

Dealing with the De'il – Robert Burns as the Exciseman

2022 Camperdown Robert Burns Scottish Festival Presentation

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Introduction:

In 18th century Scotland alcohol consumption, often in large quantities, was an integral part of all aspects of life for rich and poor. The taxation of alcohol is a long standing practice used by Governments of all persuasions throughout history to generate funds, particularly in times of war. After the union between Scotland and England in 1707, tax was imposed by Westminster on all forms of alcohol, administered by a Scottish Excise Board in Edinburgh. In 1725 a very unpopular malt tax was introduced across Britain increasing the price of malt whisky and ale. An outcome for Scotland was a huge increase in smuggling of illicit whisky from the Highlands to the Lowlands and to England.

Robert Burns was born in 1759 and died in 1796. Burns like most Scots of the time enjoyed alcohol and many of his much loved poems and songs depict both the pleasure and often painful after-effects of drinking. It is therefore no surprise that the poet, who wrote *Bottle and Friend*, *John Barleycorn* and *Scotch Drink*, opposed the taxes on alcohol and considered them an unfair imposition on the Scottish people. He even wrote to the Scottish representatives in the House of Commons with the concluding line: “Freedom an’ whisky gang thegither! Tak aff your dram.” Late in his short life Burns lambasted excise officers in his song, *The De'il's awa wi' th' Exciseman*. It may therefore be surprising that he sought assistance from influential friends to be appointed to that hated role in 1789. This paper examines the growth in illicit whisky distilling and smuggling in Scotland in the late 18th century and Robert Burns' role in attempting to prevent it. Burns may have been known as the ploughman poet, a Scottish patriot and champion of the common man, but the Bard will emerge from this investigation as a much more complex and contradiction riddled character.

Drinking culture in 18th century Scotland:

The consumption of alcohol was integral to every aspect of life in 18th century Scotland and excessive drinking was rampant according to numerous accounts. The exploits of Edinburgh resident, James Boswell (1740-1795), lawyer, writer and friend and biographer of Dr Samuel Johnson, were not untypical. Michael Fry in his history of Edinburgh states, “On 30 July 1774, at his flat on the fourth floor of James Court, Edinburgh, James Boswell woke up with a terrible hangover. It was a Saturday morning and, in his time as in ours, Scotsmen often spent Friday night getting drunk. Boswell followed this national custom with enthusiasm.”¹ He was not alone, having been drinking with fellow lawyers, including the Solicitor General of Scotland Henry Dundas (1742-1811), all of which reported for duty in court the following day, making decisions that would change people’s lives. Dundas had been seen coming out of a dram shop, fully dressed in his court attire with wig and cravat, early that same morning trying to settle his stomach with a “hair of the dog”. Boswell observed, “In some countries such an officer of the crown as the Solicitor General being seen in such a state would be thought shocking. Such are our manners in Scotland that it is nothing at all.”² At this time hardly any sort of business was conducted but in a tavern. Scottish historian Anthony Cooke asserts, “No lawyer received a brief anywhere else. Each had his own apartment in his particular tavern, where his clients attended him as in his consulting room.”³

While whisky is commonly regarded to be the national drink of Scotland, in the early to mid 18th century in the Lowlands, the popular drinks at ordinary occasions were more likely to be ale for the working classes and claret for the wealthy. This differed somewhat in the Highlands, where

¹ Michael Fry, *Edinburgh – A History of a City* (London: Pan Macmillan, 2009), 162.

² Fry, 162.

³ Anthony Cooke, *A History of Drinking: The Scottish Pub since 1700* (Edinburgh: Edinburgh University Press, 2015), 34.

whisky drinking was traditionally more common than wine.⁴ In Highland households the home distillation of whisky was a long practised rural tradition. Scottish food historian F. Marian McNeill argues, “Once upon a time it was as natural for a Highlander to make whisky as for a Frenchman to make wine.”⁵ Over the century tastes changed such that the working class turned from ale to whisky, largely due to the availability of cheap, but poor quality spirit. In the next section it will be shown that this was at least partly caused by changes in the excise rate on alcohol. In the later part of the century, at the upper end of the market, anti-French sentiment turned the wealthy off claret in favour of port. This tended to align the drinking habits of the Scottish elite with those of the English upper classes. They also developed a taste for Highland whisky even if it was only available in the Lowlands on the black market. These changing preferences seemed to do little to reduce overall alcohol consumption with McNeill stating, “It must be confessed with shame that from the middle of the eighteenth to the end of the nineteenth century Scottish social life was indelibly stained with the vice of drunkenness.”⁶ It would not be until the early nineteenth century that these habits would begin to change due to the emergence of a new and influential temperance movement.

