



A DUTCH WINDOW-PANE dated 1651, now in the Bowes Museum. It shows a distillery in operation. The inscription may be translated: *Look how one distills much 'delicate water', those who used this in moderation, they had their wits about them.*

(trans.: Mr. A. Ward).

VII.—WHISKY SMUGGLING ON THE BORDER IN THE EARLY NINETEENTH CENTURY.

BY JOHN PHILIPSON.

On October 23rd, 1773, Dr. Johnson and Boswell in the course of their tour to the Hebrides reached the inn at Inverary and after supper the Doctor, whom Boswell had not seen taste any fermented liquor during all their travels, called for a gill of whisky. "Come," said the learned doctor, "let me know what it is that makes a Scotchman happy."

Such a spirit of pure intellectual curiosity informs, it is hoped, the present series¹ of papers. The previous paper described the physical setting in which Rory worked. The present one will survey some of the conditions affecting the illicit industry at the time. It will, in short, sketch in the background against which Rory played his busy part.

At the opening of the nineteenth century the lawful spirit trade in England had a markedly different pattern from that in Scotland. In Scotland were a large number of very small distilleries, mostly malt distillers, and mostly rectifiers as well. Whisky was rather the drink of the lower than the upper orders of society and the great advertising campaigns which have made whisky a substantial prop of the Scots economy were yet to come.

In England at this time very little whisky was drunk. In much of England, and in London particularly, gin was the most popular spirit. There were in England only twelve distilleries, mostly large, and none of them undertaking rectifying on their own premises. One of the twelve distilleries, that of Edward H. Campbell, was in Newcastle and there too was a firm of rectifiers, George W. Carn & Co.

¹ A.A. Fourth Series, Vol. 36: *Distillation*; Vol. 38: *Remains of Illicit Distilleries in Upper Coquetdale*.

Scottish manners had however extended to the northern parts of Northumberland where much whisky was drunk. A vivid account of the intemperate habits of the farmers and shepherds of Upper Coquetdale and how they were rebuked by the celebrated Archdeacon Sharp is given by Mackenzie in his reference to the eighteenth-century inn at Slyme Foot.² Seeking to account for this heavy whisky drinking he comments:

Like all other people devoted to a tame, languid and insipid occupation, they were fond of strong liquors, which exhilarate the spirits, and by a temporary madness, vary the uniform circulation of thought.

Much too of the Scots disregard of English statute appears to have penetrated well into Northumberland. Whisky was there the subject of two kinds of smuggling. One was to distil it illicitly, so wholly avoiding duty. The other was to import it from Scotland paying only the Scots duty.

The profitability of the latter form of smuggling varied with the differential of which advantage might be taken. Before about 1800 direct comparison is difficult as in Scotland till that date duty was charged on the capacity of the still rather than on its output. The comparative rates of duty from 1802 to 1830 were as follows:

TABLE I.

Comparative Rates of Duty per gallon on Whisky³
in England and in Scotland.

Year	England		Scotland (Lowlands)	Difference	
1802	5s.	4¼d.	3s. 10½d.	1s.	5¼d.
1803	8s.	0½d.	3s. 10½d.	4s.	2d.

² Mackenzie: *Northumberland*, Vol. II, 2nd ed., 1825, p. 83.

³ This table has been compiled from the *Seventh Report of the Commissioners of Inquiry into the Excise Establishment* (London 1834) and its accompanying appendices. For access to this material I am indebted to Mr. R. C. Jarvis, Librarian to H.M. Customs and Excise. It will be referred to hereafter as *Seventh Report*.

TABLE I (continued).

Year	England		Scotland (Lowlands)		Difference	
1804	8s.	0½d.	5s.	9¼d.	2s.	2¾d.
1811	10s.	2¼d.	8s.	0¼d.	2s.	2½d.
1815	10s.	2¼d.	9s.	4½d.		10¼d.
1817	10s.	2¼d.	6s.	2d.	4s.	0¾d.
1819	11s.	8¼d.	6s.	2d.	5s.	6¼d.
1823	11s.	8¼d.	2s.	4½d.	9s.	3¾d.
1825	11s.	8¼d.	2s.	10d.	8s.	10¼d.
1826	7s.	0d.	2s.	10d.	4s.	2d.
1830	7s.	6d.	3s.	4d.	4s.	2d.

