

123-31



0226

A N S W E R
TO THE
D E F E N C E
OF THE
PERTHSHIRE RESOLUTIONS.

*Behold my desire was, that mine Adversary
had written a Book!—* JOB.

E D I N B U R G H:
PRINTED FOR WILLIAM CREECH,

M, DCC, LXXXV.

A N S W E R, &c.

IT is much to be regretted, that the Legislature should have insulted the public virtue and *understandings* of the Perthshire Resolution-makers, by proposing to them an employment so degrading, as that of preserving their own tenants from the idleness and debauchery of Private Spirit-making, with the view of forming them to be useful members of Society! Resol. 6.

Whatever may be the case of the other Gentlemen, it is plain that the wisdom of the Nation has made a much better choice for our literary champion, the Author of the *Defence*, than he has had discernment enough to make for himself.— In the performance of the duty prescribed to him, *as a Citizen*, he might have made a respectable figure; but when he becomes an *Author*, to praise, would be to insult him.

(4)

The elegance and warmth of this Writer's phraseology,—his delicacy in complimenting his opponent,—his hatred of all *restraints* imposed upon Language, as well as upon Stills, exhibit the spirit of a Freeholder in Literature, as well as in Perthshire.

It is a thousand pities that a Volunteer of such independent principles should have engaged in a service, the performance of which requires a discipline he has not yet condescended to undergo:—Inclination, however strong, will not supply the place even of honest industry, far less of other requisites.—Much, therefore, am I afraid, that the Defence of the Perthshire Resolutions will not have the effect intended by its Champion; it will not prove him to be the *ablest Freeholder of that great county* *.

The onset of the Defence, has something in it bold and singular.—The strong

* It is so very great, that we are told the Landholders are often at a loss to find out the habitations of their own tenants.

(5)

strong phrases of the enemy are culled out, and placed in the front, like a Grenadier Company.—This raises in the Reader, the expectation of a terrible attack upon the part of the Author; but he drops down at once, humble and resentless.

—‘ These are heavy charges; and lest
‘ passing them over without any answer
‘ should be deemed an acquiescence under
‘ them, *I* have thought it proper to examine upon what grounds they are made.’

A Resolution to examine, being with such solemnity intimated to the Public, we were anxious to know what the result was, *i. e.* whether the grounds turned out good, or bad.—As this was a circumstance of no moment to the Author, he naturally supposed it to be of as little to the Reader; and accordingly, in the very next sentence, he appears busied at *an answer*.—

‘ I am not perfectly clear, however, that
‘ I should not have done better to have
‘ made *no answer at all*.’—We agree with him: we admire the only struggle his modesty has made, though we cannot
the

Defence,
p. 1.

p. 2.

p. 2.

(6)

the other qualities he was about to exhibit.—I his gentle Reader, am not only *not clear*, but incapable of comprehending how a man could have *done better*, by *doing nothing at all*.—True, the Public is immediately given to know, that if he had not made this singular exertion, the Writer of the Distillery Letter would have been left to contempt.—If any friend of mine ever gets into such a woeful predicament, I shall recommend him to the Defender of the Perthshire Faith, as a certain deliverer.—It will cost that Writer no more than a single appearance, either for or against him.

P. 2. It is our Author's opinion, That a Defence of Highland Whisky, like a Still, needs the slow fire of a Sentiment to set it a-going. 'The evidence of obvious truths 'is ever weakened by reasoning on them.'—This is no doubt a sad truth; and, by the plaintive tone of expression, it is evident the Writer is very sorry for it.—What signify *obvious truths*, without the *evidences* of them? and what signify the *evidences*,

(7)

evidences, unless he *reasons on them*?—After all is done, it is no doubt confoundedly provoking, that the whole of his pains should only serve to render the *evidences*, and the *truths*, so much the weaker: Should he continue long at this rate, they must run the risk of annihilation, leaving nothing behind but a litter of words.—Thus a block of the hardest timber, in the hands of a bungling carpenter, is worked down to a heap of shavings*.

He goes on—'And after having expof-
'ed all the cavils and misrepresentations
'of this Writer, I shall not probably leave
'the minds of my Readers so strongly
'impressed by those *great truths* I mean
'to establish, as they *would be from*
'*having them simply proposed*, as in the
'Perthshire Resolutions.'—Poor Gentle-
man! let me advise him not to be so
much cast down. Things in this world
are often not placed exactly in the order
we would wish them to be, and yet it is
the best of possible worlds. Comfort
should

* Chippings.

(8)

should not be administered at second hand; and therefore, I shall take the liberty of addressing the Gentleman himself, upon the present occasion.

No doubt, Sir, if you begin by weakening your evidences and truths, the cavils and misrepresentations of the adversary must of consequence grow *stronger*; and your exposing of them, will only help them to be *better seen*, to the detriment of your diminished verities.—But, what would you have us to understand by those *great truths* you mean to establish? Are they the same, you a little before termed *obvious truths*? for, bigness has not the effect upon truths, as upon other things, of making them more visible; besides, the sort last mentioned, are as yet neither great or small. They depend, for their establishment, upon the sequel of your Defence:—And you tell us, that ‘when all is done, they may not leave the minds of your Readers so strongly impressed, as they would be from having them *simply proposed*.’—
Now,

(9)

Now, Sir, please to remember, upon other occasions, that *an established truth* must, by the nature of things, make a much stronger impression upon any mind, than one which is only *proposed*; for this reason, that establishment includes both the proposition and the proof.—On the other hand, if you fail in the establishment, as you seem very much to apprehend, it would have been better to have stopped at the proposal.—*Euclid*, it seems, has not been able to impress upon your mind, that an *axiom* is an *obvious truth*; but that every proposition must have its demonstration, and that a failure in the one, totally destroys the other. Of this, your Defence of the Perthshire Propositions, is a very plain instance.—But tho’ one thing be missed, another has been hit: You have perfectly succeeded in establishing the very simple proposition with which you set out, *viz. That you had done much better, if you had done nothing at all.*

B

Having

(10)

Having thus annalised the logic of the Gentleman's preamble, I am afraid I must suspect him of smuggling it, such as it is; and that, as frequently happens, the goods have been spoiled in the running.—He wished to appropriate to himself the thought of a celebrated Writer, to grace the front of his Defence.—Montesquieu says, '*Quand il s'agit de prouver des choses si clair, on est sur de ne pas convaincre* *.'—Tho' stolen plate be miserably defaced, some mark or other is often left, sufficient to prove the property, and restore it to the rightful owner.

The next paragraph will not be claimed by any body.—'In order (says our Author) to render what I have to say *more clear*, I shall follow the order of the Resolution.'—As he has said *nothing* at all about the matter, what he has to say must come out very clear indeed. Perhaps he does not mean to promise so much: he has only forgot that the *comparative* is a very social degree, and never willingly appears but in company with the

* *Esprit de Loix*, liv. 25. chap. 13.

(11)

the *positive*. I do not so well understand the note belonging to the last-quoted sentence, which is placed at the foot of the page:—'For the convenience of more P. 2.
'easy reference, the Resolutions are hereto
'annexed.'