The imposition of excise on alcohol by Westminster and its ramifications in Scotland:

After the union of the Parliaments of England and Scotland in 1707, a Scottish Excise Board was established in Edinburgh manned by English officials. An excise was imposed in both countries on spirits at the same rate of 1d/gallon. In 1713 the Westminster Parliament proposed a duty on malt. Malting is the process by which barley grains are sprouted, converting carbohydrates into sugars, which can then be fermented into alcohol. This is the starting point for the manufacture of beer and whisky and a tax on malted barley would therefore affect the price of both products. Whisky historian Charles MacLean asserts that even supporters of the Union estimated that three

⁴ Margaret Plant, *Domestic Life in Scotland in the Eighteenth Century* (Edinburgh: Edinburgh University Press, 1952), 120.

⁵ F. Marian McNeill, *The Scots Cellar – Its Traditions and Lore* (Edinburgh: Richard Patterson Ltd, 1956), 16.

⁶ McNeill, 18.

quarters of the Scottish people were against the tax.⁷ The Malt Tax was eventually implemented in 1725 by then Prime Minister Robert Walpole uniformly across the Union at the English rate of 6d/bushel. With the people firmly against the tax, price increases for beer and whisky lead to riots in the streets, tragically in the case of Glasgow where eleven people died in the Shawfield Riots of June 1725.⁸ The consequences of the tax were an increase in the consumption of low quality, unmalted whisky in the Lowlands and a decrease in beer consumption. The other outcome was a huge increase in smuggling of high quality, illicit whisky from the Highlands to the Lowlands, facilitated by the network of new roads and bridges built by General George Wade. The smugglers gain was in direct proportion to the amount of spirit duty; the higher the duty, the greater the gain and the stronger the temptation.⁹ Customs officers were generally ineffective or corrupt. A Parliamentary enquiry into smuggling in 1736 reported that since Christmas of 1723 more than 250 officers had been beaten, abused or wounded and six killed.¹⁰ The job of an excise officer was difficult as the illicit stills were located in relatively inaccessible areas of the Highlands.

The Malt Tax provided an incentive to entrepreneurs to build plants to produce spirit from largely unmalted grain using surpluses that flowed from agricultural improvements that were progressively being implemented during the century. The quality was much poorer than the Highland stills, but the large commercial distilleries, which were built close to transport networks, became an essential component of the agricultural sector of the economy. The increase in whisky consumption, particularly amongst the working classes, was widely criticised and blamed for antisocial behaviour. It was a common source of concern expressed by clergymen in the Old Statistical Accounts, reports written by ministers of religion between 1791 and 1799. The Accounts give a predictably negative view of the impact of alcohol on Scottish communities, being particularly critical of the role played by ale houses, dram shops and tipling huts in the

⁷ Charles MacLean, *Scotch Whisky – A Liquid History* (London: Cassell Illustrated, 2005), 36.

⁸ Gavin D. Smith, *The Secret Still – Scotland's Clandestine Whisky Makers* (Edinburgh: Birlinn Limited, 2002), 2.

⁹ MacLean, 36.

¹⁰ MacLean, 39.

lives of parishioners. They were specifically concerned that a trend towards replacing beer with whisky as the drink of choice of the working classes was leading to rising levels of crime, drunkenness, alcoholism and impoverishment of families.¹¹

The taxation of whisky had two components: the first a licence fee on the distillery based on size or output and an excise on either the input (malt) or the output (spirit). Various permutations were tried, none of which halted the illicit distillation or smuggling of whisky, primarily because it was widely recognised, particularly amongst the social elite, that the Highland whisky was the best quality available. In 1774 an Act banning the use of small stills was enforced, effectively prohibiting whisky making in the Highlands. Distilling was seen as an essential part of the farming cycle, using up surplus grains, providing a nutritious winter feed for their cattle and an alternative income stream.¹² Any distillation had to occur outside the law. In 1782 over 1000 illicit stills were seized in the Highlands, representing only a fraction of the stills existing at that time.¹³ In 1784, the Wash Act was introduced by William Pitt. Different duties were levied in the Highlands and the Lowlands. In the Highlands the duties were lower and the regulations more liberal to allow for local distillation providing the spirit was from grain grown within the parish and the whisky consumed locally. This did nothing to prevent smuggling to the Lowlands. With a licence fee based on the size of the still, this encouraged the Lowland distillers to optimise the process for maximum output at the expense of quality. MacLean concludes, “In short, the whisky produced by the Lowland distillers at the time was rough, fiery and unpleasant, fit only to be rectified and compounded and made into gin.”¹⁴ Production in the Lowlands doubled in 1786, much of this exported to England. Meanwhile, demand for Highland whisky remained strong.

¹¹ Cooke, 1.

¹² Charles MacLean and Daniel MacCannell, *Scotland's Secret History – The Illicit Distilling and Smuggling of Whisky* (Edinburgh: Birlinn Limited, 2017), 27.

¹³ T.M. Devine, “The Rise and Fall of Illicit Whisky-Making in Northern Scotland c 1780-1840,” *The Scottish Historical Review* 54, no.158 (1975): 155.

¹⁴ MacLean, 59.