Note: Unlike the English not all the Scots figures given are for Imperial gallons. We have no reason to suppose the smugglers were unduly scrupulous about mensuration and no adjustment has been made for any slight error arising from this cause.

Suppose therefore that in 1830 a merchant wished to convey spirits lawfully from a Scots distillery into Northumberland he might either:

- (a) pay 3s. 4d. to the Haddington collection and give bond to pay the balance in England, or
- (b) pay the full English duty of 7s. 6d., in which case no bond was given.

The venturer who paid the Scots duty and then smuggled the spirits into England had therefore a margin of about four shillings a gallon in his favour.

This is not quite the whole story. From 1823 there was in Scotland a drawback or rebate of one shilling a bushel on malt used for the distillation of spirits. This rebate was not operative in England so the lawful exporter had to refund 8d. a gallon to the Excise to offset the advantage he had enjoyed in the purchase of his malt. In this way too therefore the dice was loaded in favour of the smuggler.

A graphic contemporary account of this kind of

smuggling is given by Stephen Oliver⁴ who describes how smugglers from Scotland used to pass through Kidland with whisky, into the middle march of Northumberland. At various villages in Scotland between Coldstream and Langholm were dealers in whisky who were publicly known as persons whose chief trade consisted in supplying smugglers, and whose stock of spirits and sale of whisky were far beyond what could have been required by the consumption of the neighbourhood. Smugglers from England purchased whisky from these traders for the purpose of selling again to the cottagers and small farmers of Coquetdale and elsewhere in Northumberland. These men, commonly driving a light cart, and travelling as dealers in earthenware, used to cross the border by unfrequented roads, and under cover of night to enter the village where the whisky dealer resided. They were provided with food and lodging for themselves, and with stabling and provender for their horses, by the persons with whom they dealt; and after staying all day with the merchant, they generally set out on their return to England the next night. Oliver concludes:

The smuggling trade on the border is at present, however, in a very depressed state. As the duty is only four shillings a gallon higher in England than in Scotland, and as the excise officers on both sides of the border have, for the last seven years, been much more vigilant than formerly, the risk of loss is greater than the chance of gain. There is still a little business done, though more cautiously and in a smaller way; and the angler who happens to be near the head of Coquet or Kail-water in the grey of the morning, about a week before Stagshaw-bank fair, may sometimes observe a man driving a cart, or leading a horse, seemingly loaded with a sack of corn, who, by suddenly halting or altering his course, on the appearance of a stranger, shows that he is anxious to avoid a meeting.

Oliver it will be observed refers to the revenue officers as being more vigilant than formerly. The establishment was returned to the Excise Office, London, on 24th May, 1834, as follows:

⁴ Oliver, S.: *Rambles in Northumberland*, London, 1835.

TABLE II.

A RETURN of the Number of BORDER OFFICERS employed for preventing smuggling of Spirits from Scotland into England, and of the Amount of their Salaries and Allowances.

	No.	Amount of		Total
		Salaries	Allowances	
Officers wholly employed ..	54	£5,041 14 2¼	£4,827 19 10½	£9,869 14 1¼
Officers partially employed ..	2		50 7 6	50 7 6
	56	£5,041 14 2¼	£4,878 7 4½	£9,920 1 7¼

The rates of salaries⁵ enjoyed between 1830 to 1833 were:

Inspectors	9s. 8¼d. a day
Lieutenants	4s. 7½d. „ „
Sergeants	1s. 10½d. „ „
Privates	1s. 5d. „ „

Allowances were made for forage, uniforms and other expenses.

The eastern border was supervised by the Newcastle and the Haddington Collections of the Excise. As will be seen later the principal responsibility appears to have lain with the Newcastle Collection.

Supplementing their pay was a bonus system of payment by results as follows:

TABLE III.

