax were stated to them. But the ale commonly vended at that time in Scotland, called twopenny, was sold at 17 s. 9 d. per hoghead, and the tax amounted to two shillings, or one ninth of its value; a tax which, had the commissioners examined on a large scale, they would have pronounced far from trifling.

In the 3d of George I. several years before the expiry of the former grant, the city of Edinburgh obtained another act, enlarging the term of the former grant for nineteen years more; and extending the impost over the parishes of St Cuthbert's, Canongate, South and North Leith. The preamble recites, "That a great many Brewers having of late retired out of the city's liberties, and erected breweries in the confines thereof, in order to elude the duty, it is necessary, for the encouragement of the Brewers within the city and liberties, and in order to preserve an equality of trade betwixt them and the Brewers in the above-mentioned adjacent parishes, that the duty be extended over the said parishes."

As an indemnification to the proprietors of the annexed parishes, now subjected to the duty,

duty, the city of Edinburgh became bound to pay those who claimed, within a limited time, a certain annual rate, or proportion, from the proceeds of the tax, which was left to be settled by arbitration. But it is very curious, that when all the other proprietors were invited by this act to give in their claim of damages, on or before the 1st of May then ensuing, the Brewers who happened to be also proprietors, and who sustained by far the greatest damage, were expressly excepted.

The only material alteration made upon the situation of the Brewers within the precincts subjected to the tax by this act, was, that liberty was given to persons residing beyond the boundaries, and therefore not liable to the tax, to import ale and beer into the city and liberties, upon payment of the said duty for the ale and beer imported *only*.

In the 9th of Geo. I. after six years trial of the effects of the last-mentioned act, it being found that Brewers, situated beyond the limits of this duty, still continued to import ale and beer, and to vend them within the precincts without paying the tax; a new act was obtained, which repeals the above-mentioned liberty of importing ale upon
payment

payment of the duty for what was imported *only*; and declares, that it shall not be lawful for any Brewer or feller of ale, who is not subjected to the payment of this duty for *all* he shall *brew*, to import or sell any ale within the above extended bounds, unless he shall previously give notice to the magistrates, and agree to be subjected to the duty for all the drink he shall brew, in the same way as the Brewers within the limits are subjected. The penalty annexed to the transgression of this clause is in these words:

“ And that any Brewer or Brewers who shall
“ import or sell any ale or beer into the said
“ city, suburbs, or liberties thereof, or into
“ any part of the parishes of St Cuthbert’s,
“ Canongate, South and North Leith, with-
“ out having given such previous notice,
“ and agreed as aforesaid, *shall be charged*
“ *with, and liable in the payment of the said*
“ *duty for all the ale and beer brewed by him*
“ *or her during the twelve months immediately*
“ *preceding his or her committing such offence,*
“ *and in all time coming during the continuance*
“ *of this act, in the same manner that the Brew-*
“ *ers by this act subjected are made liable for*
“ *the payment of the same.*”

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Other towns in Scotland have followed the footsteps of the capital. There is now hardly a burgh of regality, where an infant Brewery had begun to rear its head, but the proprietor, in order to check its progress, and to give his people a *spiritual* inclination, has solicited and procured an impost-act, with clauses similar to those of Edinburgh.

The consequence now is, that if a Brewer in the parishes of Cramond, Corstorphine, Ratho, Currie, Libberton, Duddingston, Newton, &c. &c. unwarily send a cask of ale, strong or small, to be sold within the neighbouring parishes of St Cuthbert's, Canonsgate, South or North Leith, he becomes liable to pay to the city of Edinburgh, two pennies on the pint of all the ale and beer he has brewed for twelve months preceding, and is subjected to the payment of the impost for every gallon of malt-liquor he may afterwards manufacture; or should a Brewer within the precincts of Edinburgh, who has regularly paid the impost within his own bounds, send a cask of ale to be sold in Glasgow, or any other town which has obtained an impost-act, with similar clauses, he expressly becomes liable in
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the penalty just mentioned, and must enter also with the said town, and be liable ever after to pay its impost on every gallon he brews. To these consequences he subjects himself, *toties quoties*, towards every impost-town within whose sacred precincts his manufacture may happen to find its way.

Thus these imposts have caused the different towns where they have been established, as far as regards the manufacture of malt-liquors, to resemble foreign, nay, hostile communities to each other. The Genius of Absurdity, that first engendered, has ever affectionately nursed this favourite child, has watched every step of its progress, and infused into it all a parent's folly.

It is well known, that the great stimulus which has raised the English Brewery to its present pitch of perfection, is the unrestrained freedom with which its produce may be circulated through all parts of the Kingdom. It is this which has set emulation afloat, and excited the Brewers to excel each other in the superior quality of their manufacture. But the imposts have pinioned down the Scottish Brewer within the narrow circle where he resides. He cannot, with profit,

enter upon any enlarged or liberal plan of improvement in the quality of his manufacture, because his market is limited to a very narrow extent. For if he send his liquors to the country, and beyond the bounds affected by his imposts, he is underfold by the country Brewer, on whom no such taxes are imposed. If he send his liquors to England, they go loaded with his impost; which, on an article so perishable, must be multiplied by insurance and compound interest before it reaches the consumer: and no person will purchase his liquors, if he can procure others that are free of such taxes.

It is well known, that some of the most famous Breweries in England, such as Burton, &c. owe much of their celebrity to the peculiar qualities of springs, or streams of water, where they are situated. These fountains and streams, whose properties were perhaps at first discovered by accident, are now become of great value to their proprietors. But should a country gentleman in Scotland discover water ever so well adapted for making malt-liquors of superior excellence, or that his situation possessed other local advantages for a Brewery, being in a rich corn-

country;

country, with access to water-carriage, such as East-Lothian, Carse of Gowrie, Fifeshire, &c. these advantages would be of little use to him. He might indeed supply the demands of private families in the contiguous town; but he could not send a single gallon to the public dealers and venders, without incurring a heavy penalty, entering with the town, and subjecting his manufacture to the impost on every gallon of his produce. Suppose he has swallowed the pill, and thus secured the market of one town, he discovers, that from his favourable situation, and the excellence of his manufacture, he is in a condition to supply the demands of another, or of many towns. Here again the impost stares him in the face; and he must not only repeat the payment of the impost on what he sells to these towns, but, in certain cases, be subjected to each of them for all his produce: and so on *ad infinitum*. To such an absurd latitude does the literal interpretation of the impost-acts extend. They are as injurious to the country Brewer, by excluding him from, or interrupting him in the natural market of towns, as they are to the town Brewer,

Brewer, by excluding him from other towns, and from the country.

In the reign of King Charles II. the city of Edinburgh obtained a grant of 10 s. per hoghead on all *foreign* ale and porter imported into the city and liberties. Under the epithet *foreign*, were then comprehended English malt-liquors of every kind. While this impost on English porter and ale continued to be levied, the Brewers were in some measure protected, at least within the city and liberties, (to which only it extended), against the rivalship of their southern brethren. But in the year 1786, this tax upon *foreign*, meaning thereby English malt-liquors, was, in a great measure, abolished in the following terms: " And be it enacted
 " by authority aforesaid, That at Martinmas
 " next, the aforesaid impost, or duty on
 " wines, foreign spirits, foreign ale or beer,
 " and all other liquors herein before enumerated, shall be abolished and discharged
 " to be levied or collected, so far as respects
 " every private family, and all others who
 " do not fall under the description of vintners, and others herein before mentioned;
 " and it is hereby declared, That grocers
 " and

" and others retailing such liquors do not
 " fall within the said description, unless the
 " said liquors are sold and drunk in their
 " shops, houses, warehouses, or offices."

The epithet *foreign* is doubtless very broad, and may mean the malt-liquors of Russia or Holland, as well as those of England. But that English malt-liquors were also intended, appears by the impost-act 1722, in which *English* and *foreign* are used as synonymous terms.

However this matter may be, is of no importance; but it appears evident on the very face of the business, that even malt-liquors that are *foreign* in the literal sense, are better protected, and more encouraged, in the market of Edinburgh, by the impost-laws, than those which are manufactured by her own citizens, who, besides the impost on their manufacture, contribute otherwise, in common with others of equal wealth and rank, to the common good of the city. The impost on *foreign* or English malt-liquors is now only levied upon vintners, or keepers of taverns; but as it is impossible to levy a tax of this sort from a few individuals of a great city, by charging it upon the article
 itself,

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itself, the collectors who farm the tax compound the matter with the publicans in the best manner they can ; and no doubt a vast deal of it escapes without paying the tax. The almost total repeal of this tax puts the Edinburgh Brewers on a much worse footing than they were when their imposts were established, and may be regarded as a breach of public faith with that class of men, as they have not been indulged with a corresponding relaxation of the impost-duty.