In 1822, George IV paid the first visit to Scotland of a reigning British monarch since the seventeenth century. King George began his visit to Edinburgh with a glass of whisky with Sir Walter Scott, thereby giving his endorsement to the spirit. In this instance the King's preferred whisky was Glenlivet. This event added to the pressure on the Government to resolve the excise issue, leading to the Excise Act of 1823, which created, at last, a fair license and excise structure. A license fee of 10 pounds per annum was set and the duty was halved, discounted if the spirits were made with malt as a concession to the Highland distillers.¹⁵ This resulted in an increase in the number of licensed distilleries in the Highlands and Lowlands with the right to export to England, Ireland and overseas. Glenlivet is credited as being the first to apply for a license under the act. This broke the monopoly of the Lowland distilleries and the smuggler's advantage of selling quality whisky.¹⁶ Scottish historian T.M. Devine refers to the Act as being "spectacularly successful". The amount of duty paid for whisky doubled in one year. The number of prosecutions for illicit distilling dropped away after an initial purge and the illicit trade disappeared.¹⁷

The life of Robert Burns - becoming Scotland's Bard:

Robert Burns was born into a working family in Alloway, Ayrshire on the 25th January, 1759. His father William Burnes was a tenant farmer and his mother was Agnes Broun, a spinner and singer of old Scots songs. Robert was initially taught at the local Alloway School run by William Campbell. When Campbell left the school, William Burnes engaged a young tutor John Murdoch to teach Robert, his younger brother Gilbert and children from four other Alloway families. Burns scholar Robert Crawford asserts, "William Burnes was an ambitious father, Murdoch an ambitious teacher."¹⁸ Under Murdoch's tuition Robert became a keen reader and was able to express himself in both English and in Scots dialect.

¹⁵ Maclean and MacCannell, 54.

¹⁶ MacLean, 81

¹⁷ Devine, 176.

¹⁸ Robert Crawford, *The Bard – Robert Burns, a Biography* (London: Pimlico, 2010), 39.

In 1766 the Burns family moved to a seventy five acre farm at Mount Oliphant, two miles south-east of Alloway. Unlike in Alloway where they owned the land upon which their house was built, the house and land at Mt Oliphant were leased. William and later Robert would be tenant farmers for the remainder of their lives. The two Burns boys continued their lessons with Murdoch but when he accepted a teaching position in 1768 in Dumfries, Robert and Gilbert started work helping their father on the farm. William took up the role of teacher in the evenings and Robert read voraciously books that William borrowed from contacts. In 1772, Murdoch moved back to the area and became part time tutor to Robert, his star pupil. Murdoch was a Francophile, taught Robert French and introduced him to books written by European authors who were part of the movement of “Sensibility”. Robert loved sentimental literature, a strong influence on his future poetry.¹⁹ Work on the farm was back breaking with Robert taking up more of the load from his father. Despite their best efforts, the family’s financial situation was dire and Robert’s studies became a welcome escape.²⁰ Gilbert knew his brother Robert closer than anybody and it is revealing that he later wrote that he believed that the hard labour and emotional stress at this time had affected Robert’s health throughout his short life. Gilbert referred to Roberts, “depression of spirits” from which he would often retreat into poetry and song.²¹ The teenage Robert started to explore expression through song. Crawford asserts that even at this early age, “An ability to fuse his everyday Scots working-lad’s ordinariness with the extraordinariness of his schooled imagination and instincts was about to make him impressively and unstoppably a bard.”²²

In 1777 William Burnes managed to end what he considered an uneconomical lease at Mt Oliphant and moved to a 130 acre farm at Lochlea in the Ayrshire Parish of Tarbolton. William tried to improve Lochlea with support from his landlord David McClure. It was a difficult time for the whole community due to the collapse of the Ayr Bank which affected the savings of many

¹⁹ Crawford, 56.

²⁰ Crawford, 59.

²¹ Gilbert Burns, quoted by Crawford, p.60.

²² Crawford, 65.

locals. For teenage Robert it was also a time for polishing his charms on women and developing a fondness for alcohol. Robert even enjoyed evenings at a country dancing school, against the wishes of his Presbyterian father, although rebellion may have been part of the appeal.²³ In 1780 Burns with Gilbert and friends founded a “Bachelors’ club”. They met in at John Richard’s ale house in the Sandgate, Tarbolton, a building still in existence. Its activities were primarily drinking, debating, joking and “improving”.²⁴ While the club members were all working men, they held an annual dance when they would invite female partners. Despite drinking being a big part of proceedings, serious debates on topical issues were also held. Shortly after forming the Club, Burns was invited to become a Freemason. Crawford observes that in the Masonic community, “though class awareness persisted, the shared ideals of Masonic lodges let aristocrats and peasants bond.”²⁵ Burns would use Masonic networks to further his literary career. In return, Masonry would give Burns ideals which he added to those of the Kirk.