SCALE OF REWARDS paid to the Police Force up to 5th July, 1830.⁶

	£	s.	d.
For a Still-Head and Worm, with Pot-Ale or Worts, and Vessels	3	3	0
„ a Still and Head with ditto	2	2	0
„ a Still	0	10	0

⁵ *Seventh Report*, p. 239.

⁶ *Seventh Report*, Appendix 73, p. 239.

TABLE III (*continued*).

	£	s.	d.
For a Head or Worm	0	5	0
„ Barley Malt brought to Store, per bushel ..	0	2	6
„ Oat Malt ditto ditto ..	0	1	4½
„ Barley Malt destroyed out ditto ..	0	0	7
„ Oat Malt ditto ditto ..	0	0	3½
„ Detection of Pot-Ale or Worts and Vessels ..	1	1	0
„ Illicit Spirits lodged in Store, per gallon at proof, a moiety of 4s. 7½d. equal to 5s. Irish currency, being the estimated value of the spirits with reference to the Duty, which was 2s. when the regulation was made	0	2	3¾
„ Ditto, lodged in Store subsequent to 1st Decem- ber, 1831, per gallon at Proof	0	3	4

Note: Of these Rewards, the Lieutenant of the Police Party received one-third, and the Serjeant and Men the other two-thirds, in equal shares.

TABLE IV.

SCALE OF REWARDS paid to the Revenue Police, from
6th July, 1830, to 30th November, 1831, inclusive.⁶

	£	s.	d.
For every Mile travelled	0	2	
„ every Still, Still-Head, or Worm seized	3	0	
„ every detection of a Private Distillery or a Malt- House	2	0	
„ every gallon of Pot-Ale, and every bushel of Malt seized and destroyed	0	1	

If the Rewards payable upon this Scale exceeded two-thirds of the Rewards payable under the Scale adopted previously to 6th July, 1830, the latter amount only was allowed.

Note: These Rewards were paid to the Serjeants and Men of the Police Parties, and the Lieutenants were allowed Sums proportioned to their exertions, not exceeding in any case, £25 per Annum.

The other form of smuggling was actual illicit distillation whereby the product was wholly innocent of duty. Such was the purpose of Rory's distilleries in Upper Coquetdale and

⁶ *Seventh Report*, Appendix 73, p. 239.

there is evidence of others elsewhere. Not all it seems were so successful in escaping detection as Rory. Richardson describes the detection in 1822⁷ of a still in an old coal-mine adjoining Newcastle Town Moor, and in 1838⁸ of an illicit distillery cut into the side of a peat moss called Codley Moss, within four miles of Rothbury. Finally he recounts⁹ the discovery of a similar distillery in a cave at the foot of the Tosson hills. There was a small hole by which the smugglers had access to the cave. A spring provided water for distillation and a drain had been cut to carry off the water and spent wash. This distillery, he states, was capable of producing a hundred gallons of spirit a week.

It is generally assumed that the public was on the side of the smuggler against the exciseman. That this was not invariably so is shown by some correspondence¹⁰ preserved at Wallington. The letters were written in June 1830 by Edward Spencer Trevelyan¹¹ to his mother. He recounts the injuries inflicted on three Excisemen by two Irish whisky smugglers near Little Harle in Northumberland. A pursuit was organized and later from the top of Shaftoe Crags the fugitives were sighted making their way over the fields near Harnham. Having been apprehended they were taken first to Capheaton and later to Wallington, whence they were conveyed to Morpeth gaol. At the Assizes in the following August the two smugglers, Peter O'Hara and William Kennedy, were condemned to death, but were subsequently reprieved. They were an unattractive pair of ruffians and the sympathies of Spencer Trevelyan and of the neighbourhood were clearly with the Excise officers.

The official view of the state of the industry may be seen from the cross-examination¹² by the commissioners in 1833

⁷ *Richardson's Table Book* (1843), Historical Division, Vol. III, p. 237.

⁸ *Richardson's Table Book* (1846), Historical Division, Vol. V, p. 34.

⁹ *Ibid.*, p. 167.

¹⁰ See Appendix, page 160.

¹¹ Edward Spencer Trevelyan, born 1805, was the sixth son of John Trevelyan of Wallington, who had married in 1791 Maria, daughter of Sir Thomas Spencer Wilson of Charlton in Kent, baronet.