While these *foreign* liquors are thus almost wholly exempted from taxation, the impost, like a harpy, attaches itself to the liquors made within the city and precincts, and is not to be removed by any of the motives which commonly induce the remission of a tax. No wise legislator ever thought of a tax which was to operate beyond the limits of the jurisdiction where it is imposed. It is upon this principle that all our public taxes are regulated ; and it is from following out this principle, that the trade and commerce of Britain have been enabled to bear down all competition. It is this wise principle of legislation that makes our navy ride triumphant

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phant on the deep, and wafts our commerce around the globe.

There is no reason to suppose, that the original contrivers of these imposts had any idea of their operating beyond the consumption of the district where they are established. But the fact is otherwise, at least with the Brewers in Edinburgh ; and is so, we presume, with other Brewers in similar circumstances. The Edinburgh Brewers obtain a remission of the town's imposts, along with the King's taxes, when they export their manufacture, not to England, but to *foreign* countries in the literal sense, that is, to countries not comprehended under the denomination of Great Britain. The garrison of Edinburgh Castle, and those who live within the precincts of his Majesty's Palace of Holyroodhouse, also enjoy an exemption from the town's imposts, being excepted by an express clause in the acts themselves, for all that is *brewed* and *consumed* within their limits. The latter seem to need no supply from the Brewers subjected to the impost, there being four Breweries within the precincts of Holyroodhouse, in the very centre of the district subjected to the imposition.

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The possessors of these Breweries have all along supplied the impost-district with malt-liquors, but have paid very little of the tax, and contend they are exempted. A litigation is now pending between them and the Magistrates of Edinburgh upon this point.

The battery at Leith, the barracks at Pierhill, the sailors, whether native or foreign, who frequent the port of Leith, enjoy no exemption. Should even his Majesty order down a powerful squadron to Leith roads, to secure us against invasion; the brave tars, those lords of the ocean, and defenders of their country, must content themselves with ale debased and polluted with the Edinburgh *Imposition*, as it is styled throughout the acts.

The officers of English regiments have often complained, that when they were marched down to Scotland, their men could no longer obtain good small beer on such easy terms as in England; and were therefore obliged to have recourse to the cheapest, that is the worst, whisky, to the great detriment of their health, their morals, and discipline.

To what cause are we to impute the facts
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already stated, but to the operation of a tax as partial as it is impolitic and absurd?

It is often alleged that the Brewers complain without cause, since they can recover the impost from the consumers of their manufacture. It is true, that were all the Brewers in the island equally affected by the tax, they might recover it from the consumers, by raising the price of their liquors; but there are circumstances connected with the situation of the Brewers subjected to the impost, especially those of Edinburgh and the annexed parishes, which render the recovery of the impost from their customers difficult, if not impossible.

Let the gentlemen who sport these ideas be pleased to condescend upon some definition of what they esteem a *full and complete recovery*. Do they mean the net sum charged upon their liquors by the exciseman's report? This will come far short of what is necessary to indemnify the Brewer for his risk, and interest of his money, or credit (which is the same thing) while it remains in advance. It is well known, that from the instant the revenue-officer has completed his measurements, the Brewer must pay the tax,

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though the liquor should spoil, or be lost. We may also observe, that the main weight of this tax falls upon small beer, a liquor which it is often difficult to preserve in a sound state, and which is liable to many accidents from the time it is gauged, to the time of its consumption. Is the Brewer to have no allowance against risk of losing the article; against interest of money, or credit, in advance; against bad debts; and every collateral circumstance which enters into the price of other taxed manufactures?

But, throwing all these things out of the question, the Brewer here is so completely palsied, that it must appear miraculous a manufacture should be able to exist under such discouragements. If he send his Ale beyond the pale of his monopoly, he meets the country Brewer, who can sell on better terms, because he pays no impost. The town Brewer must therefore reduce his prices to the level of the country Brewer; and as he cannot have two prices, one for the country and another for the town, his price must be the same in both. It is a fact, that the Edinburgh Brewers, and we believe it to be the case in all the impost towns, sell their malt
liquors

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liquors on as low terms as the country Brewers beyond their precincts. They must either do so or give up their business. How are we to account for this fact? Do they make a present to their customers of the impost charged upon their liquors? They must do so; or evade both the public revenue and the impost; or debase the quality of their liquors. The case admits of no other alternatives.

Were the wine merchants of Edinburgh, or Leith, subjected to a tax of 17 or 18 per cent. on the price of all the wine they sold, which is the amount of the impost on the price of small beer, is it possible they could charge this tax upon their customers? Were the tax, indeed, equally imposed upon all the wines vended in the Island, they could doubtless raise their prices so as to reimburse the tax, like others in the same trade. But if the tax attach itself to them alone, they could not raise their prices; because their customers would purchase only from those who were not subjected to the tax. It would prove a vain attempt, to indemnify themselves by adulterating their wines with water, or other means. Such practices would be soon detected; and their
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wines would fall into universal discredit. The imposts reduce the Edinburgh Brewer into the very situation here described. They are so much deducted from the fair profits of his trade; or, if he attempt to recover them from his customers, he has no possible method in his power, but debasing the quality of his liquor, or evading the tax by fraudulent means, as already stated; methods equally hurtful to himself, to the public good, and to the consumers of his manufacture.

It may be still alleged, that, as an equivalent for the impost, the Brewer is secured in the monopoly of the town where he resides, by as strong penal sanctions as it is possible to contrive. We admit that towns are the natural seats of Breweries, and that the ready market they afford, confers on the Brewers several advantages, which enable them to sell cheaper than in many other situations. But certainly this monopoly, this checking the free competition of trade, must operate as a complete bar to all improvement; and is, in fact, the chief reason why the Brewery of Scotland has, comparatively, remained in a state of infancy, if it has not declined; while every other manufacture has been advancing rapidly towards perfection.

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But even these penal clauses, in the impost acts, are so absurd, and inconsistent with each other, that their strict execution seems wholly impracticable. For supposing the Brewer has it in his power to recover the whole of his impost, with interest, and insurance upon his risk, from the consumers of his articles: as some of the impost towns still continue on the old footing, of admitting malt liquors from other places, on their paying the impost on the quantity imported; it follows that malt liquor which has already paid impost in one place, must pay it again, a second time, on its admission into another. By supposition, both these imposts are finally paid by the consumers of the liquor; and hence, the inhabitants of an impost town come to be saddled with two taxes, one to support the municipal government of the town where they reside, and another to support the government of the town where the liquor was manufactured, with which they have no connection, and from which they derive no advantage: Is not this both absurd and unjust? And does it not impede that free circulation of malt-liquors, and competition among Brew-

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ers, by which alone the manufacture can be improved?

The absurdity and injustice of these acts are equally glaring, when the malt liquors from an impost town are consumed in towns and villages which have no internal imposts, or by the landholders and farmers in the country. For on the supposition that the whole of the impost, with interest, &c. is recovered from them; is not this subjecting the country to a tax for the benefit of a particular town? It may indeed be replied, that they can erect Breweries for their own consumption, and thus escape the tax. But this may not always be expedient. Though local situation, and other advantages may be in their favour, the market may be limited; while the impost, like a flaming sword, guards every avenue which may conduct into the extensive market of the town.

But if these impost acts, in their original structure, be absurd, inconsistent with each other, and hostile to every improvement in the Brewing business, as they still exist in many towns, their folly and absurdity are inexpressibly heightened by those severe and rigorous penal clauses already mentioned, which

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which have been added to the impost acts of other towns. That a brewer who has been accustomed to sell his liquors in a particular town, paying the impost, leviable in that town, for what he actually sold, and no more, should be liable to be charged with the impost for the whole of what he brewed the year previous to the time he was challenged, and be subjected ever after for all he should brew, is a penalty so absurd, that though a few country brewers may have submitted to it from fear of a prosecution, we hardly think it could be enforced by legal process. We hinted that the execution of this clause implied an absurdity, or rather an impossibility; for thus a brewer might come to be subjected to the full payment of impost, for every gallon of his manufacture, not to one, two, or three towns merely, but to many towns.

The only example that has come to our knowledge, of this clause in the impost acts having been rendered effectual, in consequence of legal process, is one in which it appears the decisions rested more on certain specialities of the case than upon the possibility or expediency of conferring upon this clause a general execution.

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We allude to the case of Messrs. Murdoch, Warroch, and Co. proprietors of the brewery at Anderston, situated about a mile beyond the limits of the city of Glasgow. These gentlemen had been in the practice of vending their liquors within the city of Glasgow, and of paying the impost only for what they actually sold within that city. But in a process raised at the instance of the Magistrates, it was found, if they continued to send any ale or beer into the city, they would be liable in payment of the impost for all the malt liquor they should afterwards manufacture, discount being allowed for what they should export to foreign countries.

The dealings of these gentlemen are on a large scale, and their sales extend over a great part of Scotland. Thus, by this decision, wherever their liquors penetrate, the country is subjected to a tax to support the municipal government of the city of Glasgow, a circumstance which must render obvious the inconsistency and absurdity of such acts. These gentlemen had better beware of sending their liquors to any other town that is furnished with such dangerous weapons, for it will not avail them that they have already paid the impost

post to the city of Glasgow. By the strict terms of the acts they must repeat payment not only for what they actually vend in such towns, but for all they shall afterwards brew; just as they are now liable to the city of Glasgow.