William had encouraged Robert and Gilbert to grow flax on their individual patches of land. In 1781 Robert decided to build on his experience selling flax to become a flax-dresser. This Burns carried out in Irvine, Ayrshire’s largest town and while he was ambitious for success, it business only lasted about six months. The place where flax dressers worked combing the impurities out of flax fibres was called a “heckling shed”, a particularly unhealthy place full of airborne dust. In Irvine Burns had entered into a business partnership with a man named Peacock of somewhat dubious reputation, with the result that Burns suffered not only a business disaster, but also a severe breakdown; “the expression of a strand of anxiety and fear of ruin already perceptible in his early writings and which would dog him till he died”.²⁶ In various letters from this period, Burns refers to “my hypochondriac complaint”, a condition with symptoms which Crawford argues are consistent with what we would call bi-polar disorder or depression today.²⁷ Clearly he

²³ Crawford, 78.

²⁴ Crawford, 109.

²⁵ Crawford, 110.

²⁶ Crawford, 118.

²⁷ Crawford, 121.

was not well and in 1782 he returned to Lochlea, only to find that the family was close to financial ruin. His father William was in a legal dispute with his landlord over unpaid rent and as a consequence his health was deteriorating. This added to Robert's despair and it appears that he even contemplated joining the army to raise some money.²⁸ In the poem *My Father was a Farmer* written in 1783 Burns expresses his concerns for the future:

When sometimes by my labor I earn a little money, O
Some unforeseen misfortune comes generally upon me, O
Mischance, mistake, or by neglect, or my good-natur'd folly, O
But come what will I've sworn it still, I'll ne'er be melancholy, O.

It was clear to Robert that his father was near death and he made contingency plans with his brother Gilbert to lease another property for the family, knowing that the existing lease would expire on the death of William. This farm was called Mossgiel and consisted of 118 acres about a mile outside of Mauchline. Despite Robert's preoccupation with his father's health and the family's future well-being, he managed to channel his anxieties into a new found determination to write. Burns' poem *John Barleycorn*, written in 1782, describes in a light-hearted way the life cycle of the barley grain, but beneath the surface is an expression of the sadness he was feeling at the time:

'Twill make a man forget his woe;
 'Twill heighten all his joy;
 'Twill make the widow's heart to sing,
 Tho' the tear were in her eye.
Then let us toast John Barleycorn,
 Each man a glass in hand;
 And may his great posterity
 Ne'er fail in old Scotland!

²⁸ Crawford, 126.

William Burnes died on the 13th February, 1784, shortly after winning his legal case against his landlord. Robert wrote a moving epitaph. Having won their lawsuit, the Burns family were able to pay off their debts and move to Mossgiel in reasonable financial health. Robert combined his daily farming duties with consistent writing, taking both tasks seriously. However, Crawford asserts that after his father's death, "a wilder, more sceptical, more rakish Burns emerges."²⁹ Burns was enjoying exploring his attraction and obvious appeal to the women of Mauchline, controversially so when servant Elizabeth Paton became pregnant to him. The Kirk took a dim view of unmarried sexual relations; Burns was fined and the couple had to do public penance in Tarbolton Kirk. This led to Burns writing a number of poems highlighting what he saw as the hypocrisy of the church, including *Address to the Unco Guid, or the Rigidly Righteous* (1786) and *Holy Willie's Prayer* (1785). Hypocrisy of one form or another would become a major theme of Burns' poetry. Paton had their child, Elizabeth, in May 1785, but by this time Burns had met Jean Armour, a strong and patient woman who would become his favourite and long term partner. Eventually they would marry, but not until he had relationships with many other women.³⁰ Crawford observes, "Armour's relationship with Burns required much resilience. By turns rakish, bookish and blokish, Robert, however charismatic and sensitive, was not easy to live with. Jean coped. In the course of their eleven year relationship, she would bear him nine children, six of whom died young."³¹ Burns regarded her as the 'jewel' of the Mauchline Belles. Apart from being beautiful, Armour was also educated and intelligent. She appreciated and read all of Burns' poems and evidently was herself a professional standard singer of Scots songs.³²

Around this time, Burns discovered the poetry of Allan Ramsay and Robert Fergusson. He identified with Fergusson particularly and it is an ominous omen that Fergusson was also a depressive person and died young. Although they never met (Fergusson died when Burns was fifteen), Fergusson's work written in the Scots dialect perhaps encouraged Burns to write

²⁹ Crawford, 144.

³⁰ Crawford, 178.

³¹ Crawford, 179.