¹² *Seventh Report*, p. 315.

of Mr. Edward Graham, Supervisor at Newcastle and Port Surveyor.

Do you suppose there is any smuggling across the border?—Very trifling to what it used to be; I have caught two cart loads together, but it is nearly done away now: they will fetch four gallons of whisky fifty miles on their backs, but there are so many preventive officers on the border now.

Of how many do they consist?—I should apprehend a dozen or fourteen, besides two inspectors.

Where are they stationed?—There are two places; some near Berwick, others further on, both in England: the border is completely protected from sea to sea, there is what they call a superintendent who has charge of six or seven officers; they keep horses and are out all night—three nights in summer and two nights in winter; they are allowed 5s. a day for their horse keep, which is quite little enough.

Are all in this collection, or the Cumberland collection?—Yes; there are four superintendents and six or eight officers in every place, and some of the supervisors are superintendents; that at Hexham has two officers; there were two here and they were removed north.

They did come here six or seven years ago with spirits, did they not?—Yes, in troops, but they were stopped by the assiduity of the officers; they have got to poverty. . . .

What they bring is smuggled, and it is short measure; it has paid the 3s. 4d. a gallon, the Scotch duty, and they generally water it, and, I believe, the publicans now find that it answers better to get the article the fair way, if at all.

Do the people prefer the Scotch Whisky to the English?—Yes, they like the Scotch Whisky, and that is worth 4s. a gallon more than the English; the raw-grain spirits is coarse, it is chiefly made into gin and rectified.

Do you think they would prefer the malt whisky to gin?—Yes, it is better than gin.

Do you conceive there is any illicit distillation?—No; the Irish used to get into a wood and make some spirits, but I think that is all over.

This appreciation of the situation is in conformity with the evidence¹³ of Mr. James Watson the collector at Haddington who, asked about smuggling over the border, replied:

¹³ *Seventh Report*, p. 301.

It now appears to be on the decrease, I have a considerable knowledge of that part of the country, and can draw a pretty good conclusion, whether at Yetholme, for instance, which is on the borders, the decrease by retail in the stocks there is, in my opinion, equivalent to the local consumption, or smuggling is carried on from that place; but it occurs to me now that those decreases are not so great as formerly, that the smugglers may take other means of procuring spirits.

What is the establishment of officers on the border to assist in stopping smuggling?

That belongs to the Newcastle collection

What is, in point of fact, the case on the borders in Northumberland; is not whisky very much used?—I believe it is.

Would not they have it in all the farmers' houses?—I should suppose it is very much used; but there are considerable quantities sent in from Kelso distillery, which pay the legal duties.

Finally Mr. Watson was asked:

Is there any illicit distillation going on in your district?—None whatever.

A rather less complacent view was expressed by the people of Berwick who on 23rd July, 1832, addressed to the House of Commons the following petition:

That ever since the distinction made in the Scottish and English rates of duty upon whiskey, the offence of smuggling from Scotland into England has arisen to a most alarming height on the Borders, and seems constantly increasing in spite of the exertions of a large body of officers kept at a great expense to the revenue.

That this town from its close neighbourhood to Scotland has suffered intolerable injury from this cause. It has demoralized its population, depressed its industry, and increased its public burthens.

That the number of commitments to the gaol of this borough for this offence has lately averaged fifty per annum, being a much greater number than the commitments for all other sorts of offences within the borough; and not content with filling our gaol with smugglers within the limits of our own jurisdiction, the Excise officers send thither whomsoever they find offending in North Durham, Northumberland, and Berwickshire, within a convenient distance of Berwick. The offenders chiefly

consist of persons in abject poverty, and among them children and very old people, chosen to convey the smuggled spirits in order to evade the levying of any pecuniary penalty. Persons convicted . . . lie in goal till the Board of Excise . . . order their discharge. This punishment, far from deterring from the crime, seems only to render them more reckless, many of them having been four or five times convicted for the same offence.