Till now, I imagined that it was the Author who *referred*, and the Reader who *consulted*.—If so, the annexing of the Resolutions adds nothing to the Gentleman's ease or conveniency; for, either he or I can make a reference to the Library of the Vatican, as easily as to our own Appendix.

At the 4th Resolution, our Author tells us, the contest begins.—The letter-writer, *it is remarked*, termed it *mere verbiage*; and he adds, 'To talk slightly of any argument, is an easy method of answering it.'—Here again I own myself informed. I thought, that when a man does no more than talk slightly of an argument, he only wishes to intimate that it is not worth the answering.—

B 2

However

(12)

However that may be, I deny the *verbiage*. The Author of the Letter termed the 4th Resolution *verbage*. When a word is transplanted from beyond seas into our language, it ought to be naturalized, or anglicized. I do not know from whence *garbage* came; but it is certainly better than *garbiage* would have been. The Critic would do well to allow *verbage* to stand as it is. I insist upon it, that these two words are *Synonymes Francois, i. e.* tho' producing general ideas of the same resemblance, they differ materially in particulars—*Ex. gr. Verbiage* is a number of words grammatically arranged, the effect of which is *vox et preterea nihil*.—*Verbage* is a parcel of words in confusion, signifying *as little*.—I think I have somewhere met with an excellent illustration of this*. Let dishes be words, and meat, ideas. Now, if a man were to set our Author down at a table covered with dishes in good order, without any-thing upon them, this would be to treat him with a dinner of *verbiage* :—

whereas,

* L'Abbé Girard.

(13)

whereas, if he was presented with a heap of the same dishes in the disorder of the bye-table, this would be *verbage*.—To give my sincere opinion of the matter, I think the Author of the Distillery Letter might have allowed the Perthshire Resolutions the honour of being *verbiage* : But I presume I have said enough to create some apprehensions in this Gentleman and his friends, that the Defence of the said Resolutions is likely to turn out no better than mere *verbage*.

I do not think that what I have to say, would be *made more clear*, by working in the mash-tun of arguments and facts which the Resolving Freeholder has presented to the Public: I believe it will be better to try if any-thing can be made of them by distillation. It is said, that materials, otherwise good for nothing, may be converted to some use by that method.

The Author of the Letter upon the Distillery, has left us very little good matter to work with. To him the Text must continue to belong. All that the Perthshire

Defender

(14)

Defender and I shall be able to strike out between us, will only furnish a very indifferent comment upon that piece.

The arguments making the body of the Defence, from their number and disagreement, have evidently been furnished by a general contribution. What, then, was to be expected but patch-work? I have seen a man in a debating club, make a tolerable speech, by borrowing words around him, like shillings to make up a reckoning. 'No Minister (said he) who had an atom of spirit, ever publicly acknowledged an error in his Taxes. Better to—better to—you know what I mean, Sir.' Why, persevere, I suppose.' —Thank you, Sir.'—Better to persevere in the wrong,' &c. &c. &c.

Now to business. — The Author of the Letter upon the Distillery asserts, and it is not denied, that the Gentlemen of the Highland Counties have long been plying different Administrations, upon the subject of Spirit-making. It is also admitted, that the purpose of these applications was,

to

(15)

to be allowed to use Small Stills, prohibited to the rest of the kingdom; and this, when obtained with much difficulty, the Perthshire Resolvers consider as a very trivial favour.—Very well--What is the reason that Small Stills were discharged all over Britain? The Act of Parliament answers, *That experience had proved them to be the immediate causes of all the frauds committed against the Revenue in the article of Distillation.*—The reasons are obvious. From their size, they could easily be concealed; and it was impossible for the Officers to attend such as were entered. It was consequently in the power of the lower class of people, to carry on perpetual frauds against the Revenue.--Is not the permission, then, to use these implements, the most material and dangerous exemption which the Laws of Excise can admit of?—Was it not yielding in favours of the Highlands, the great check which experience had taught the Legislature to depend upon, for the protection of the Revenue of all the rest of the kingdom.—But here a question is put,

Resol. 6.

(16)

put, 'What became of this reserve, when,
' by the very Statute in question, Mr
' George Bishop of Maidstone obtained
' an exemption from the General Law,
' without being attended with any penal-
' ties against the inhabitants of Maidstone?
P. 29. '—Ought his interest to have a greater
' weight in the Legislature, than the ne-
' cessities of 17 Counties of Scotland?'—

— Mr Bishop of Maidstone had the merit of bringing to his country, the art of making Gin, equal, if not superior, to the best that Holland can produce. — The process required the *wash* to be drawn off, much thinner than that for common corn-spirits; so that *two* gallons of the wash he makes, is but equal in strength to *one*. Now, as the duties are laid upon the *wash* by measure, it behoved Mr Bishop either to have paid double duty, or his valuable manufacture must have been lost. It was of consequence for the *accommodation of the whole kingdom*, and not for that of Mr Bishop of Maidstone, that a small variation was allowed in the process of

(17)

of his manufacture. — Sufficient care, however, was taken, that this variation should not be capable of being abused, or save Mr Bishop a single shilling of the revenue paid by his neighbours. His work is a great one. The revenue it produces, is able to pay the constant attendance of officers, who wait upon him night and day. The inhabitants of Maidstone have no concern in this business, more than the inhabitants of any other place;—and therefore, Mr Bishop is not an instance in favour of the Perthshire demand. If any man in the Highlands be able to produce Gin of his own manufacture, equal to that of Maidstone, and to make proof of the fact before Parliament, he may depend upon being indulged with the same privilege.

But, did not the exemption demanded go farther than the use of *Small Stills*? Did not the Highland Gentlemen petition to pay the duty in a manner quite different from the rest of the kingdom, *i. e.* by *licence* upon the Still, in place of a duty

C

upon

(18)

upon the wash?—Now, it is fit that all concerned should know that the entered Distillers of Scotland made an application of the same kind, and were refused. To them it would appear of itself a vast immunity, to have the shackles of Excise knocked off, and to be allowed the fair exertion of their own industry, for a sum proportionable to the size of their Stills.—This has been indulged to the Highlands, and denied to them.—In the *third* place, did not the Highland Gentlemen most earnestly entreat, that their licence-money might be below the duties imposed upon the rest of the kingdom? and has not Government, with most unprecedented liberality, granted these three several exemptions? — Supposing the use of a Thirty-gallon Still to be allowed to a Lowlander, it behoved him to work it under the restraints of Excise, and to pay the common duties upon the wash. Were he to be indulged in having the annual amount of those duties reduced into a licence, it behoved him to pay

L.160

(19)

L.160 at least, in place of L. 30 paid in a Highland County. — How should it be imagined that such privileges could be granted by Government, without an uncommon security against their abuse?— But the question is answered. ‘ If the exemption asked for the High-

P. 33:

‘ lands, had really a tendency to injure the Revenue, this would have been a good reason for refusing to grant it.’— Here, for once, we perfectly agree: it is a very sufficient reason, and that reason will yet have the effect it ought to have had.— The Author of the Letter, it is said, ‘ has not pointed out in what manner it can have such operation.’— Was it necessary to use many words to inform Gentlemen, that the Law ought not to put it in the power of any number of subjects to underfell their neighbours in articles of traffic?— Now, what have the Distillers of the Low Country to expect, surrounded by Seventeen Counties, who are to have it legally in their power to manufacture Spirits, not only for a fourth of the duties

C 2

the

(20)

the former are obliged to pay, but clear of all restraints in the operation? And is it not next to certainty, that without the the most effectual restraints, the market would be wholly supplied by the Highland dealers?