³² Crawford, 180.

similarly. Mauchline was a junction where roads to Edinburgh, Dumfries and Ayr met; a place filled with travellers who mingled with the 1,800 or so permanent residents. Both English and Scots were commonly spoken in the district and so Burns' use of these languages in his poetry would not have been unusual. It was in Mauchline where Burns' polished his poetic style, a period in his life when he was confirming himself as a poet with an ambition not only to speak for Ayrshire but for Scotland.³³ In his poem *The Vision* (1785) Burns appears to equate himself with the role of the inspired "rustic Bard".³⁴ Other poems written by Burns about this time include the nostalgic and semi-autobiographical *The Cotter's Saturday Night* (1785-6) and the highly personal *To a Mouse* (1785) which reveals his continuing sense of mortality and anxiety for the future. Burns was remarkably politically aware for his limited exposure to the world and concepts of justice and freedom from persecution were starting to emerge in his poetry, no doubt inspired by the historical exploits of Bruce and Wallace who had fascinated him since childhood. From this perspective, *To a Mouse* can be seen as a plea for the rights of the dispossessed, a reflection on his family's tenuous hold on their farm tenancy. In *A Cantata (Love and Liberty or The Jolly Beggars)* (1785), Burns ends with the rebellious chorus:

A fig for those by LAW protected,
LIBERTY'S a glorious feast!
COURTS for Cowards were erected,
CHURCHES built to please the priest.

Burns had his lighter moments such as in his poem *Scotch Drink* (1785), writing:

O thou, my muse! Guid auld Scotch drink!
Whether thro' wimpling worms thou jink,
Or, richly brown, ream owre the brink,
In glorious faem,
Inspire me, till I lisp an' wink,

³³ Crawford, 192.

³⁴ Robert Crawford and Christopher MacLachlan, *The Best Laid Schemes – Selected Poetry and Prose of Robert Burns* (Edinburgh: Polygon, 2009), 44

To sing thy name!

Burns even tried a bit of political lobbying. Outraged by the unpopular Malt Tax imposed by Westminster, Burns wrote in 1786, *The Author's Earnest Cry and Prayer to the Scotch Representatives in the House of Commons*, proclaiming:

Scotland an' me's in great affliction,
E'er sin' they laid that curst restriction

On aqua-vitae

Burns concludes with the rallying cry:

Freedom an' whisky gang thegither!

Tak aff your dram.

By the end of 1785, Crawford asserts that Burns was “confidently assuming the voice of a national bard.”³⁵ In order to build on his growing local reputation and to potentially earn some money, Burns developed a scheme with Kilmarnock printer John Wilson to publish a book of his poems with funds raised through a subscription. While this development should have been a time of triumph for Burns, his personal life was in a state of turmoil. Jean Armour was pregnant to Burns and while he declared that they wished to marry, Armour's father refused permission. Jean complied with her father's wishes and Burns, feeling jilted by her and in a state of despair, started a new relationship with Margaret Campbell, otherwise known by Burns as his “Highland Mary” in the poem he wrote with that title in 1792. Burns even contemplated moving with her to take up a position he was offered in Jamaica as a slave master on a sugar plantation. Considering Burns' literary pronouncements about freedom and justice, this was a remarkable and sudden turn-around. The relationship with Campbell was doomed from the start as Burns retained strong feelings for Jean Armour. Campbell moved away from Burns and died soon after in Greenock. Burns was devastated by her death, but after the birth of twins (a girl and a boy) to Jean he appeared to recommit to his first love and abandoned plans for Jamaica to be in contact with his children.³⁶ He would leave, return and reconnect with Jean Armour throughout his life.

³⁵ Crawford, 205.

³⁶ Crawford, 231.

Burns first book, *Poems, Chiefly in the Scottish Dialect* was published by Wilson on the 31st July 1786. The so-called *Kilmarnock Edition* sold out quickly and Burns became a local celebrity overnight. He found that his poetry opened the door to all levels of society from the elite to the professional classes and with farmers and servants.³⁷ The book was well reviewed in Edinburgh and a move to that city emerged as a real opportunity. On the 28th November 1786, he rode into Edinburgh on a borrowed pony and planned to make that city home. This was a bold and ambitious move for a country lad, as Edinburgh was the intellectual capital and heart of the Scottish Enlightenment. It was a close knit city, a community of scholars, writers, poets and painters who would meet in the oyster houses and social clubs such as the Select Society, founded in 1754, which included members such as philosopher David Hume, economist Adam Smith and land reformer Lord Kames.³⁸ In the elegant New Town that was arising north of the crowded old medieval city, smart houses were being built by architects such as Robert Adam for the wealthy, cultural elite. Robert Burns would become a frequent guest in these grand houses and clubs. His career was definitely on an upward trajectory.

Burns' reputation spread quickly. Henry Mackenzie of *The Lounger* referred to Burns as “a Heaven-taught ploughman” of “original genius”.³⁹ While Burns was invited to the grand houses of the wealthy, he shared a small tenement in Baxter's Close in the Old Town with his friend from Ayrshire, legal clerk John Richmond. It was basic accommodation but allowed Burns to experience first-hand the living conditions of the working class in “Auld Reikie”. Burns appears to have been an immediate hit and quickly amassed a long list of supporters sufficient to consider a reprint of his poetry book. One of his key supporters was the Earl of Glencairn who introduced him to Edinburgh printer William Creech.⁴⁰ Glencairn lobbied his associates on behalf of Burns and with strong support from Edinburgh Freemasons, the book soon had sufficient subscriptions

³⁷ Crawford, 233.