Indeed these clauses in the impost acts are so manifestly absurd and impracticable, that the Magistrates of Glasgow, while they subjected the Anderston brewery, found themselves under an absolute necessity, from the reason of the case, of dispensing with the impost act, respecting brewers situated at a distance from the city. For while brewers in the neighbourhood are obliged to pay the tax for *all* they brew, those at Hamilton and other distant places, we are told, pay the impost *only* for what they *actually* sell in the city of Glasgow.

The words of the Glasgow act, relative to this point, are, 'That from and after the 1st day of May, in the year of our Lord 1755, for and during the continuance of this act, it shall not be lawful for *any* brewer or seller of beer or ale, living or carrying on his or her brewery *without* the said city of Glasgow,

' gow,' (*without* comprehends every part of
 Scotland) ' and liberties thereof, or without
 ' the villages of Gorbals and Port Glasgow,
 ' to import or sell any beer or ale into, or in
 ' the said city, or villages of *Gorbals* and
 ' *Port Glasgow*, or the liberties and privileges
 ' thereof, unless he or she do previously give
 ' notice to the Magistrates of Glasgow, or to
 ' their collector of the said duty, at their of-
 ' fice of *Glasgow* or *Port Glasgow* respective-
 ' ly, and agree to be subjected to, and charged
 ' with, the payment of the said duty, by the
 ' said former acts, and this present act, grant-
 ' ed and made payable for *all* the beer and
 ' ale *which shall be brewed by such brewer or*
 ' *seller of ale, living or carrying on his or her*
 ' *business, without the said city or villages or*
 ' the liberties and privileges thereof; and that
 ' every brewer or seller of ale or beer, who
 ' shall import or sell *any* ale or beer into, or
 ' in the said city or villages, or liberties or
 ' privileges thereof respectively, without ha-
 ' ving given such previous notice, and agreed
 ' as aforesaid, shall be charged with, and liable
 ' to the payment of, the said duty to the Ma-
 ' gistrates and Council of the said city, or
 ' their

' their Collector or Collectors respectively,
 ' for *all* ale and beer brewed by him or her
 ' during twelve kalendar months immediate-
 ' ly preceding his or her committing such of-
 ' fence, and in all time thereafter, in terms of,
 ' and during the continuance of, the said for-
 ' mer acts, and this present act.'

Upon this clause we may remark, that if it
 be not *lawful* for any brewer to transgress the
 provisions of the act, neither can it be *lawful*
 in Magistrates, as guardians of the communi-
 ty over which they preside, to dispense with
 the penalties annexed to the transgression,
 which are, the payment of the impost *for all*
that was brewed the preceding year, and sub-
 jection to the impost *for all that shall be*
brewed in future. But in such absurd cases,
 Magistrates are reduced to a dilemma, and are
 obliged to pursue not what is *legal*, but what
 is *practicable*.

Having narrated the origin and progress of
 this impost, and offered these general remarks
 upon its impolicy and absurdity, we come now
 to the particular consideration of the impost
 itself, and hope to convince every impartial
 person, that it is no trifle (as some have called
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it) no bug-bear, or man of straw, but a serious evil against which we are contending.

All ale or beer, sold wholesale at or under 6s. per barrel, is denominated small beer, and is charged with a duty to the King of 1s. 4d.

All ale above 6s. per barrel, and not exceeding 11s. per barrel, is denominated *two-penny*, a liquor peculiar to Scotland, and is charged with a duty to the King of 3s. 4½d.

All ale or beer, including porter, sold above 11s. per barrel, exclusive of the King's duty, is denominated *strong*, and is charged with a duty to the King of 8s. per barrel.

The town's impost upon these amounts to 1s. 4d. per barrel, without distinction.

These are the *gross* duties payable by every species of liquor; and the minuter circumstances respecting them may come to be afterwards considered.

Hence it appears evident, that the impost upon small beer is cent. per cent. of the King's duty; including the King's duty, it is 17½ per cent. on the price; and excluding the King's duty, it is about 21 per cent. on the intrinsic value of the article. A tax which no considerate person will pronounce trifling.

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Upon twopenny, the impost is nearly 40 per cent. of the King's duty; including this duty, it is about 15 per cent. upon the medium price; and excluding the King's duty, it is more than 17 per cent. on the intrinsic value of the article. A tax far from being a trifle.

To the value of strong ale and porter, though the impost does not bear so high a proportion, yet it is far from trifling, and superadded to the many advantages possessed by our southern neighbours, is sufficient to turn the balance in favour of their stronger malt liquors in our own markets. A hog-head of porter sells in Edinburgh at 42 s. including 12 s. of excise, and 2 s. of impost, therefore the intrinsic value is only 28 s. and the impost being 2 s. it is above 7 per cent. of the intrinsic value of the article.

We may now remark, that the King's duties are charged upon malt liquors in a great measure, according to the price at which they sell, that is, according to the quantity of malt which enters into the composition of each species.

The King's duties being moderate, and proportioned

portioned to the value of the article, were never complained of by the brewer; and being the same in all parts of the island, every dealer has it in his power to recover them from the consumers of his manufactured produce.

But here a remarkable difference must strike every person between the town's impost and the King's duties, or any other rational system of taxation. The town's imposts pay no regard to the intrinsic value of the articles taxed. The weakest small beer, even water slightly tinged with malt, pays as much impost as the strongest ale or porter: And as, from an average of several years, about two-thirds of the whole quantity of liquors brewed within the precincts of Edinburgh were small beer, the greatest weight of the tax falls upon the article which, both on account of its trifling value, and its being mostly consumed by the poor, is least able to bear it.

Let no one infer from what we have said, that the impost may be rendered harmless, by laying it equally upon the different species of malt liquors, according to their intrinsic value; for a system that is radically vicious can never be set right by patching and tricking it

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out. It is well known, that the stronger species of malt liquors are the only ones in which the Scotch brewer needs to fear a competition with the English. Weak malt liquors will not defray the expence of carriage and risk, and cannot be profitably sent to distant markets. An increase of the impost upon the stronger species of malt liquors will not relieve the Scotch brewer, though the weaker species should be wholly exempted. This plan would, if possible, put him even in a worse situation than at present. It would heighten his incapacity to contend on the ground where he is already most vulnerable. No brewer within the operation of an impost, were it transferred to his stronger liquors, could venture to make any liquor that exceeded in strength what could be profitably conveyed from England. The brewer of the South being free, would defeat the brewer of the North with this millstone about his neck. Besides it is known, that making liquors of different degrees of strength, is the most economical way of conducting a brewery, and of deriving every possible advantage from the malt that is used. While the brewer of the

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South is left to the unrestrained exertion of his industry and genius, is that of the North to be for ever subjected to a system which precludes exertion and improvement? The brewer of the North does not seek to exclude his Southern neighbour from the market of Scotland; for he believes that all imposts having that tendency, which have been granted or renewed since the Union, are contrary to that solemn engagement. He only wishes to be put upon an equal footing with him in the unrestrained use of his industry, and professional skill.

But these imposts are not more pernicious to the brewer in palsying his efforts, and checking the improvement of his manufacture, than they are ruinous to the *public revenue*; to the *agriculture* of the country; to the *poor*; and to the *community* at large.

1. It must strike every person as an obvious truth, that a partial, or local impost upon any species of manufacture which enters into general consumption, and which also pays a large revenue to the state, must necessarily, and infallibly, operate the diminution of that revenue. Moral and political causes may exhibit accidental

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accidental varieties in their effects, arising from the different tempers and dispositions of those on whom they act; but the general effect will correspond with the cause, as certainly as the fall of a stone with the law of gravitation.

On this subject, however, we are not reduced to the necessity of reasoning hypothetically from the cause to the effect, but are warranted by abundant evidence to assert, That the imposts have diminished, do diminish, and while they exist ever will diminish the amount of public revenue, which ought to arise from malt liquors manufactured in Scotland.

The gentlemen of the excise, were they inclined to speak their sentiments, might confirm this assertion, as from the Commissioner downwards to the inferior officer, they all have abundant opportunities of knowing its truth.

It is evident, that whatever tends to prevent the existence of a taxable commodity, must also occasion the loss of revenue which that commodity, if it had existed, would have yielded. We entertain no doubt but the loss which

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which government has sustained on this account, since the establishment of these local taxes, is immense. But as it avails not to reflect upon past errors, except with a view to avoid them in future, we proceed to point out the losses which the public revenue actually does sustain in consequence of these imposts.