In spite of these evidences of vitality there is reason to believe that in the thirties the smuggling of whisky was entering upon a gradual decline. Certainly in 1830 the Commissioners believed perhaps a little too complacently that "the beneficial effects of the change [in duty] in the great object of suppressing illicit trading were found in both divisions of the kingdom to surpass the most sanguine expectations". Nevertheless oral tradition leaves little doubt that in Upper Coquetdale at least illicit distillation, no doubt on a reduced scale, persisted till 1870 and possibly later. The reluctance to pay for his pleasures, felt by even the most virtuous of men, is felt not the less forcibly when the account is rendered by an officer of Government.

APPENDIX: CORRESPONDENCE FROM EDWARD
SPENCER TREVELYAN ABOUT WHISKY SMUGGLERS.¹⁴

Wallington, *June 12th, Sunday.* 1830.

My Dear Mother,

I have had a very busy time of it for the last 28 hours. About 1 o'clock yesterday, a man rode up to the front door, & rang the bell. He was covered with blood & mud, & could not keep his legs when he dismounted. I got him washed; & as soon as he could speak, I learnt that he was one of 3 persons connected with the Excise, who had been engaged with 2 Irish smugglers, a short way south of Little Harle Guide Post, & that he had left his 2 companions lying dead, or nearly so, on the road. I immediately sent Creighton & his

¹⁴ Mary, Lady Trevelyan informs me that the originals of this correspondence are preserved at Wallington. It was printed as a pamphlet, presumably for private circulation, by Spottiswoode & Co. A copy of this pamphlet may be found inserted facing page 174 in the copy of Hodgson, *History of Northumberland*, Part II, Vol. I, in the Woodman Collection in the Society's Library. It is here reprinted from this pamphlet by permission of Lady Trevelyan.

man to assist them, & they were brought here in a dreadful state. The heads of all three were almost entire wounds from bludgeons, the skull bared in many places; one of them, Mr. Griffiths of Alnwick, stabbed in the back and side; his cheek cut with a knife from the eye to the chin; & a stab, which had evidently been aimed at the throat, but had taken effect a little higher— 6 of his teeth were knocked out, & his upper lip hanging by a skin, & his left arm disabled. I got the blood washed partly from their heads & faces & clapped acres of Diachylum over their wounds, &, with the assistance of the women, got them to bed. I sent Charles on the Excise Collector's horse in pursuit of the Doctor, & Isaac Milburn and John Lawes well armed in immediate pursuit of the Smugglers— directing them to ride straight away, and not to poke about the place where the attack was made. I sent Wilkinson, & all the footmen about the place, to search the immediate neighbourhood in case of their being concealed, & dispatched Mr. Winship after Milburn & Lawes, as, in case of the Smugglers making straight away, foot-people would be of little avail. I told Isaac to call at Capheaton on his way, & communicate with Sir John Swinburne, supposing that, as he has a stable full of horses, he would of course employ them and his men to assist in the pursuit— but he did no such thing, & did not offer any assistance. In the mean time Mr. Winship & Lawes had joined, & got a clue which led them to the top of Shaftoe Crags, from which place they viewed two Smugglers going over the fields, near Harnham, galloped after them, dodged at their heels, till Isaac with his gun & other assistance came up, when the men surrendered, not without some vaporing. One of them carried an oak stick wh was very bloody. Both of them were wounded in the head, & had much blood about their clothes. They were taken to Capheaton, but Sir John, with his usual ignorance of *Magisterial powers*, refused to commit them without examining the Excisemen, though circumstances were far more than sufficiently strong to have warranted their committal, on suspicion. Accordingly the Smugglers were sent here, & followed by Sir John in Pott's chaise. How I laughed when I saw an immense chest of papers, & *Burns' Justice* handed out of the chaise. Sir John, after a vast deal of fiddle-faddle and blundering, at last, with Winship's assistance, succeeded in executing the warrant, &c. The Excisemen were not in a fit state to undergo examination, but sufficiently identified the men; & Sir John, when they are somewhat recovered, is to come & take their depositions at length. The smugglers were sent to Morpeth Gaol forthwith, guarded by the Morpeth Supervisors, for whom an express had been sent, in order that, if we did not catch the Men, the Board might take what steps they chose for their apprehension. They had evidently left the men under the idea that they were killed & so unable to give an alarm,