³⁸ Arthur Herman, *How Scots Invented the Modern World* (New York: Three Rivers Press, 2001), 191.

³⁹ Crawford, 238.

⁴⁰ Crawford, 244.

to proceed. Burns decided to add to the poems in the Kilmarnock Edition with several new works. A notable addition was *Address to a Haggis* (1786), which soon established this culinary oddity as an emblem of Scottish cuisine.

Burns fully enjoyed Edinburgh social life with many opportunities to indulge in drinking and female company. Burns exploited his rural background by enhancing his rugged, outdoor appearance by wearing plain clothes and not powdering his hair which was the fashion. The ploughman poet became known for walking the streets of fashionable Edinburgh in the high boots of a countryman, as though he had just left the plough.⁴¹ Why was Burns accepted so readily and not outcast as a country bumpkin? The sophistication of his poetry would have been appreciated by this highly literate populace. He clearly also had charisma and could hold an audience when he recited his own poetry. In a letter sent to the *English Review* in February 1787, John Logan wrote that “Robert Burns, though he has been represented as an ordinary ploughman, was a farmer, or what they call a tenant in Scotland, and rented land which he cultivated with his own hands. He is better acquainted with the English poets than most English authors that have come under our review.”⁴² Burns, aware of the impression he gave to those drawn to him, capitalized on his rustic background at a time when rural improvement was a major focus in Scotland. The champion of rural improvement in late 18th century Scotland was Lord Kames. In his book *The Gentleman Farmer*, he argued for rational agriculture and recommended a number of key reforms to long standing, but inefficient farming practices. Burns was well read in literature, but he was also familiar with many of the texts published at the time on agricultural improvement.⁴³ Despite this knowledge, it is evident that farming was never profitable for Burns. His new-found celebrity in Edinburgh and the prospect of earning money from his writing must have come as a welcome relief to the daily grind of farming.

⁴¹ Crawford, 248.

⁴² Nigel Leask, *Robert Burns & Pastoral – Poetry and Improvement in Late Eighteenth-Century Scotland* (Oxford: Oxford University Press, 2010), 6.

⁴³ Leask, 33.

Burns was the subject for a portrait painting by Alexander Nasmyth and an engraving after the painting was made by John Buego intended for the title page of the new edition of his book. The Edinburgh Edition kept the original title *Poems, Chiefly in the Scottish Dialect* with a print run of three thousand. It was fully subscribed and the book has never been out of print since. With this success came some freedom and in the summer and autumn of 1787 Burns embarked on his personal discovery tour of Scotland. Crawford argues, “Part of Burns’s establishing himself as bard was bound up with an urge to be a poet of his whole country: to re-collect Scotland as a literary nation. His travels were at one with that aspiration.”⁴⁴ Not being particularly comfortable with Edinburgh, Burns relished the trip as a time to collect material, write poems and meet people in the countryside where he was most at home. His trip included a return to friends and family in Mauchline. He saw Elizabeth Paton and his daughter by her. He was also sought out by Jean Armour’s family who were now keen to know the famous poet, but Burns was “disgusted” by their hypocrisy. Their attitude did not stop Burns from seeking out Jean; a meeting he would later find had resulted in another pregnancy.⁴⁵

Burns developed a new and close relationship in Edinburgh with Agnes McLehose, a married woman separated from her abusive lawyer husband who was working in Jamaica. They enjoyed what appeared to be a platonic relationship, something that Crawford refers to as “a remarkable, intense and mannered epistolary affair.”⁴⁶ Many of the letters survive and they were sent to each other under assumed names, *Clarinda* for McLehose and *Sylvander* for Burns. Burns true to character could not resist a pretty servant woman and Jenny Clow, the maidservant to McLehose became the subject of his attention. In February 1788 Clow became pregnant to Burns (their son was born in November).⁴⁷ McLehose was unaware of this development and continued to write passionately to Burns. Life was again becoming complicated for Burns as in addition to this new piece of news, he heard from Mauchline that Jean Armour’s parents had thrown her out after

⁴⁴ Crawford, 266.

⁴⁵ Crawford, 269.

⁴⁶ Crawford, 281.

⁴⁷ Crawford, 288.

finding that she was pregnant to him again.⁴⁸ She would soon give birth again to twins, both of which would die shortly afterwards. It is hard not to view Burns' complicated relationships as being disrespectful to women and his apparent lack of feeling at times is breathtaking. Crawford asserts, "Burns felt deeply for his children. Nevertheless his presentation of himself as 'honest man' could go hand in hand with deep duplicity and sometimes with disgraceful conduct."⁴⁹ However, apparent grief over the death of the recently born twins, coupled with Armour's rejection by her family, appeared to motivate Burns to legally marry Jean in April, 1788.