In the comparative statements formerly exhibited of the gross amount of King's duty, and of impost duty on small beer, they appear to be exactly the same, viz. 1 s. 4 d. per barrel each. But we may now observe that from these duties a deduction is allowed for waste and leakage, which is also exactly equal from both. But besides this the brewer is allowed out of the King's ale duty, a deduction for a duty imposed upon malt in May 1780, as already explained; in consequence of which the net King's duty actually levied on small beer is reduced to 11 d. $\frac{6}{25}$ per barrel; while the impost, after all deductions, is 1 s. 1 $\frac{1}{2}$ d. and $\frac{1}{2}$ $\frac{1}{3}$ ds. of a farthing. The net impost therefore in fact exceeds the King's duty by more than 2 d. per barrel, or amounts to nearly 120 per cent. of the King's duty.

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The deductions from the King's duty, for the reasons assigned, reduce the net duty payable upon twopenny to 2 s. 6 $\frac{1}{3}$ $\frac{2}{7}$ d. per barrel, and the duty upon strong ale and porter to 6 s. 3 $\frac{6}{5}$ d. nearly. But these it is unnecessary to insist upon, lest we should embarrass the argument with too many particulars.

But from what we have said of small beer, it must appear evident to every one, that if no impost existed, so far from being the brewer's interest to defraud the public revenue, it would be highly his interest to pay every farthing of it faithfully and punctually. The motives which commonly impel men to the commission of fraud, are either urgent necessity, or the hope of some advantage. The King's duties being so moderate, the advantage to be obtained by evading them is no compensation for the risk of penalties; and it would be extraordinary to see men persevering in fraud in direct opposition to their own interest. But when the impost on small beer is superadded to the King's duty, the temptation becomes much more powerful, and amounts to a large proportion of the value of the article.

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We endeavoured to shew that the brewer has no natural means in his power of recovering the impost from his customers. He is therefore reduced to an absolute, irresistible necessity, of either abandoning the business of brewing small beer, or of debasing its quality, or of evading the impost. This he cannot do without also defrauding the public revenue, which is charged at the same time. It follows therefore that the continuance of this impost must ever be hostile to the interest of government.

With such an irresistible motive to fraud perpetually before men's eyes, need we wonder that invention should ever be on the stretch to contrive methods, and seize opportunities of deceiving the revenue officer, with a view to evade both duties.

It is believed that Government may sustain considerable loss by the total abstraction of liquors from the sight of the officer, but much more by the adulteration of the liquors after he has made his charge, so that their enlarged volume may wholly, or in part, compensate for the impost. In the first case the public revenue suffers a total, in the last a partial evasion.

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The amount of loss which Government annually sustains from these causes we shall not pretend to calculate, because we have no data on which to proceed. But some faint idea of the loss to Government through the diminished consumption of malt liquors effected by the impost, and which we have so frequently hinted at, may be obtained by contemplating the impost itself.

Wherever the impost has extended its baneful influence, the consumption of malt liquors has decayed, and of course Government has lost the revenue that would have arisen from them.

We shall adduce an authority or two in proof of this assertion, and our remarks shall be confined to the City of Edinburgh. From a pamphlet of reputation, published A. D. 1761, it appears, that from the Union to the year 1725, for 18 years while the impost was confined to the city and liberties, the average of the King's duty upon ale and beer amounted to 15,098 l. and that in the 18 years following, when the impost was extended to the adjacent parishes, the average was no more than 11,182 l. During the next 17 years, ending 1760, the average was only 8,530.

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Mr Arnot in his History of Edinburgh, page 521, informs us ' that the impost amounted, when only exigible within the city, A. D. 1690, to L. 4000 0 0

' When extended				
' over the parish				
' of St. Cuthberts,				
' &c.	1724	7939	16	1
'	1736	6101	10	8
'	1750	4758	18	8
'	1764	3550	0	0
'	1776	2197	0	0

We are assured that since the last period mentioned by Mr Arnot, the impost has been known to produce less than 2000 l. *per annum*. It has, however, of late encreased, and the average of the three years preceding July 1796 was 3740 l.

From these facts several important inferences are deducible. 1st, That the extension of the impost to the annexed parishes has been a great loss to the City of Edinburgh; for while the city became bound to pay a heavy composition to the proprietors of these parishes, their revenue has, upon the whole, been much diminished. 2d, That the great revenue before, and at the first extension of

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the impost, shows the extent of the brewery at those periods compared with what it has since been, and that its decay must in a great measure be ascribed to the impost. 3d, That the decrease in the amount of impost annually levied, whether we impute it to fraud, or the decay of the brewery, must have been accompanied with a corresponding loss of public revenue. It is probable that both of these causes might co-operate; and hence it will appear that the existence of the impost is incompatible with the flourishing state of the public revenue arising from malt liquors.

We make no doubt but the effects resulting from the imposts to the City of Edinburgh have been proportionally experienced in all those towns where they have been established; and have uniformly diminished the consumption of malt liquors, and the revenues of the state. Had not these things happened, the brewery ought to have increased with the wealth and population of Scotland, and of course the public revenue arising from it.

So completely convinced are we of the great loss of public revenue arising from the operation of its rival, the impost to towns, that we are satisfied Government would be a great

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gainer, if, abolishing the impost, it allowed as an indemnification to all the towns where the impost is now established, an annual rate from the duties on malt liquors equal to the net average amount of impost levied in such town, during a course of years; and this without laying any additional public tax on malt or malt liquors in Scotland.

2. We observed that these imposts operate most unfavourably to agriculture. From preceding statements, it appears that the full malt duty in Scotland is 5s. 3d. per quarter; but as the brewer draws back out of his ale duties 2s. per quarter, the net duty to him is 3s. 3d. per quarter. Two barrels of strong ale, and one of *small beer*, are commonly drawn from a quarter of malt, the impost on which, at 1s. 4d. being 4s. per quarter, exceeds the malt duty by 9d. When the malt is made into small beer alone, the impost is $2\frac{1}{2}$ times more than the malt duty: For there being 6 barrels of that liquor drawn from a quarter of malt, the impost on which amounts to 8s. while the malt duty is only 3s. 3d., it follows, that the impost fixes upon malt, thus used, a tax which exceeds the public malt tax by 4s. 9d. per quarter. It is fair to consider
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the town's imposts in the light of a tax upon malt, for it operates precisely the same effect, viz. prevents its consumption. It follows, therefore, that the malt duty, taking the impost in this sense, which affects the Scotch brewers in towns, exceeds the duty charged upon the English brewer, notwithstanding the great inferiority of the northern grain. The English brewer pays 6s. 6d. per quarter of duty for all the malt he uses; to the 3s. 3d. per quarter of King's malt duty, which the Scotch brewer pays, add 4s. per quarter of impost when it is used in strong ale and small beer brewed together, and his malt duty, in this way, amounts to 7s. 3d. Again, to his 3s. 3d. of King's duty add 8s. per quarter, when the malt is made into small beer alone, and his malt duty amounts to 11s. 3d. per quarter. In the first case, he pays *9d. more per quarter of malt duty than the English brewer*: In the last case, he pays *4s. 9d. more per quarter*.

The landholders in Scotland, to prevent their grain from being wholly superseded by that of England, which is more valuable, particularly in late and wet seasons, both to the brewer and distiller, have always discovered a
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propensity to take alarm at any proposal to increase the malt tax; yet here they have suffered a most excessive malt tax to steal upon them, without so much as a single word being uttered against it. Nay, what is more extraordinary, and may appear incredible, in the act 1722, 9th of George I. by which the impost was extended to the adjacent parishes around Edinburgh, the Heritors of the county of Mid-Lothian seem to have been *parties* with the Magistrates of the City in soliciting the extension of the impost, as a great *favour* done to the county at large. After reciting the reasons (already mentioned) which induced the extension of the impost, the words of the act are, 'Wherefore your Majesty's most dutiful and loyal subjects, the Provost, Magistrates, and Council of the said City of *Edinburgh*, in behalf of themselves and the community of the said City, and the *Heritors and Freeholders of the Shire of Edinburgh*, do most humbly beseech your Majesty, That it may be enacted, &c.' How these gentlemen came to take it into their heads that locking up a near and extensive market for the grain produced upon their estates would prove advantageous

vantageous to them; or, supposing it had been discovered that, from some peculiar quality of a fountain or stream, or other local advantage, it was better to convert their grain into malt liquor in the country, and yet that debarring themselves from the near and extensive market of a great City, was conferring a *favour* upon them, seems unaccountable. These gentlemen must certainly have been very blind to their own interest, and, like many others infected with intellectual blindness, concurred in soliciting what, of all others, has proved to them and to their posterity most mischievous. They invoked curses under the mask and appearance of blessings.

It appears, however, that their posterity have opened their eyes; and there is reason to believe that they will *now* unite, as one man, to prevent, instead of soliciting, the renewal of such a ruinous impost.

We are encouraged to cherish this hope from a Pamphlet entitled, 'Resolutions of the Land-
'ed Interest of Scotland respecting the Distil-
'lery,' published by appointment of a General Meeting 1786. In page 56 these gentlemen thus express the views by which they were guided.