The instance of Fairtofh, it is said, has no sort of connection with the matter in question. It would have been as much to the purpose to mention the grant of the Island of Man to the Family of Derby.' Were a man's head to be bomb-proof, thick as a floating battery, I should not despair of his being made to comprehend, that were the Proprietor of any Island in the British Seas to solicit from Government the privilege of importation of prohibited goods for the use or consumpt of that place, the very mention of the Isle of Man must quash the success of the request. The Isle of Man had not a right to send a drop of Spirits into any part of Britain; and yet, till the privileges of that Island were removed, all the world knows what

(21)

what the Revenue of this Country suffered by it. It was that circumstance, which, to his honour, induced the Noble Proprietor to restore it to his Country.—To figure an instance more exactly in point than that of *Fairtofh*, is impossible. The privilege that Mr Forbes of Culloden obtained from the Parliament of Scotland, was no more than converting the growth of *his own proper lands* into Spirits, at an inferior duty, which is the precise exemption granted to the whole Highlands of Scotland by the late Act of Parliament; and it is very probable, that a much shorter possession than Mr Forbes has had, would be thought to bestow a right upon every Proprietor in the exempted district, to demand from Government a price for their privilege, *in proportion to the abuse of it*, which is the case with *Fairtofh* at this moment. Nor will there be wanting Writers to reproach the Legislature, and to convert its liberality into a right.—It is added, that no new restrictions were to be imposed upon

(22)

upon Culloden's grant. No restrictions were requisite, more than are contained in the original grant, had they been observed. The value has all along lain *in the abuse*; and it is the difficulty experienced in restraining that abuse, and confining the Lessee to the terms of this exemption, which alone have forced upon Government the idea of purchasing the privilege. The Excise-duty upon the real produce of a Highland Estate of L. 700 *per annum*, could never otherwise be an object to the Revenue, tho' every inch of the land had been annually covered with corn, and every ear of that corn consumed by distillation.

P. 36. ' No person (it is said) who wishes a permanent advantage to the Highlands, would think of asking that they should be permitted to distil on such terms as would enable them to undersell the Entered Distillers.' And yet, this is the very thing that was asked, and the very thing which was put in their power by the late Act.—After all, the Gentlemen
of

(23)

of many parts of the Highlands are not satisfied;—they want Larger Stills, and Universal Permits.—Nothing short of a Free Trade in Spirits, with every advantage on their side, will give them content.

But, independent of duties, the Author of the performance in question, has brought forward circumstances, which seem of themselves to be fatal to the scheme he meant to defend. ' It is a well-known fact, (he asserts), that none of the Spirits made in the Great Distilleries, *have ever found their way* into the Highlands. They are so inferior in quality to those made in Small Stills, that it would be very difficult to reconcile the Highlanders to the use of them.'—Here we have an open acknowledgment, that the Highlands have smuggled every drop of Spirits for their own consumption, and that the Revenue draws not a pence from that quarter.—But the other fact is more material. If the Small Still Whisky be so much superior to the product

P. 34.

(24)

product of the Legal Stills, the market must of consequence be secured to the Highland Manufacturers, and the Entered Distillers ruined. How then can the Legislature allow the use of implements to one set of men, which produces goods *superior in quality* to what can be had from the utensils and the process prescribed to others. The late Act, it seems, put it in the power of the Highlands to undersell the whole Traders who pay the Revenue, both in quality and price; and therefore, it was no wonder that the most absolute security should have been provided against such destructive consequences.

The late General Distillery Bill was not the original one intended to be brought into Parliament. The Law, as it now stands, was passed, after a violent contest between the London and the Scotch Distillers. A system of restraints had been contrived by the former, which the latter judged would prove fatal to their trade; and

(25)

and the principal point upon which the Londoners founded their argument, was an exemption of a small part of the duties which they supposed the Scotch to be possessed of.—A state of the matter was drawn up, upon the part of the Scotch, in which the mistakes of their opponents were obviated. Upon the article of duties, the Scottish Distillers expressed themselves in this manner*: ‘It is an universal principle, that no man, or set of men, in Great Britain, are entitled to any preference in the payment of public duties, whether directly or indirectly, so as to enable them to undersell other traders.—The Scotch Distillers pretend not to any such *illegal privilege*; and therefore, the dispute resolves into a question of simple fact.’

It was proved, that no illegal exemption had been enjoyed; and therefore, no singular restraint could be legally imposed.

Nothing can be more opposite to the general law of the kingdom, than the ex-

D emptions

* Case of the Capital Distillers of Scotland.

(26)

emptions bestowed by the late Act of Parliament, upon the Highlands of Scotland. No restraints could be too strong against the abuse of indulgences, so replete with danger to the Public, and injustice to the Fair Trader.

That the Highlands presented an universal scene of illicit distillery, at the date of the late Act, is perfectly well known, and stands acknowledged:—That they were not content to smuggle for their own consumption, but poured down their Spirits into the Low Country, is equally notorious.—By them, and others in the same trade, the Spirit-market of Scotland has been wholly engrossed;—and is not this the declared reason, that our Entered Distillers, underfold and defeated in every part of their own Country, have been obliged to *send the whole of their Spirits to England*, where they have Traders taxed like themselves to cope with?

No example, I believe, can be shown in the records of the business of this country, of such egregious error, as the Gentlemen

(27)

lemen of the Highlands have been led into, by the Framers of the Perthshire Resolutions. The late Act, by a concurrence of accidents, was allowed to pass in their favour, without opposition. The attention of the Legislature is now particularly roused upon the subject; and the object to come before them, is at once novel and alarming.—Upwards of 10 counties* in this kingdom, who took every method to evade the payment of the legal duties upon Corn Spirits, have had extraordinary indulgences bestowed upon them, by the very Law, which subjected all the rest of the kingdom to the same duties—to the same utensils—and to the same practice in the manufacture.—The return which these grateful Counties have made for the unprecedented and dangerous indulgence with which they have been treated, seems rather the fruit of madness, than of sober reason.

The Legislature, which had condescended to deviate from the established course,

D 2

to

* The 17 Districts are supposed to be equal to 10 Counties.

(28)

—to make the Constitution itself bend to the convenience of the Highlanders,—or, according to the style of the present times, *to violate the rights* of the whole subjects of Great Britain,—to yield up the Revenue, and even the Penalties incurred for the breach of the Laws,—had certainly a title to expect from that Chosen People, obedience and gratitude.—What has happened? The Perthshire Resolutionists came forward, and, in the harshest tone, proclaimed aloud, That they would not give the smallest aid, to guard the exemptions conferred by the Statute, from abuse. If Government has given, let it take care of the consequences of the gift:—we will not have an office imposed upon us against our will. Whatever concessions have been made to our Country, we will make none in return. The Law may bow to us, if it pleases; we will not bend to the Law.