A plan was developing in Burns' mind for his future life with Jean. He wrote to his patron the Earl of Glencairn asking for assistance to become an excise officer. Burns' early biographer J.G. Lockhart claimed that Burns first considered working as an excise officer while still living in Mossgiel.⁵⁰ His success in Edinburgh may have temporarily sidelined the idea, but anxious with the thought of an uncertain financial future, the excise service reappeared as an appealing prospect. However, he had not entirely abandoned the idea of farming either, as he inspected a farm in Dumfriesshire that he thought might offer the opportunity to resume farming, perhaps this time, profitably. The property was Ellisland Farm located on the River Nith north of Dumfries. In June 1788, Burns moved with Jean to Ellisland Farm. For the time being at least he seemed set on a more settled, married life.

Robert Burns as Exciseman: The great contradiction:

One of the reasons why Robert Burns continues to be celebrated world-wide is that the modest circumstances of his own upbringing allowed him to empathise with the everyday concerns of ordinary people. In his poems and songs, Burns expressed the thoughts and feelings of the poor and disadvantaged as well as the joys of love and simple rural life. He also exposed the hypocrisy of certain members of the Church, the imposition of unfair government policies and

⁴⁸ Crawford, 289.

⁴⁹ Crawford, 294.

⁵⁰ J.G. Lockhart, *Life of Robert Burns* (Edinburgh: Constable and Co, 1828), 90.

the exploitation of tenant farmers by greedy landowners. These were all experiences familiar to Burns and his family.

First Minister of Scotland Nicola Sturgeon wrote on Burns Night 2017, “People around the world appreciate his humour, admire his empathy for others and are deeply moved by his love songs and poetry.”⁵¹ For working people, indeed people of all classes in 18th century Scotland, alcohol was a part of every aspect of life. There was no celebration, no social event or business transaction without often copious amounts of beer, wine or whisky or all three. It is therefore unsurprising that drinking was also an ongoing theme in many of Burns’ poems and songs such as *John Barleycorn*, *Scotch Drink*, *Bottle and Friend* and *Epitaph on John Dove, Innkeeper*. Burns’ poetic appeal in 1786 to the Scotch representatives in the House of Commons to remove the Malt Tax was also consistent with his other writings.

Considering these poetic celebrations of drinking and Burns own often intemperate habits, it comes as a total surprise that in 1788, he began training to become an excise officer, to collect the tax that he so strongly opposed. By taking this course of action it would seem that Burns, the self professed Bard of Scotland, was uncharacteristically aligning himself with the British government in Westminster, rather than the majority of Scottish people that he had previously championed. Superficially at least, his actions would seem to be totally in contradiction to his convictions. Was it purely about financial survival or was it a lack of moral courage? Sturgeon in her Burns Night address argues that people are drawn today to Burns because we “identify with his principles, his international outlook, the belief in equality that his poems set out.” So how did this situation arise and what was his motivation? Given his potentially conflicted beliefs, what was life like for Burns as an excise officer and how effective was he in that role?

Following his appeal to the Earl of Glencairn, Burns started his training to qualify as an excise officer under Tarbolton exciseman James Findlay. The six-week course followed John

⁵¹ Nicola Sturgeon, “Burns Night 2017”, Office of the First Minister Scotland, <http://firstminister.gov.scot/burns-night-2017/> (accessed June 19, 2021)

Dougharty's manual *The General Gauger*. As the amount of excise due depended partly on the size of the still, excise officers had to be able to calculate the volume of complex vessels. Excise officers were required to be meticulous in their record keeping. On the 14th July 1788 Burns' excise commission was issued but he had to wait until called to a posting by the Scottish Board of Excise. Burns wrote to Robert Graham of Fintry, a commissioner on the Board of Excise, who he had met earlier on his travels at Blair Atholl and appealed for a posting near to Ellisland Farm, ideally in Dumfries. He asked for the current incumbent Leonard Smith to be removed to make way for his own appointment and in August 1789 his request was granted. It was very rare for excise officers to be stationed near their homes so Burns' influence was significant. Crawford asserts, "Burns' calculating hard-headedness and readiness to curry favour with the powerful in order to secure his own ends was striking."⁵² Crawford could have added that his actions were also totally at odds with the sentiments in so many of his poems.

Burns was suddenly busy, combining his new excise duties with running the farm. He also had started to build a new house on the Ellisland property, bought a herd of dairy cows and was writing and contributing songs to James Johnson's *The Scots' Musical Museum*. This publication which eventually ran to six volumes was intended by Johnson to be the definitive catalogue of Scottish songs. Burns went on to contribute over 150 of his own songs and reworked versions of others he had collected.⁵³ Running the farm probably fell mainly to Jean who was said to be competent, well organised and popular with the servants.⁵⁴

Burns' starting salary as an exciseman was 50 pounds per year. His duties were demanding. He was required to ride on horseback up to 40 miles per day, five days per week to cover the territory under supervision and in the evenings he would have been required to write up his records which were regularly inspected.⁵⁵ The role would have been exhausting and dangerous.