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' *zdy*, Supposing any danger should be
 ' apprehended upon this head (viz. from the
 ' excessive use of spirits) let the brewer have
 ' some relief, which will enable him to afford
 ' a cordial and exhilarating fermented liquor,
 ' and the consumers of ale will be encouraged
 ' to continue in that line of consumption, and
 ' it will gain credit with the rising generation,
 ' and may perhaps return again to what it
 ' formerly was. For the increased consump-
 ' tion of spirits takes its rise entirely from the
 ' additional taxes which have been laid upon
 ' ale, which obliged the brewer to reduce the
 ' quality so much, as to render that species of
 ' malt liquor, formerly the common beverage
 ' of the lower class of people, so weak as to
 ' be little better than water just tinged with
 ' malt; and the price of wages, at least in
 ' Scotland, is so low as not to admit of their
 ' purchasing the higher priced malt liquors.'

We shall only observe, that these gen-
 tlemen cannot more effectually carry this
 resolution, of giving the brewer *some relief*,
 into execution; or adopt any measure better
 calculated to promote the cultivation of their
 estates, than by uniting their interest to pre-
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vent the renewal, or to procure the repeal of
 these fatal imposts upon malt liquors payable
 to towns.

3. We observed that these imposts are most
 injurious to the poor. About two thirds of
 the malt liquor manufactured in Edinburgh is
 small beer, 19 parts out of 20 of which are
 consumed by the poor, that is, by those who
 subsist by the labour of their hands. It fol-
 lows, therefore, that by far the greatest pro-
 portion of this tax falls upon the poor. We
 esteem it a matter of indifference whether we
 say the tax is actually levied upon them, or
 that it operates to debase the liquor which is
 their common beverage: For the brewer can-
 not afford to supply them with small beer e-
 qual to that which is vended in England, un-
 less he makes a present to them of $17\frac{1}{2}$ per
 cent. on the value of his article, including
 King's duty, being the amount of the impost,
 and which is more than all the profit he
 makes by his trade: Or unless he defrauds
 the public revenue; or has recourse to the
 last, and still more ruinous expedient, of
 mixing his malt liquor with water, by
 which the revenue partially suffers, and the
 drink

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drink of the poor is rendered vapid and unwholesome. The case admits of no other alternatives but these : And supposing the brewer, in conducting his aquatic mixtures, should check his hand at the precise point when the volume of water will exactly indemnify him for the impost, and no more, it is evident that his small beer must go to the consumer, robbed of $17\frac{1}{2}$ parts in 100 of malt, which should otherwise have been present in it. Seventeen and a half bolls of malt in a hundred must evidently produce a very great and sensible improvement if present, and a most disagreeable vacancy if absent, in the quality of small beer. But this water is sometimes superadded in circumstances the most unfavourable to the wholesomeness of the liquor. No water, except what is put warm upon the malt, ought to be added to malt liquors. It is known to chemists, that the mucilage and saccharine parts of malt operate a change upon the qualities of water during fermentation, to which the effects of that process may be imputed ; but that water cannot undergo that salutary change unless it be intimately combined with the soluble parts of the malt by means of heat.

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But whether the malt liquor be adulterated after it is fermented, or made originally so weak as to compensate for the tax, it is evident that the poor suffer by it ; and that the impost is so much extracted from the fund of their subsistence.

Need we wonder then that the labouring class in Scotland have so generally betaken themselves to the worst, because the cheapest, whisky, that could be found ; or that it has proved so difficult to restrain the smuggling of ardent spirits from foreign countries ? Many gentlemen have lamented the evil consequences of this propensity, and have inveighed against our labouring poor as more prone to debauchery than people of the same rank in other countries. To account for the fact, the theorist has dilated on the coldness and fogginess of our climate, or on some inherent defect in our animal organization ; while the politician has inveighed against the sudden rise of the price of labour, as superseding all antient maxims of sobriety and prudence. Gentlemen (might the poor exclaim) all the blame is chargeable upon your own impolicy. We asked for bread, and you gave

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us a stone! We searched for cheap and wholesome malt liquors, and we found an impost!

4. We observed, lastly, that the impost was hurtful to the public at large. We conceive that this point requires little or no illustration. If the reader be of opinion that the particulars already stated are clearly made out, and supported by evidence, he will require no more arguments to convince him that an impost, which tends to cripple and prevent the improvement of a great and important manufacture, is injurious to the public. That what produces a constant, and irresistible effort to defraud and diminish the public revenues of these kingdoms; and which, independent of any effort, infallibly must, and does diminish these revenues, is injurious to the public. That what diminishes the consumption of grain in towns, or locks up the market in towns against the malt liquors manufactured in the country, is injurious to the public. That a weight which falls heavily upon the poor, or drives them into the immoderate use of ardent spirits, to the great detriment of their health and morals, is pernicious to the community at large.

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If these things be not hurtful to a community, it is hard to say what things are to be esteemed hurtful.

Having, as we imagine, clearly evinced the great importance of the brewery as a national manufacture; having pointed out its advantage to government as a source of public revenue, and to the cultivator of land as a market for grain; having also developed the impolicy, and pernicious consequences of the imposts granted to towns in Scotland: may we not hope that the landholders in Scotland will display some portion of their wonted vigour; and instead of concurring, like some of their predecessors, in the extension and renewal of these fatal imposts, that they will unite as one man in preventing such measures. We know them to be much more enlightened than their predecessors, and guided by more liberal ideas, both of their own interest, and of what may promote the prosperity of that community, with which their own good is so intimately connected. It is needless to dwell on this topic, as we are persuaded there is scarcely a landlord in Scotland who is not convinced

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vinced that his own good, and that of the public, are the same.

Nor do we believe it to be within the power even of malevolence to construe any thing here advanced into a reflection upon our Magistrates, and those who preside in the government of our towns. They are persons for whose characters and office we entertain the highest respect. They are not chargeable with the errors of their predecessors in the original contrivance of this impost; and while it exists, it is their duty to endeavour, by all prudent means, to render it productive, and capable of answering the purposes for which it was intended. While the public good of the community over which they preside, requires this tax, it is even their duty to apply for a renewal of the grant: unless its evil consequences are exhibited to them.

We are confident that this impost was at first established through ignorance of its evil tendency; and afterwards renewed from the silent acquiescence of the brewers, and the community at large, rather than from any design, on the part of our Magistrates, to persevere in a system hostile to the public good.

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But now that the evil consequences of this impost are humbly represented to them, we are confident that our worthy Magistrates (should our arguments, fortunately, operate the same conviction on their minds they have done on ours) will be the first persons to abandon it. We are aware that the money arising from it is allotted to useful purposes; either the discharge of necessary debts, or the support of beneficial institutions. But we are assured that other more productive funds may easily be substituted in place of the impost on malt liquors; and the brewers are ready, in common with other citizens, to bear their share of any other less hurtful tax that may be devised. We rely with entire confidence on the wisdom and patriotism of our magistrates and counsellors to point out the proper substitute.

In fact, levying the sum necessary to compensate for this tax, would not be so difficult, in the city of Edinburgh at least, as one may, at first sight, suppose. By the act which extended the impost to the four adjacent parishes, the city became bound to indemnify the proprietors of these parishes by an annual payment,

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ment, which it is said amounts to 1400[⊕]l. or 1500l. This extension has contributed very little to the benefit of the city, if it has not rather occasioned much loss; for there is evidence, that while the impost was confined to the city and liberties alone, it was frequently known to produce more than it has done since that period, without any deduction to the heritors of the adjacent parishes. By abandoning the impost, therefore, the city will be rid of this annual deduction; and the remainder, which actually goes into the city's funds, may be provided for in some other way, either according to its highest amount, or general average, during a course of years.

Our respectable Magistrates have attained their present stations of dignity and trust, by virtuous industry, and attention to business. There was a time, as appears by impost act 1693, when a tax was levied upon all *cloth* vended within the City of Edinburgh; and we may put the question to them, whether such a tax was calculated to promote the *sale* or *use* of *cloth* within the city? Indeed it appeared so absurd, that a former magistracy voluntarily applied for, and obtained its repeal;

⊕ vide note to page 12 of Additional Remarks, to this pamphlet

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peal: an example which we hope will be imitated by our present worthy magistrates, respecting the impost on malt liquors.

They must be sensible that a tax, even upon cloth, or any other article that is vended and consumed within a town, is very different in its effects from a tax upon the same article manufactured. For were a tax of 17 *per cent.* imposed upon the value of all *linen* cloth, for instance, or any other articles that are manufactured within the city and the adjacent parishes, and which was not drawn back when these articles passed beyond the limits affected by the tax, it is probable that these manufacturers of linen cloth, &c. would soon betake themselves to another situation. The impost on ale and beer is a precise parallel to this last supposed case. It operates, not merely as a tax upon the consumption of the town where it is established, but as a prohibition of the manufacture of malt liquors itself.