The alarm became general, because very few of the Parties concerned understood the value of the favour they had received; and others of them imagined, that they

(29)

they saw a good opportunity of increasing them.—One Party declared, ‘ Give us Larger Stills;—enlarge our Trade in Spirits; and we shall acquiesce with every other circumstance of the Act.’—Others, ‘ The Licence duty is too high: Lower the duties; take the management of the business from the Commissioners, and vest it in the Highland Justices of Peace—that will do for us.’ In short, each district wanted an Act adjusted to its peculiar situation and interest.—The Perthshire Resolutionists have continued the original noise upon one key, *viz.* ‘ The office imposed on them against their will,—the penalties imposed upon innocent Freeholders, for the transgression of their tenants,—and the extreme difficulty, if not the impossibility, of executing the office, or, in other words, of preventing smuggling in the Highlands.’—These articles I shall consider separately, under some hopes of proving to the Public, that the arguments adduced by the Defender of the Resolutions, go to establish just the reverse

(30)

reverse of the positions he intended to found upon them.

The phrase, *imposition of an office*, he has been pleased to take in a sense strictly literal, whereas it is no more than a figure of speech which some people are fond of. For example, I find it to be a favourite grace in our *eloquentia forensis*.--When the Members of the College of Justice, in the beginning of the present century, were called upon to contribute a share of the expence of supporting the poor, and of the necessary police of the Town, the College answered, 'That the Town of Edinburgh ought not to envy nor grudge their privileges; far less a privilege of this nature, of being free of the slavish and beggarly office of dighting their nasty streets, and feeding their idle poor*.'--When the Acts stated in the Distillery Letter were passed, it never occurred to any of the subjects of Britain, that an office was imposed upon them, of being *centinels* to churches or houses, *thief-catchers*, or *watch-dogs* to planting. The acuteness of

* Information for the College of Justice, 1710.

(31)

of our Author, has discovered a distinction invisible before:--He has discovered,

' That the purposes for which the money P. 15.
' is to be raised on these Statutes, are necessary articles of the public expence;
' and it is of no consequence whether the
' money for answering them, be raised on
' each particular County, or on the Nation
' at large.' Upon enquiry, I believe it will also be found, that every shilling of the duties upon Corn Spirits, is pledged to the creditors of the Public:--that the payment of the interest due to these creditors, is a necessary article of public expenture; and in case of deficiency, the money must be raised on the Nation at large.--The Landholders, therefore, in exerting their utmost influence to prevent smuggling, are doing essential service to their King, their Country, and themselves.--But nothing shall be done on compulsion.--By what means, it may be asked, is the gracious assistance of our fastidious Resolutionists to be obtained? ' Will Gentlemen
' submit to be driven like slaves, with
' whips

(32)

‘whips and scorpions?’ This is the most terrible *leafing-making** I ever heard. It is contrived, to make well-meaning people believe that Government keeps a pack of tame scorpions, to drive the Gentlemen of Perthshire.—Now, the Defence-Writer knows in his conscience, (if he has one), that the whole of these creatures now in Great Britain, have been already drowned in Whisky.—In place of such grievous persecution, it is asked again—‘Would it not be better policy, to endeavour to gain them by good treatment, and reasonable advantages?’—Pray, are not the permission of thirty-gallon Stills, in place of those of four hundred,—the paying the duties by licence, — and the payment of L. 30, in place of L. 130 *per ann.*—good treatment, and reasonable advantages?

The Perthshire Resolutionists acknowledge the receipt of nothing but the simple allowance of Small Stills. ‘And we cannot say

* A term in the Scottish Law, which denoted the crime of propagating false reports, to the prejudice of Government.

(33)

‘say they but look upon it as an insult to our understanding, to suppose, that, for so trivial an advantage, we would submit to have our dearest rights invaded.’ If this was not calculated to create improper prejudices, ought not the manifesto to have informed the Public, that L. 30 only was required of a Highlander, for the same operation which was to cost all the other inhabitants of Great Britain L. 133, by the lowest calculation?—To this wise reserve, a great part of the concurrence so hastily given, and so much boasted of, is to be imputed.

Next comes a home-thrust.—‘Suppose (says the Defence) the Proprietors on the coast of Suffex* should be subjected to heavy penalties, whenever any prohibited goods are landed on the coast, how would this be relished?’—I answer, extremely ill. But the supposition is far short of the case: I must be allowed to continue it a little.—Suppose the Gentlemen of Suffex to apply to Parliament, to be allowed to import

E

these

(34)

these prohibited goods, either duty-free, or for a fifth-part of the legal duties,—How would this be relished?—Nay, supposing further, that the consideration of some peculiarity, either of the country, or the people, should prevail with Parliament*, to grant such a privilege, would they not demand of the Gentlemen of Suffex, what security they proposed to give to the Public, for the prevention of the articles imported, from continuing their journey to the neighbouring counties?—Would it not be a very modest and decent answer for these Gentlemen, to say, Security!—why that is no part of our proposal; we will not even use our influence to prevent any such thing. Good brandy, and good wine, our people must have: If
your

* Several may be figured, such as, That it was impossible to prevent smuggling altogether; and therefore it was best to submit to it quietly, and to take a little from them, in place of nothing: or they might say, that Coniac Brandy was so much superior to British Spirits, that it would be very difficult to reconcile the Suffex men to the use of the latter sort.

(35)

your officers can catch them carrying it farther, good and well.—All this would be modesty itself, compared to the Resolutions of Perthshire. We are only to presume, that the Gentlemen of Suffex, as individuals, had no further interest in the matter, than to have the pleasure of drinking good liquors; whereas the the whisky is to be made by the Highland tenantry. The people are not only to get their favourite *beverage*, but the proprietors, by the manufacture of it, are to draw as much money for their bad produce, as any Gentlemen in Britain get for the best.

So much for Suffex.—Our Author immediately allows his fancy a wider range. ‘ Suppose (says he) the regulations which
‘ the Writer of the Distillery Letter seems
‘ to think so just and reasonable, were to
‘ be adopted with regard to *all the other*
‘ *branches of the Revenue*, and their operation extended over the whole kingdom—LET ANY MINISTER DARE
‘ TO TRY THE EXPERIMENT!—A

P. 12.

E 2

hopeful

(36)

hopeful experiment truly.—For Heaven's sake! Mr Pitt, beware how you go on reducing the duties.—Tho' you have already abated five parts in six to the Highlanders, and a half to the whole Island, by the regulations in the late Act—tho' you should now proceed to bring a pound to be a shilling—nay, tho' you repeal *all the branches of the Revenue at once*, you are not to expect any assistance from the Freeholders of Perthshire, to your favourite scheme of putting an end to *Smuggling**.