so they had not hurried away much, & had carried their whisky to within a short distance of the place where they were taken; it was found concealed in a hedge. This, one of the men confessed on his road to Morpeth, & said they had no fear of being taken. They might easily have hid in some of the whin covers about Shaftoe, & attempted an escape by night. The Morpeth Supervisor returned this morning, and brought Mr. Hawdon (Surgeon). Griffiths, whose wounds I have already described, is in great danger. There is a cudgel wound 4 inches long at the back of his head, wh laid the skull bare — and a similar wound of less extent in the forehead — fortunately no fracture of the head — Evans, Collector of Excise for the county, a situation of some importance, had a cudgell wound at the back of the head, & down to the skull, 5 inches long; left eye bunged up, & eyebrow nearly cut off. He is not out of danger. The third, Mr. Cooper, son of an Alderman of York, is least hurt, though he has 6 wounds at the back of the head, two of them to the bone — & one bad wound on the forehead. They will not be able to be moved for some days, under the best circumstances. Isaac Milburn's services have proved very valuable. He is a much better operator than Orr, in dressing their wounds, bleeding &c., and has had to shave all their heads. Orr, Isaac, myself, John Codling and Richardson, were busy for 3 hrs. yesterday evg. in dressing their wounds. We did not shave them till this morning. The patients are all of a superior class, & had some 1000 pounds with them in their gig, wh was run away with & upset, beyond Capheaton, while the men were fighting. One of the Smugglers was very submissive before the Magistrate, the other not so. The Excisemen were quite unarmed, when they attempted to seize the Whisky — 4 pistols, which they had in the gig, were all uncharged. Mrs. Raleigh Trevelyan¹⁵ paid me a visit yesterday in her new Britska. Mr. Ord seemed much affected when she told him of Emma's¹⁶ decision.

I have the pleasure to remain

Yr affectionate Son

EDWARD SPENCER TREVELYAN.

June 14th, 1830.

My Dear Mother,

I suppose you will be anxious to hear how the hospital goes on. Mr. Griffith is, I think, better, but still in much danger. Mr. Evans has some awkward symptoms, indicative, but not decidedly, of concussion. Mr. Cooper is better. Mr. G.'s son & daughter arrived here early in the mornng, having left Alnwick, last night, as soon

¹⁵ Of Netherwitton, Northumberland.

¹⁶ Miss Emma Trevelyan was the writer's sister.

as they heard of the business. They were followed by Mr. Evans's wife and son, & 3 or 4 male friends in post-chaises. They were of course much affected by the wretched appearance of their friends' countenances. Mr. G.'s face is entirely covered with plaister, except the eyes. Miss G. is pretty, & I have reason to think one of the male friends is her sweetheart. I showed the gardens to the whole party, who have returned to Alnwick excepting Mr. G.'s son & daughter & Mrs. Evans, who intend staying at Cambo till their friends are out of danger. I have asked the Ladies to Tea this Eveng. They all appear highly respectable. Sir J. S. will, I expect, examine the witnesses to-morrow, & the wounded men also: he seems likely to make a bungling job of it. My lions to-day, seemed much pleased with the gardens, &c. The trees excited many comparisons to the disadvantage of the Duke's grounds at Alnwick. I cannot speak too highly of the skill & attention Isaac Milburn has shewn in the case of these men. He is so skilful in surgical operations & knows so much of medicine, I don't know what we should have done without him. Mr. Hawdon I never saw before, but, in spite of reports to his disadvantage, I conceived a favorable opinion of him, from the skilful & workmanlike manner in wh he operated. Alnwick was quite in a ferment till it was known that the men were taken. One of them, in answer to Charlton, who is working here, said "The fight lasted 20 min, but, my word, there was sharp giving and taking!"

The smugglers called at Shaftoe Westhouse, as they were running away, & got the blood washed off their faces & heads: the occupier will not own to this. Isaac, during the chase, searched the house of one Lynn near Shaftoe, who keeps a whisky shop.

A large show of grapes & plums — the Greenhouses in great beauty — It is the 1st time I have been through the Gardens this year.