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Since the preceding pages were put to the press, we have been favoured with a copy of the act, now pending in Parliament, for continuing the impost grant to the City of Edinburgh during a further period of years. It is subjoined as an appendix to this work; and we beg leave to make a remark or two on the points wherein it differs from former acts.

1st, The penalties, formerly excessive, are proposed to be increased by forfeiture of all country malt liquors imported into the city and parishes annexed.

2^d, A tax of two shillings per hoghead is proposed to be levied on all English malt liquors consumed, not only within the city and liberties, but also within the annexed parishes, independent of the 12 s. per hoghead at present leviable on English malt liquors consumed in public taverns within the city and liberties.

On this we may remark, that such a tax subjects the inhabitants of the annexed parishes to an additional burden, without offering them any farther compensation.

That it will not relieve the brewers, because it is difficult in the collection, and the

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most numerous body in Edinburgh, viz. the members of the College of Justice, are not bound to pay it. Farther, the tax on English malt liquors will only operate on the consumption of the remaining inhabitants of the city and annexed parishes, whereas the tax on liquors brewed within these precincts operates wherever they may be consumed. Therefore our own liquors will not be on a footing of equality with those of England; and it is known, that the manufacture of the stronger malt liquors, particularly of porter, never can succeed unless conducted on a large scale with free access to an extensive market.

We need not recapitulate our doubts how far it is consistent with the articles of the Union to establish any local tax which may tend to exclude the manufactures of England from our markets.

3^d, To the exemption in favour of Edinburgh castle, another is proposed in favour of the barracks at Pierhill, on certification that the ale is actually sold there at a *cheaper* rate, by the amount of the impost.

We remark, that it would have been better to have repealed the impost altogether, and

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then our foldiers, as well as other inhabitants, would have procured *better* inftead of *cheaper* malt liquors. They are already fufficiently cheap, though their quality would certainly be improved by adding *malt* to them, in place of *impoff*.

4to, The exemption in favour of Holyrood palace is propofed to be withdrawn, but no mention is made of indemnification to the proprietors of houfes within thefe precincts, the value of whole property may be diminished.

APPENDIX.

APPENDIX.

WHEREAS, by an act paffed in the Parliament of Scotland in the year one thoufand fix hundred and ninety-three, a duty of two pennies Scots was granted to the Community of the city of Edinburgh, and to the Magiftrates and Town Council of the fame, and their fucceffors in office, for the ufes therein fpecified, upon every pint of Ale and Beer either brewed, brought in, tapped, or fold within the faid town and fuburbs, and liberties thereof, for the fpace of fifteen years, and further not exceeding the fpace of thirty years, commencing from the firft day of July one thoufand fix hundred and ninety-three; which duties were, by an act of the third year of King George the Firft, intituled, "An act for continuing the duty of two pennies Scots, or one fixth part of a penny Sterling, on every pint of Ale and Beer that fhall be vended or fold within the city of Edinburgh and privileges

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vileges thereof, for the benefit of the said city, and for discontinuing the payment of the dues, commonly called the petty port customs at Edinburgh, during the continuance of this act:" Further, continued for the further term of nineteen years, for the purposes therein mentioned: And, whereas, by an act passed in the ninth year of his said Majesty George the First, intituled, "An act for enlarging the term granted by an act made in the third year of his Majesty's reign, for continuing the duty of two pennies Scots upon every pint of Ale and Beer sold in the city of Edinburgh for the purposes therein mentioned, and for discontinuing payment of the petty port customs there, and for making the said act more effectual," the said duties were continued for the further term of nineteen years from the expiration of the said last recited act; and were also extended to the several Brewers within the parishes of Saint Cuthbert's, the Canongate, and South and North Leith: And whereas, by an act passed in the twenty-fifth year of his late majesty king George the Second, intituled, "An act for enlarging the term granted by two several acts of the third and ninth years of his late majesty's reign, for continuing

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continuing the duty of two pennies Scots upon every point of Ale and Beer sold in the city of Edinburgh, for the purposes therein mentioned, and for discontinuing payment of the petty port customs there," the rates, and duties, and impositions made payable by the said act of the ninth year of king George the First, upon all Ale and Beer, brewed, brought in, vended, tapped, or sold within the city of Edinburgh, or suburbs, or liberties thereof; and also the said rates, duties, and impositions thereby granted, upon all Ale and Beer, brewed, brought in for sale, vended, tapped, or sold, within all or any of the parishes of Saint Cuthbert's, Canongate, South and North Leith, were, from and after the expiration of the term granted by the said act of the ninth year of the reign of king George the First, further continued for and during the further term of thirty-eight years: And whereas the revenue granted by the said acts has been faithfully applied to the purposes thereby directed, yet the same has greatly decreased since the commencement of the said act of the twenty-fifth year of his late majesty, in so much that, in several years, the gross produce was not sufficient for payment of the interest of the debt, far less for payment of

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of the annual burdens with which the grant was burdened, and although the revenue for some years past has increased considerably, yet it is no ways sufficient for payment of the debt contracted upon the credit of the said duties without a further continuation of the term already granted, for collecting the same. Be it therefore enacted, by the King's most excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, that the rates, duties, and impositions, made payable by the said Act of the twenty-fifth year of his late Majesty's reign, upon all Ale and Beer brewed, brought in, vended, tapped, or sold, within the said city of Edinburgh, or suburbs, or liberties thereof, and also within all or any of the parishes of Saint Cuthbert's, Canongate, South and North Leith, shall, from and after the expiration of the term granted by the said Act of the twenty-fifth year of his late Majesty, be further continued, collected, and made payable to the Lord Provost, Magistrates, and Council of the said city of Edinburgh, and their successors for the time being, for and during the further term of

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years; and the said duties shall be levied and paid with the same means and methods, and by and under the same penalties and forfeitures, and shall be subject and liable to the same restrictions, regulations, and inspection, and applicable to the same works and other purposes as are prescribed, mentioned, and expressed in the said Act of the twenty-fifth year of his late Majesty's reign, and in the ninth year of the said reign thereby referred to; and that the said acts, and every article, rule, clause, matter, and thing contained in any of the aforesaid acts, (excepting such as shall be altered by this present act), shall be in full force and effect from the expiration of the aforesaid act of the twenty-fifth year of his late Majesty, for the said further term of years, to all intents and purposes, as if the same were at large repeated and re-enacted in the body of this act: Provided always, and be it enacted by the authority aforesaid, That all and every Brewer within the aforesaid limits, subject to the payment of the said duty, who shall furnish and sell Ale or Beer for the use and consumption of the garrison of the castle of Edinburgh, or his Majesty's forces quartered there, or in the new barracks at Pierhill, shall

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shall be entitled to a draw-back of the said duty from the collector thereof, from time to time, for such quantities of Ale and Beer so to be consumed within the aforesaid castle and barracks; the quantities to be ascertained by a signed certificate, and upon oath, if required, by the collector of the said duties, as well by the Brewer as the Retailer: Provided also, That all and every such Brewer shall sell and dispose of such Ale and Beer, so to be consumed within the aforesaid castle of Edinburgh, and Pierhill barracks, at a price lower than the common selling price, by at least the amount of the duty so to be drawn back, and to be ascertained by a like certificate from the Brewer and Retailer; any thing in this present or any former act to the contrary notwithstanding: And, whereas, by the aforesaid act of the twenty-fifth year of his late Majesty, the Ale and Beer vended in the castle of Edinburgh was only exempted from payment of the aforesaid duties, notwithstanding doubts have been made relative to the precincts of Holyroodhouse being likewise exempted, such exemption having been made in former acts: Be it therefore enacted by the authority aforesaid, That, from and after the

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neither the Brewers within the precincts of Holyroodhouse, nor any other Brewers, on pretence of vending Beer or Ale within the aforesaid precincts, shall be exempted from payment of the aforesaid duty, any thing in any former acts to the contrary notwithstanding: And be it further enacted by the authority aforesaid, That in addition to the penalties mentioned in the aforesaid act of the ninth year of his late Majesty, relative to Brewers or other persons importing or selling any Beer or Ale within the said city, suburbs, or liberties thereof, or within the said parishes of Saint Cuthbert's, Canongate, South and North Leith, without payment of any duty, unless previous notice be given to the Magistrates of Edinburgh, or their collectors, in manner mentioned in the said act, all such Ale and Beer shall be forfeited, and that it shall be lawful for the Magistrates of Edinburgh to confiscate, sell, and dispose thereof, and apply the produce, one moiety to the seizure-maker, and the remainder to be applied in the same way and manner as the produce of the aforesaid duties is hereby directed to be applied: And whereas all English Beer and Ale formerly paid a duty to the city of Edinburgh of twelve shillings