The next point, being *a matter of fact*, ought not to admit of much discussion; but the concerned, it seems, will have it otherwise. I shall therefore put the question—Do the Gentlemen of the Highlands possess sufficient influence over their tenantry, independent of common law, to fulfill the purposes of the late Act of Parliament, or not?—Sometimes it is ac-

know-

* The Minister has had no thanks from this County, though he declared in Parliament, that it was the circumstances of Scotland which chiefly induced him to propose the last general reduction of the duties upon corn-spirits.

(37)

known, that they possess it; at other times, it is confidently said that they do not.—In one page, their influence has been exerted in favour of Government; in the next, it was never put to trial.—I am now to extract from page 7th.

' That the Proprietors in the High-
' lands have great influence over their
' tenants, is very certain; and I believe
' it to be true, that when a scarcity was
' apprehended, most of the Small Stills in
' this County were stopped. But it does
' by no means follow, that the Gentle-
' men can act with the same effect in
' preventing frauds against the Revenue.
' The lower class of people feel the ne-
' cessity in the one instance, very diffe-
' rently from what they can be expected
' to do in the other. They will submit
' readily, under the dread of impending
' famine, to measures which, in the other
' case, they would take every method of
' evading.'

Defence,
p. 7.

If their influence, to have effect, must
be seconded by famine, I admit it to be
of

(38)

of very little consequence; for, with the same assistance, they might tame the lions of Nemea, and bulls of Bashan, were they to be caught in Perthshire.

A little farther, the idea of this matter alters surprisngly.—‘ It is no doubt a
 P. 26. ‘ very desirable object to engage the
 ‘ Proprietors in the Highlands to exert
 ‘ that influence which *they actually possess*,
 ‘ in favour of the Revenue. That this
 ‘ method would be attended with the
 ‘ desired effect, there is the greatest rea-
 ‘ son to believe.’—An instance is imme-
 diately given. ‘ So long as it was possible
 ‘ for the people of the Highlands to di-
 ‘ still in a legal manner, the County of
 ‘ Perth were *at great pains* to prevent illi-
 ‘ cit practices; and various *Resolutions*
 ‘ of the County, to that purpose, might be
 ‘ produced.’—This is cautiously expressed.
 It is not said that the Highlanders ever
 did distil in a legal manner, but that it
 was at one time *possible for them to do so*;
 and then, what did the County of Perth do?
 It *made Resolutions*.—This Great County,
 it

(39)

it seems, is mightily given to *resolving*,
 Were these Resolutions ever executed?—
 Are the good effects of them to be found
 in the records of Excise?—No—no—no!

‘ When laws were made (continues the
 ‘ Gentleman) which amounted to a total
 ‘ prohibition, and left no option to the
 ‘ country; it is not to be wondered at,
 ‘ if *the zeal of the Gentlemen* was consider-
 ‘ ably abated.’—Zeal!—why, in the very
 page preceding, the Writer tells his op-
 ponent, ‘ That he need not have expref-
 ‘ sed his wonder, that the united endea-
 ‘ vours of so many Noblemen and Gen-
 ‘ tlemen should have so *little effect* upon
 ‘ the tenants, since it never was asserted
 ‘ that *any such endeavours were used*.’

This is not all.—In one place, Govern-
 ment is advised to ‘ court the Highland
 ‘ Gentlemen, to exert the power, of which
 ‘ they are really possessed;’—and yet, in
 another place, the Writer wishes to per-
 suade the Public, that the assistance of
 the same persons is not worth the seek-
 ing. ‘ The people (he says) are disposed
 P. 27.
 P. 26.
 P. 3.

‘ to

(40)

to take every method of evasion. The nature of the country, too, affords so many opportunities of concealment, that the inhabitants must be suspected to avail themselves of them from time to time. Can it be supposed possible to prevent the Highlanders from distilling in *Sheillings**, which are often 10 or 15 miles distant from any habitation?—This is taking great pains to prove the propriety and necessity of those very parts of the late Act of Parliament, particularly objected to. If the Highlands were like any other country, the Proprietors would have had no pretence for obtaining exemptions, nor Government any reason for requiring the assistance of the Heritors.—Who can be expected to explore such wastes, or go in quest of these sheillings, but the Proprietors, or their Factors? and of whom are the *Sons of the desert* to stand in awe, but of their Lords and Masters? Could they for once be convinced, that

* Hutts made for the people who attend the cattle in Summer.

(41)

that their Landlords were determined enemies to Private Spirit-making, it behoved that business entirely to cease.

It is now my turn to bring forward a fact, and I do it upon authority which excludes contradiction.—I assert in general, then, and shall *descend to particulars if required*, That, upon the promulgation of the late Act, there was no famine, nor dread of famine, in the Highlands; and yet smuggling ceased at the voice of the Heritors,—the poor tenants submitted implicitly:—the Gentlemen, and their Factors, ordered the Stills to be instantly delivered up; and down they came, tumbling from every hill, into the houses and barns of the Superiors.

Also,—That upon the promulgation of the Perthshire Resolutions, the said Stills were re-delivered, and sent back to their hills again.

In many places, the fear of the Statute still remains before the eyes of the inhabitants; and I appeal to themselves, if they have not since that time experienced, and

F if

(42)

if they do not at this moment continue to experience, a degree of plenty in the article of food and corn, to which they have long been unaccustomed.—Yet, the last crop in Scotland, was far from being a full, or a good one.

Were the Gentlemen, even in their station as Magistrates, disposed, as they say they are, to suppress smuggling, how easy might it be done?—By an Act of the 12th of Queen Anne, the Justices of Peace of every county or town-corporate in England, are appointed to meet some convenient time before the Quarter Sessions of the Peace, or oftner if need be; and, by their warrant, to command the constables of every parish, assisted with sufficient men of the same places, to make a general privy search through their several and respective limits, for the finding and apprehending of rogues, vagabonds, &c. &c.—A Resolution of this kind, I apprehend, would quickly put an end to Stills; but I cry mercy of the Perthshire Justices.—It would be imposing

(43)

posing a mean degrading office upon them, contrary to the Free Constitution, and the *dearest right of that Great County*.

Yet, strange to tell! Government has enjoined no duty to those Gentlemen, but what they owe to themselves, and to the people under their care. The attendance upon Small Stills, seldom, if ever, fails to beget idleness and debauchery of the worst and most incurable sort. In the low country, it was the last resource of every lazy vagabond;—after sucking the last drop from their own Stills, they and their families are turned out in misery.—The Resolution-maker acknowledges this *great truth**. And therefore it might be expected, that a guinea *per boll* would not preponderate against the *ruin* of their *people*.

So much for the three points proposed to be discussed.—I now go on to the remaining

F 2

remaining

* ‘ We are sensible, that the suppression of illegal Distilleries, is a most desirable object, not only as they are prejudicial to the Revenue, *but also as they are ruinous to those concerned in them.*’—Resol. 7.

remaining circumstances held up in the Defence.