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shillings per hoghead, which duty, by an act of the twenty-fifth year of his present Majesty's reign, was confined to the quantity made use of by Vintners and Victuallers: Be it therefore enacted, by the authority aforesaid, That all English Ale and Beer, brought into and consumed within the aforesaid precincts, shall be subjected in payment of the aforesaid duty of two pennies Scots on the pint, excepting only such quantities for which the aforesaid duty of twelve shillings the hoghead shall be paid by the aforesaid Vintners and Victuallers: And be it further enacted by the authority aforesaid, That the annual payments, which were awarded by the arbiters by virtue of the said act of the ninth year of his late Majesty's reign, to be paid to the proprietors of the parishes of Saint Cuthbert's, Canongate, South and North Leith, shall continue to be paid to the said proprietors, during the continuance of this present act, in the same manner, and under the same regulations, as by the said act is directed and prescribed: And be it further enacted, by the authority aforesaid, That nothing in this act contained shall extend, or be construed to extend, to empower the said Lord Provost, Magistrates, and Town Council,

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Council, or any other person or persons whomsoever, to borrow any further sum, so as to increase the present capital debt, upon the credit of the said duties by this present act continued and made payable. And be it further enacted by the authority aforesaid, That the Magistrates and Town Council of the said city for the time being, shall, upon the which shall be in the year of our Lord make up a full, complete, and perfect state of all the money which shall have arisen, and been received, by and from the said duties granted by the said former acts, and this present act, of all sums of money laid out from time to time, for the several purposes in the said former acts, and this present act mentioned, and of what debts shall be then owing on account of the said former acts, and this present act, to the end that it may appear if any overplus money shall remain, and in case any shall remain, the same shall be laid out and applied with the approbation of the overseers for the time being, in such manner as directed by the said act of the ninth year of his said late Majesty. And, be it further enacted, and declared, That the annual payments with which the said duty is burdened shall continue and endure only

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until and no longer. And, be it further enacted, That the produce of the aforesaid duties shall, in the first place, be subject and liable to pay and discharge the charges and expences incurred in procuring and passing this present act of Parliament. And be it further enacted, by the authority aforesaid, That this act shall be deemed and taken to be a public act, of which notice shall by all Courts in this kingdom be judicially taken; and all judges, justices, and other persons, are hereby required to take notice of it as such, without specially pleading the same.

February 1798.

Additional Remarks upon the Impost Tax, intended as an APPENDIX to a Pamphlet published in 1797, by the Brewers of Edinburgh.

THE Bill for a renewal of the impost, brought into Parliament by the Magistrates of Edinburgh (a copy of which is annexed to the preceding Pamphlet), was withdrawn last season, after being twice read in the House of Commons. It is believed that this happened in consequence of certain resolutions to oppose it, adopted by the Landholders of Mid-Lothian, when met at Edinburgh in March 1797. The noblemen and gentlemen present, unanimously concurred in condemning the impost, in the strongest terms; and expressing their wishes that a less objectionable tax could be substituted, for answering the exigencies of the city.

During the interval that has elapsed, several substitutes were talked of; and the draught of a bill was some time ago submitted to the inspection

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specification of the parties most immediately interested, wherein it was proposed, to transfer the impost from malt liquors, to tea and to spirits vendible by the dealers in Edinburgh, and the annexed precincts. The Brewers had no hand in this bill, neither have they ever given any opinion upon it; and they will now only observe, that it was opposed by the Grocers and Spirit-dealers with such objections as seem to have been unassailable: For at a meeting of the Heritors of the county of Edinburgh, held 17th February current, for the express purpose of taking the impost business into consideration, the gentlemen present thought proper to abandon it. It gave us great pleasure to find that they had not altered their opinion of the impost on ale and beer, but were as unanimous in reprobating it as they were last year. In particular, the Lord Advocate expressed himself in strong terms. Among other things he observed, "That this species of local taxation
 " had originated in Edinburgh, and if now
 " defeated in Edinburgh, would at once fall
 " to the ground throughout Scotland, never
 " more to rise again.—But if it was renewed
 " to this city, it would be continued to every
 " other

" other town already possessed of it, and granted
 " to all other towns that chose to apply for it.—
 " In short, if not defeated now, it would remain
 " a galling yoke upon the brewing trade of
 " this country for ever." Other gentlemen also expressed a strong disapprobation of this impost. Indeed the meeting seemed to entertain but one opinion. The Solicitor of Excise, being present, declared it to be the general opinion of that respectable Board, that the impost was highly prejudicial to the public revenue; and that, on perusing the records of Excise, he found the Commissioners had been remonstrating against the continuance of this tax, to the Lords of the Treasury, for more than forty years.

The Heritors adopted the following resolutions:

- " Resolved,
- 1^{mo}. That it is wise and expedient to encourage the consumption of brewed liquors, in preference to spirituous liquors, it being found that the immoderate use of spirits has had very pernicious effects on the health, morals, and industry, of the people.
- " 2^{do}. That the local duty of two pennies on the pint of ale and beer, payable to the city of
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Edinburgh, over and above the King's duties, has the effect of lessening the consumption, and spoiling the quality of those liquors.

“ 3^{tho}. That the county are satisfied, that the city of Edinburgh labours under a debt of seventy-two thousand pounds, and certain annual salaries to Professors and Ministers, which will require a fund producing at least four thousand pounds *per annum*: And they are of opinion, and humbly submit to the wisdom of Parliament, that it would be an expedient and proper measure, to take away the whole local imposts on ale and beer in Scotland, which, in all, amount to a sum under nine thousand pounds *per annum*: And that as Government will derive a great increase of revenue on ale, beer, and malt, that the towns having grants at present, should be allowed, out of the public revenues collected by the Excise, annual sums, equal to the average amount of their imposts, for the terms of their respective grants. This measure, they are convinced, will increase the public revenue—

“ 1st, By encouraging the consumption of brewed liquors, from their being better in quality, and lower in price. 2^{dly}, By higher duties being

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being paid to Government, the Brewer being enabled to sell the old Scots liquor called two-penny, at nearly the same rate as he at present sells small beer. 3^{dly}, By taking off the impost, there will be less inducement to commit frauds against the revenue. And lastly, they are persuaded, it will have a most happy effect on the morals of the people. And the meeting therefore request the Member for the county to support this measure in Parliament.”

The meeting thereafter appointed a committee, for the purpose of procuring information respecting the state of the distillery and brewery in Scotland, and communicating on that subject with the Lords of the Treasury.

Before the preceding pamphlet was published, the Brewers conceived that neither the Magistrates of towns, nor the public at large, understood the nature and tendency of the impost tax. But after such a decided disapprobation of it has since been pronounced, by noblemen and gentlemen, not more distinguished by the extent of their property, than by their enlightened patriotism, and whose interest it affects—after men in the highest offices, who enjoy such means of information, have

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have so unequivocally declared their sentiments against it, the Brewers are now convinced that its nature and tendency are well understood: And since our Magistrates themselves, by withdrawing their Bill last session, have publicly induced a belief, that the evidence which operated so powerfully in every other quarter, had also reached their minds, the Brewers were led to entertain the most flattering expectations of being relieved from this oppressive tax.

In addition to this short narrative of facts, we shall next take notice of a few sophistical arguments which have been urged for the continuance of the impost.

It has been said, that this tax gives the Town Brewers a *monopoly*, highly advantageous to them, by excluding Country Brewers from their market; and that the removal of it would not benefit the inhabitants, as the Brewers would pocket the money they now pay to the town, and would not supply the inhabitants with ale either better or cheaper. It is hence inferred, that the tax is neither a loss to the inhabitants, nor a hardship, but rather a benefit, to the Brewers.

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1. Those who use this argument, take care never to define the meaning of their term *monopoly*. We shall take the trouble off their hands, by stating, *That the essence of a monopoly consists in an exclusive privilege in trade, vested in a few individuals of a city, or country, against the interest of the inhabitants at large.*

Now, with regard to the inhabitants, we would ask this question, Whether, were the brewing trade laid as open to competition in Scotland as it is in England, or as all other manufactures are in both kingdoms, would it be possible for any man, or combination of men, to force upon them ale and beer of inferior qualities, or at a higher rate than their intrinsic value? It is impossible. Were the Brewers in Edinburgh, after the trade is laid open (by the abolition of the impost), to make such an attempt, they would soon find their designs frustrated by Country Brewers sending their liquors to town from all quarters. This part of the argument therefore falls to the ground.

With regard to the other part, respecting a *monopoly*, if there be any such thing as a *monopoly* in the case, it is against the Town Brewer.

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Brewer.—He cannot sell his liquors in the country on equal terms with another Brewer, who pays no impost; and if he should happen to send them within the precincts of another impost town, he is subjected to a new impost*. Even the narrow limits within which this boasted monopoly confines his operations, are not secured to him. Private families can supply themselves from any quarter they please, without paying any impost. But although a monopoly was actually intended for the Town Brewers, and the Magistrates were to go to the utmost rigour of the law to maintain it to them, still it can be completely subverted by the Country Brewer.—He has only to erect a small Brewery contiguous to his other work, to be carried on under a fictitious name, and entered with a Town, to pay its impost. Under cover of this small Brewery, in which may be brewed the most trifling quantity of beer, the Brewer, if he pleases, may sell, *within the precincts of the impost*, all, or the greatest part of what he brews in both Breweries, without check or controul: For, by the impost acts, he is not restrained from serv-

* See Pamphlet, page 26, *et seq.*

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ing private families from his large Brewery, and he may freely serve persons of every description from the other; and how can it be determined, when the liquors are delivered, in which of the two works they have been brewed?

The situation of the Town Brewer, as has been fully shewn in the preceding Pamphlet*, is very different.—He must pay impost upon all the ale and beer he sells, not only to publicans, and private families, within the precincts; but also upon all he sells to persons of every description, where-ever situated, throughout Great Britain. It is evident, then, that if there be any monopoly in this case, it is in favour of the Country Brewer, and wholly against the Brewer who resides within the district subjected to the impost: And it is also evident, that when, by the abolition of imposts, the town market is laid open to a free and unrestrained competition from all quarters of the kingdom, the public will have the best possible security against being imposed upon by the Town Brewer: The benefit he will derive from the abolition, will not arise from pocketing

* See page 27. *et seq.*

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the tax he formerly paid, for this is out of his power, but from being enabled to afford his beer of a better quality, by which the consumption of it will be greatly increased; and from being no longer under such temptation of spoiling it by fraudulent practices.

It has been alleged, that a tax, which has existed so long, can be no hardship; and that former Brewers must have thought it none, as they seem not to have opposed the renewal of the different grants.—Imposts on ale, in Scotland, have no doubt existed a very long time*; and have extracted from the Brewery, in that country, very large sums of money. In the Edinburgh district alone, there has been drawn nearly half a million sterling since 1693: But how can either the long endurance of an evil, or its severity, be urged as an argument for

* In our Pamphlet, we traced this oppressive species of local taxation no farther back than the 5th of William and Mary; but, looking into Maitland's History of Edinburgh, we find (page 110.) that it claims a more ancient, though a less respectable parentage. It is there stated, that, upon application of the Common Council to Oliver Cromwell, in 1654, he granted them a plack, or 4 pennies Scots, on every pint of ale and beer sold within the city and liberties, for the term of *three years and a half*. Thus Cromwell appears to have been the Father of these *impositions*.

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its continuance. This argument effectually defeats itself. Whether Brewers, in former times, opposed or acquiesced in the renewal of impost grants, is not easy now to ascertain. They may have neglected their own interest; but this cannot be urged as a reason, why those, now in that profession, should continue to do so. Indeed, it is very doubtful, if former Brewers had always an opportunity of expressing their sentiments respecting these acts, or of making any opposition to them; because there is reason to believe, they were sometimes carried through, when all the parties interested, were not aware of them, until it was too late. By the act 1722, which extended the impost over the four parishes of St. Cuthbert's, Canongate, South and North Leith, provision was made for compensations to the proprietors of lands, and of breweries, within these parishes, for submitting to be taxed by the Magistrates of Edinburgh, who had no jurisdiction over them. This act appoints arbiters to determine these compensations; but none were allowed the benefit of claiming, unless they had signed a bond of arbitration, before the first of May then next. Fifteen

Heritors

Heritors signed the bond, within the time limited; and were allowed by the arbiters, during the currency of the grant, the sum of 138l.* divided in certain proportions among them. Some proprietors of breweries, also claimed within the time; and, instead of annuity, a certain sum was awarded to them, as full compensation for the whole term of that grant. Several other proprietors claimed, after the 1st of May; but they were excluded, their application being too late. In 1752, nine years before the termination of the act 1722, the Magistrates obtained a new grant of 38 years. In this act, there was no provision for compensation to any person whatever, excepting the 15 Heritors; to whom, the same annuities, settled under the former act, were continued, and will be so till the termination of the current act in 1799.

The original extension of the impost was merely a defensive measure, on the part of the Magistrates of Edinburgh. It did not proceed upon

* When we supposed (in Pamphlet, page 70.) these compensations to be 1400l. or 1500l. we find we were mistaken. We then went upon general rumour, perhaps founded upon the injury done the proprietors and other inhabitants of these parishes—their *population* considered.

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the principle, of levying money from people over whom they had no jurisdiction; but to prevent the Brewers, in the four adjacent parishes, from defeating the impost tax, as it previously existed within the city and liberties. Now, as only 15 Heritors, and only part of the Proprietors of breweries, were indemnified during the currency of the act 1722; and as neither Heritors, Proprietors of breweries, nor of houses, came forward under the act 1752, to urge their just claim of compensation; it is a strong presumption, that the inhabitants of the annexed parishes, now nearly equal in number to those within the city, were neither consulted before the passing of these acts, nor apprized of their nature and tendency. Had they been so apprized, they would certainly have demanded, that all the money levied upon them, as a measure of defence, should be restored. Their silence shews, that the Brewers also, were not informed of these acts until passed into laws. Therefore their not opposing, does not prove that they acquiesced in them.

Having thus attempted to answer such arguments as have been urged in favour of the impost tax, we beg leave farther to observe, that when the grant of the Scottish Parliament, 1693,

1693, which existed at the time of the Union, expired; the British Parliament became denuded of power to renew any such grants in future.

The 7th article of the Union runs in these words—"That all parts of the united kingdom be, for ever, liable to the same excises upon all exciseable liquors." It is true, indeed, that the impost upon malt-liquors, then payable to the city of Edinburgh, and other towns in Scotland, is expressly reserved, and continued by the Union, among other private grants, as formerly mentioned in our Pamphlet. But it could not be the meaning of the Commissioners who framed the Union, to extend this grant beyond the time fixed for its termination by the act of the Scottish Parliament, by which it was established. Their meaning certainly was, to leave this impost grant as they found it; and when the time fixed for its expiration, by the Parliament of Scotland, arrived, it could not, consistently with this article of the Union, be renewed by the Parliament of Great Britain.

With regard to the city of Edinburgh, the principle which must have swayed the conduct of

of the Commissioners, may be collected by perusing the impost act, 1693, of William and Mary, then current; and which, at the time of the Union, had sixteen years to run. That act expressly says, "That their Majesties will grant this imposition for *this once*—to help and relieve the said city *in this extraordinary manner.*" And towards the close of the same act, their Majesties declare, "That having granted the said imposition, as a *sufficient fund* for payment of the debts of the city, they revoke an imposition upon wine and broad cloth."

The first thing that would strike a Commissioner, on looking into this act, must have been, that it was merely intended as a temporary measure, to effect a particular object; *viz.* the payment of the town's debts. And since the Parliament of Scotland had, for *this once*, made such a grant—at the same time declaring it to be an *extraordinary measure*, not to be drawn into a precedent; he might also be disposed, for *this once*, to admit a practice inconsistent with all the principles on which the Union is framed: That is, he left this temporary grant to die a natural death, by the expiration

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expiration of the act of the Scottish Parliament. But the instant this act expired, the article of the Union, which we have cited, became the supreme law of both kingdoms; and no such grant could, consistently with it, be renewed.

That the impost tax, though payable to towns, is virtually an additional excise, appears evident; because it is levied by the excise-books, upon exciseable liquors. As it tends to depress the Brewery in one part of the united kingdom, it is farther inconsistent with that equality of trade, which is so anxiously guarded in the other articles of that solemn engagement.

If, therefore, the towns in Scotland needed a revenue, after the impost acts, which existed at the time of the Union, expired, they ought to have looked towards other sources not inconsistent with that transaction. Continuing the impost, is a manifest violation of the Union, in so far as it is establishing a *new* or *additional* excise; while the Union expressly says, that the excise, upon all exciseable articles, should for ever be *the same* in all parts of the united kingdom.

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We have already hinted, in our Pamphlet, our doubts, how far it was consistent with the Union, to levy duties upon the malt-liquors of England, when vended in Scotland. Our object never was, to secure to ourselves exclusive privileges of any kind; but, merely, that the trade of brewing should be put upon the same footing in all parts of the united kingdom.

Thus it appears evident, that the continuance of these imposts is a manifest infringement of the Union, both as it respects England, and as it respects Scotland. The continuance of these imposts had induced a necessity of violating the Union in Scotland, by imposing a greater excise upon one Brewer than upon another; and, as a measure of protection, it has been found necessary to violate the Union, as it respects England, by imposing a new excise upon English liquors, when they come within the districts subjected to the impost tax.

Since the preceding pages went to press, we have been favoured with a copy of the Petition of the Magistrates of Edinburgh, now depending in the House of Commons. It gives us great pleasure to find, that they no longer

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insist upon the renewal of the impost, in an unqualified manner; but express a readiness to accept a proper substitute for this tax. That such a substitute may easily be found—or that the plan proposed by the Gentlemen of Mid-Lothian, in the resolutions already stated, would prove highly advantageous to the Government, and to all the parties concerned, we entertain no shadow of doubt.

THE END.