To prove the moderation of the Perthshire Resolutions, it is remarked, that they took no notice of many clauses in the Law, which appeared to be exceptionable, *viz.*

- P. 43. ' The taking away the Landlord's right of
' hypothec,—the laying on the penalties
' in the same proportion as the ministers
' stipend,—and the anxiety expressed to
' detain in perpetual imprisonment, those
' unhappy wretches, whose poverty renders them unable to pay the fine inflicted for a single offence against this
' Law.'

With regard to the *first* article, the Writer is totally mistaken.—The Act is in precise conformity with the common Law.—The *King*, both in England, and in Scotland, from the establishment of the monarchy downwards, was always preferable to the Landlord, whose hypothec, as it is termed, is, comparatively speaking, a thing of yesterday.—Upon this point, I am willing to enter the lists with this Writer when he pleases;

pleases;—at present, it would lead too far off.

The laying on of the penalties in the same proportion as the ministers stipend, would have been an error in a General Statute; but in the Highland Counties, I am told, it is as good as any other rule, and I suppose was adopted as a mode of collection most familiar to the ministers and elders, to whom one-half of the penalty is appropriated.—It is also my opinion, that the specification of the penalty is too high, much higher than I presume had been originally intended.

But, penalties are no more than bugbears, as the Laws of Excise confer a *general power* of mitigation; and every person knows, that this power is exercised in its utmost latitude, and giant penalties every day cut down to dwarfs.

As to the *imprisonment of the wretches*, it is uncandid to convert it into a reproach. The words of the Act were evidently meant to make the General Law understood, and dreaded by the people.—

A debtor to the Revenue, before this Act, could not recover his liberty, either by a *Cessio Bonorum*, or *Act of Grace*. By this Act, his chance is a great deal better; the penalty once paid either by his masters or the parish, the offender becomes debtor to the subjects, and consequently his liberty depends on them.—The Author of the Distillery Letter, with the greatest reason, put the question, Why the Highland Gentlemen had not suggested to Government, a plan of their own? for, it cannot be said that a reasonable one had been rejected.—He might have demanded, Why the Perthshire Resolutionists should have declaimed with such virulence against the Law as it stood, without substituting anything in its place?—The apology now made, is, ‘ That, to frame a new law, required various informations, of which they were not possessed; and therefore, they confined their Resolutions to what they judged to be exceptionable in the Statute complained of.’—The Gentlemen of the Highlands have been long in suit of

P. 42.

of what they call *relief*.—Was it not inexcusable, not to have suggested the method of it? It behoved such a plan to be relative to peculiarities in situation, which the Legislature could not possibly be possessed of.—How could Parliament know, that they were dealing with men who meant to *take all*, and *give nothing*? Was it behaving like good men, and good subjects, to insnare, as it were, their Patrons into the procuring a law in their favours; and, tho’ conscious that nothing was meant but kindness, to publish a manifesto, in terms more hostile and inflammatory than the Irish Volunteers?—*Fortiter in re*, they might have been; but, *suaviter in modo*, was indispensable upon their part.

If the Perthshire Resolvers were not prepared at their Meeting, with a proper plan, the Public had a right to expect a *prospectus* of it at least in this defence, especially since the Meeting Declared it to be a matter *so easy of conception**.—

Nothing,

* ‘ But we conceive, that there can be no difficulty in framing a Law, which may give a reasonable relief in

(48)

Nothing, however, of that kind, is to be found in this paper. The only improvement of the Act of Parliament, there proposed, is to strike off all restraints and penalties; and then the Highlands will enjoy the manufacture and the trade of Whisky, *in a liberal and effectual manner.*—The hints that the Gentlemen have been pleased to part with upon this subject, by the pen of their Defender, certainly contain information, and therefore deserve notice.

The first circumstance respects the *malt*, concerning which we are favoured with the following anecdote:—‘ Few, if any, of the Distillers (in the Highlands) have entered barns; because, their having them, would subject the Officers of Excise, with whom they must keep on good terms, to additional trouble; and therefore they in general *buy the malt they distil.*’—So the Highlanders, it seems,

‘ in that respect, and may be effectual for preventing illicit practices, without infringing the great principles of justice and liberty.’—Resol. Art. 7.

(49)

seems, have given up the trade of *malt-making*, in order that the Officers of Excise might not have the trouble of levying the *duties.* These last Gentlemen are upon no account to be disobliged; the Distillers, therefore, *buy all their malt ready made.*—If distilling of Whisky has given defiance to every attempt to suppress it, is not the making of malt equally easy?—Surely the numerous concealments, the distance of the houses, sheillings, &c. favour the one business, just as much as the other. But it is needless to deny a fact well known to all the world, that the malt used in the Highlands, is manufactured without the least offence to the Officers of Excise, who are never disturbed, either by the Distiller, or Maltster, upon that account.—At what market do the Highlanders buy this malt? If it be from entered maltsters, in their own country—then, certainly, the Records of Excise should be able to give some information about it.—Or is it meant to be declared, that all the malt in the Highlands is purchased in the *Low Country, where the*

G

duties

duites are paid?--If that be the fact, it puts at once, *an absolute negative upon the plan of the Highland Distillery, and flatly contradicts every representation which has hitherto been transmitted from that country, either to the present, or to former Ministers.*—The sole pretence for obtaining an alteration of the General Law, has hitherto been, that the barley of the distant parts of the Highlands, cannot *bear the expence of carriage to Entered Distilleries,* and back again in the the shape of Spirits:—and I believe I may venture to assert, that this plausible consideration went farther to the procuring of the late exemptions, than all the other arguments offered in their favour. But, if it be true that the Highlanders come down and purchase *all the malt* they use, in the Lowlands, what, in the name of common sense, hinders them from *buying spirits in place of malt?* — The carriage of the one, would surely be a great deal less expensive than that of the other.

There was indeed a time, when the Highlanders bought all their malt in the
Low

Low Country, *i. e.* when they grew no barley of their own.—However odious and adverse to liberty our Author deems the Excise Laws to be, yet we must all acknowledge, that this country owes the introduction of them to the very Patrons of our dear and invaluable rights. Let the famous Excise Act of the Famous Parliament 1644, be consulted; it will thence appear, how far the Parliament of Scotland considered it as a duty, to make the Law bend to the wants and situation of the Highlanders.--It is now discovered by the Perthshire Resolution-makers, that there is an indispenfible obligation of this kind upon the Parliament of Great Britain.—Let us hear what our old friends say upon the subject.—‘Whereas
‘ a great quantity of malt is usually trans-
‘ ported to the far Highlands : It is or-
‘ dained, That the buyers and transpor-
‘ ters shall pay the Excise to the sellers
‘ thereof, notwithstanding they buy the
‘ same upon trust, and take a ticket of

P. 18.

(52)

‘ payment of the Excise; which being
 ‘ produced to the Collector or Surveyor
 ‘ where they live, shall be freed of the
 ‘ Excise, otherwise *shall pay Excise, and*
 ‘ *forfeit the whole malt concealed.*’

Upon the article of *Simple Duties*, I
 own, without meaning to be ironical,
 that the expression of our Author is mo-
 dest.—Besides the use of Stills obtained
 by licence, he suggests, ‘ That *some little*
 P. 36. ‘ *indulgence* should be granted to the
 ‘ Highlanders, to enable them to sell
 ‘ their Spirits cheaper at home; but not
 ‘ sufficient to pay for the expence of car-
 ‘ riage, if they should attempt to inter-
 ‘ fere with the Great Distillers.’—But the
 Gentleman has entirely forgot, that the
superior quality of the Spirits will be
 more than sufficient for this purpose;
 and that the carriage of them is acknow-
 ledged to be a--*bagatelle*.—Government,
 he continues, will be enabled to grant this
 indulgence, for two reasons; *first*, ‘ be-
 ‘ cause the duty by licence will be col-
 ‘ lected without expence; and *secondly*,
 ‘ because

(53)

‘ because *more malt* must be used than by
 ‘ the Great Distillers.’—I answer, That
 in the *first*, he is altogether mistaken; but
 this mistake betrays his notions of the
 business. After paying the duty, it
 seems Excise-officers are to have no fur-
 ther concern;—the Distillers are to be
 left to do just as they please. This can
 never be the case:—The Licensed Distillers
 must be surveyed as formerly;—an ac-
 count must be taken of the stock, and
 all Spirits allowed to go out by permit
 only;—otherwise, a man with a Thirty-
 gallon Still, will easily find ways and
 means to send out more Spirits, than a
 Lowlander could do from one of Four
 hundred.—If the attendance of the Excise-
 officers must continue, the expence can-
 not be lessened; and as to the difference
 of the malt, it is insignificant, and at
 any rate ideal.—What is to prevent the
 Highlanders to distill from *raw grain*?
 The moment Spirit-making becomes a
 legal trade in their country, will they
 not avail themselves of the advantages
 practised

(54)

practised by their neighbours? — It is
 P. 37. said, indeed, ' That the composition, if
 ' found too low, must be raised, till
 ' matters shall be brought to a balance.'
 —Let this paper suffice to give all con-
 cerned warning, to be precise upon the
quantum of this composition, when they
 come before the proper Tribunal. No
 Low-Country Distiller will hesitate to of-
 fer me a hundred guineas for a Thirty-
 gallon Still; and every person licenced
 for that sum, or under it, cannot fail to
 undersell and ruin every Distiller who
 pays the common duties, if he be al-
 lowed to interfere with him.

The next paragraph supposes, that the
 Author had pointed out something which
 he certainly did not do.—' Neither is this
 P. 38. ' *the only means* which the Law has pro-
 ' vided for preventing inconveniences of
 ' this sort.' — The preceding passages
 entirely relate to the reasonableness of
 granting indulgences and exemptions.—
 Do these stand in the front of the Gen-
 tleman's

(55)

tleman's means for preventing inconve-
 niences to the Revenue? If they do not,
 he has yet to invent; and to state them?
 —He proceeds to do so—' For it is in P. 38.
 ' the power of the Commissioners of Ex-
 ' cise, *to limit* the number of Small Stills,
 ' in such a manner as may prevent the
 ' possibility of interfering in any degree
 ' with the Great Distilleries.'—The late
 Act bears testimony, that Government
 knew and considered the full effect of
 the limitation of the number of Stills;
 and it appears that they were perfectly
 convinced, that a *limitation*, by *itself*, was
 altogether inadequate to the prevention
 of the abuses which were to be expected
 from the nature of the exemptions de-
 manded.—The language our Author uses
 upon this head, is vague and inconsistent:
 It is sufficient to convince any person,
 either that he is not possessed of cor-
 rect ideas upon the subject, or that his
 real opinion is the reverse of what he
 professes to hold out.—' To prevent the
 ' possibility of their interfering with the
 ' Great

(56)

‘ Great Distilleries,’—This is very well; but what follows?—‘ *in any considerable degree.*’—What is it that is here understood by *a considerable degree*?—Why should the man who submits to the common Laws of his Country, be injured in any degree? Injured he must be, by the Smuggler, who disregards all Laws; but it is superlatively unjust to increase the evil, by a Licence under the Law itself. This the Legislature felt in all its force;—and it was to protect the Traders by whom the Revenue of Great Britain is paid, that the restrictions so much cried against were devised.

In the very next line, the Writer leaves out *the doubt*, and speaks positively:—

P. 38. ‘ When the Officers of the Crown (he says) ‘ had in their hands such effectual ‘ means for remedying any evils that ‘ might arise from Small Stills, the other ‘ restraints and provisions of the Act were ‘ quite unnecessary.’ The limitation in number, it seems, is all-sufficient.—Immediately after, we are told, ‘ That these ‘ provisions

(57)

‘ provisions are of such a nature as P. 28. ‘ might easily be evaded.’—Granted—And this is the very reason why it became necessary to guard against the evasion by extraordinary penalties, the only thing left the Legislature to do.—But to these concordant reasons, a reason of State is added---‘ It is always bad policy ‘ to enact Laws which cannot be carried ‘ into full execution, and only exposes P. 38. ‘ the subject to be harrassed by vexatious ‘ prosecutions.’—Government is much obliged to our Author for this sage observation, drawn from the very *Spirit of the Laws*. If that be a good reason for opposition to Acts of Parliament, it behoved the whole system of the Revenue Laws to be *repealed*. Daily experience proves, that few or none of them are capable of being carried into *full execution*;—but the same experience also proves, that none of the subjects are harrassed by prosecutions, but those who make it their business to prevent the execution; and there is no doubt that such people look
H upon

(58)

upon all prosecutions of that sort to be *vexatious*. Our Author would have it believed, that the Perthshire Resolution, No. 6th, was kindly intended to correct the bad policy of Government, in attempting to make use of ineffectual means.— But, how does this agree with the sentence immediately following?— ‘ To these restrictions the Gentlemen of Perthshire objected, in their 6th Resolution;— judging, that, if *strictly enforced*, they would render the justice granted by the Act entirely nugatory.’—Here, the true reason blunders out, diametrically opposite to every word before advanced. Here we have an acknowledgement, that the prohibitions of the late Act are capable of being *executed*, or strictly enforced; and that, of consequence, they would be attended with the precise effect for which they were devised. By these restrictions, (says the Writer), the Act is rendered nugatory. If, by *nugatory*, he means that the Highland districts are only to be allowed to convert the growth of their own lands

(59)

lands into Spirits, for the use of their own people, in Small Stills, and at low duties, he is perfectly right.— Parliament evidently intends, that the exemption should not extend a single iota farther. The idea, I presume, was never received or admitted, of allowing the growth of any other lands in Great Britain, to be made into Spirits in the Highlands, or to allow them to manufacture for any others but themselves.— In short, a trade in Spirits was certainly not intended to be permitted; and, I dare say, never will be granted under any conditions, but such as are common to the whole subjects of Great Britain.

Having thus laboured thro’ the Perthshire Defence, I cannot pay the Writer the same compliment he has paid to the Author of the Letter upon the Distillery, that none of his arguments *were difficult to confute*.—The Gentleman’s arguments have occasioned considerable difficulty; but it lay entirely in their number, not in their

H 2

solidity,

solidity,—in their perplexity and contradiction, not in their arrangement and perspicuity.—He has wisely fold his performance, like Highland Barley, by *measure*, not by weight; and, as usual, taken a double price*.—I have now only to add a few general observations.

The Perthshire Resolutions have only served to give complete demonstration, that the late Act went to the root of the evil against which it was pointed, and is the sole scheme by which illicit practices can be effectually suppressed.

P. 8. The whole arguments in the Defence, however, discordant in other respects, concur in the establishment of this position.—It is there avowed, That the people of the Highlands, are disposed to 'take every method in their power to evade the Revenue:—that the nature of the country affords many opportunities of concealment;—and that the inhabitants must be

* The Distillery Letter fold for 6d.—The price fixed upon the Defence, was 1s.

be expected constantly to avail themselves of them.—Nay, the question is put, 'Can it be supposed possible to prevent the Highlanders from distilling in *sheillings*, 10 or 15 miles distant from any habitation?'—All this is to excuse the Landholders from taking any concern in the business.—Yet, in the sequel, Government, (as before noticed) is told, that the licensing and *limitation* of Stills, are completely sufficient to do the whole business.—What then are the Gentlemen afraid of?—If the evil shall be thus effectually removed, the country will have no consequences to answer for.—Why then do all concerned betray a total distrust of the good effects of this measure, by the violence of their opposition against being made liable for the consequences?—Aye—but collusion—we shall be ruined by *collusion*: 'For, (says P. 22. the Writer), let us suppose that two men of desperate fortunes, one of whom has prepared to leave the country, *had a mind* to get L. 50 from the Heritor of a particular parish.—In order to accomplish

(62)

‘plish this, nothing is more necessary than
 ‘for him who is about to depart, to set
 ‘up a Still in the parish, of which the
 ‘other may immediately give informa-
 ‘tion.’

If there be plenty of such men in the Highlands, sure I am they are no-where else to be caught.—One of them must advance money, to make, set up, and work a Still, and then banish himself to a foreign country, in hopes that his brother rascal is to remit him L. 25. —The other is to stay at home, and commence a suit, undergo the extreme fatigue of recovering fifty pounds from a Highland parish, and then part with one-half of it to a fugitive idiot, who never durst return, or ask a sixpence.—It behoved the departing miscreant, to have nine parts of the fool, for one of the rogue, in his composition; and the other, as many of the honest man, to one of the villain. —Such beings are not to be found, even upon poetic ground. And yet, shadows as they are, they have struck more terror
 to

(63)

to the souls of the men of Perth, than the bodies of a hundred Excise-men, led on by Acts of Parliament *.—Nay, at LAST, they are to share the Spoils,—to drive out the Lairds,—possess the Lands,—and to become Justices of Peace, and Commissioners of Supply †.

‘No Law (says our Author) ever gave
 ‘the same temptation to collusive prosecu-
 ‘tion.’—Indeed,—I should be apt to imagine, that a collusive robbery on the highway, may be managed against a populous county of England, with facility and success, compared to the round-about clumsy and tedious device of Still-making, even supposing the existence and agreement of people to execute it.—Experience has, however, demonstrated, that villainous confederacies are almost always defeated by the circumstances attending them.

Of

* Richard II.

† The consequences which must *inevitably* follow, from subjecting *our whole fortunes* to the malice of the meanest informer, who would not fail to act in concert with the offender, and share *our spoils* with them, are obvious, and *ruinous*.—Resol. 5.

(64)

Of the same nature, and, if possible, more affectedly ridiculous, is the trumpeting, the Public have been stunned with, about dear and invaluable rights. The *postulata* of the Act, are evidently of the nature of a civil contract, entirely taken out of general rules.—To drink Whisky cheaper and better than their neighbours, is not among the list of the constitutional privileges of the Highlands:—On the contrary, it is the undoubted right of all the rest of the kingdom, to insist, that they are to be subjected to no duties, and no restraints, of which their neighbours are free. This they will not part with, but for a return in kind; so that the matter resolves into a *barter of rights*. Were the example of the Perthshire Meeting to be followed by all, or by any particular body of his Majesty's subjects, they might declaim upon the principle of equal taxation, and declare that *no consideration* should prevail with them, to suffer the least infringement of that fundamental part of the Constitution. The late Act gives

(65)

gives undeniable proof, that no Briton, either of the South or North, envied the Highlanders an exemption in the article of Spirits, for their own internal consumption. All they asked, was to have absolute security, that such dangerous privileges were to be properly confined, and that they should not be converted into an illicit traffick.—For this, no security could, or, I dare say, ever will be, accepted, but *that of the Landholders*; and no other provisos, but those contained in the present Act, will be found effectual to keep the exemptions granted, within their due limits, *i. e.* to secure the Revenue and the Fair Trader on the one hand, and the Landed Interest of the Highlands on the other, from being hurt by their engagement.—If this be not agreed to—let the Act be simply repealed, and let Government do the best they can to keep down the old evil. The whole dealers in Spirits who pay the Revenue of Great Britain, are to appear, and no doubt will be fully heard upon the present occasion.

I

They

(66)

They have said, and they repeat it, If they suffer by smuggling against Law, it is a misfortune sufficient. The injured are at least entitled to insist, that the Law shall not take part with their opponents; and, by partial exemptions, multiply the opportunities of fraud.—If the Revenue be at this moment suffering upwards of L.20,000 *per annum*, from an exemption possessed by a single and inconsiderable Estate in the County of Inverness, the Fair Traders are suffering in proportion; and they are sufficiently apprised of what must happen, when the greatest part of 17 Counties shall be erected into a *Fairness*, by Act of Parliament.

I am now arrived at the conclusion of the Perthshire Defence; and I feel an inclination once more to pay my compliments to the Author in person.

The tone of your piece, Sir, grows louder as you approach the end.—In place of the timidity and doubts of success with which you set out, like a raw soldier in

a

(67)

a battle, you have gathered mechanical courage, by the frequency of firing.—No longer afraid of impressing the mind of your Readers; but, 'confident of the strength of your argument, and sensible that it needed no adventitious supports, you wished it to stand upon its own legs.'

P. ult.

'An argument with legs, is a great curiosity!—but I am afraid it was not wisely done, to refuse the additional pair offered by your friends.

'You shall not easily (you say) be prevailed on to continue the correspondence.'—After missing the blow aimed at your antagonist, it is cunning to tell him, *you don't choose to continue the correspondence.*

Your concluding paragraph, my dear Freeholder, is too rich for criticism.—Sport, you know, is almost equally destroyed by too great plenty, as by too great scarcity of game.

'Tis not enough that ideas be stuffed into the heads of certain people.—*There*, they remain like furniture at an auction; and

(68)

and tho' a salesman may exhibit his goods to the Public in that strange order, Authors are not yet indulged with such a *dear* and *invaluable privilege*.

I shall take leave, by telling you an old story—

A bad Painter threw down his pencil, and set up Physician.—The reason of the metamorphosis being asked by his friends, ' It was time (says he) for me to choose a profession, where all my faults were sure of being *buried*.'

AQUAFORTIS.