⁵² Crawford, 302.

⁵³ Crawford, 276.

⁵⁴ Crawford, 314.

⁵⁵ MacLean and MacCannell, 42.

In the course of their duties, finding and confiscating illegal stills, physical assault was common with a number of excise officers killed on duty. Excise officers were paid only a modest salary, but received as an incentive a proportion of the proceeds from seizures of stills and whisky. However, out of that income the officer had to pay any other men assisting him as well as providing for their food and lodging. Payment of informers was also an important consideration as they were often critical in locating illegal stills. One famous gauger, Malcolm Gillespie had received 42 wounds in his 28 year career which resulted in the seizure of 20,000 gallons of whisky, over 60,000 gallons of wash, 407 illegal stills, 165 horses and 82 carts. After such a successful career he was arrested for forging treasury bills, a capital offence for which he was hanged on the 16th November 1827. In his unsuccessful appeal to the sentence he claimed that he was driven to the crime, since despite his exemplary career, he had made little money and was deeply in debt.⁵⁶ The Dumfries area where Burns worked was not as dangerous as the Highlands territory patrolled by Gillespie, but at times he would have had to deal with strong and potentially armed offenders. Not the usual role of a famous poet.

Finding illegal distillation operations would have challenged Burns. Some stills were located in caves, on islands and even in the middle of bogs to deter visitors. Tell-tale smoke from the fires that heated the stills was often concealed by piping it into a nearby farmhouse chimney. Illicit whisky was sometimes carried in carts bearing coffins to funerals and in prams with young babies. One raid by an excise officer on a suspected still hidden in a farmhouse was foiled when illicit distiller John Dearg asked an associate to pose as the dead body of his brother. He was convincingly laid out on a table set above the trapdoor to the cellar containing the still and covered with a sheet. The officer saw the mourning scene and left the family to their grief. Later he found out that Dearg had no brother.⁵⁷ The principal barrier to the excise officer's role was the public support for the distillers. Landowners often turned a blind eye to illegal stills on their property and even took whisky in lieu of rent. Generally law abiding citizens were very tolerant of smuggled whisky. Whisky writer Gavin Smith asserts, "Everybody with few exceptions drank

⁵⁶ Smith, 57.

⁵⁷ Smith, 26.

what was in reality illicit whisky – far superior to that made under the eye of the Excise – lords and lairds, members of Parliament and ministers of the gospel.”⁵⁸ The gauger was regarded as the most detested of men while the illicit distillers were considered heroes. In his 1785 poem *Scotch Drink*, Burns refers to “Thae curst horse-leeches o’ th’ Excise”, a description that would have been widely applauded.

Surprisingly, considering these dangers and impediments, Burns was successful in the role, attracting good reports from his supervisor. In July 1790 Burns was promoted to the Dumfries Third Foot-walk Division at the salary of 70 pounds per year.⁵⁹ Burns commuted on horseback from Ellisland Farm to Dumfries, sometimes staying overnight at the Globe Inn to avoid the trip home. It was at this time that Burns composed perhaps his most famous poem *Tam o’Shanter*. This was a rare new poem as he complained to friends that the demands of the excise job were preventing him from writing new work. His frustrations with the job were compounded because Ellisland Farm was not making money. To make matters even worse, Burns fell from his horse and broke his arm, adding physical pain to his anxiety. Burns received another blow in January 1791 when his friend and loyal patron James Cunningham, the 14th Earl of Glencairn, died. Burns was devastated and wrote a poem *Lament for James, Earl of Glencairn*⁶⁰:

The mother may forget the child
That smiles sae sweetly on her knee;
But I’ll remember thee, Glencairn,
And a’ that thou hast done for me!

With the aim of giving up farming for good, Burns forgot his complaints about the job and wrote again to Graham of Fintry seeking further promotion in the Service. His influence in high places worked again and on the 11th November 1791 Burns and the family moved into 11 Bank Street in

⁵⁸ Smith, 39.

⁵⁹ Crawford, 325.

⁶⁰ Crawford, 331.

Dumfries after selling off his farm equipment and stock.⁶¹ At least for now, with a reasonably well paying job and extra money in his pocket, Burns would have felt moderately content.

On the 29th February 1792 Burns was involved in perhaps his most dramatic excise operation. Burns and two colleagues had apprehended a smuggling schooner at Sarkfoot, near Gretna on the Solway Firth. The crew of the *Rosamond* fired at the trio of officers with their carronades (compact deck guns) and nearby residents aided the smugglers by disabling local boats preventing their use to approach the ship. The excise officers were left to wade in chest high water out to the schooner, all the while under fire. Once they were close to the hull the smugglers could not direct their large guns low enough to shoot at the officers and they decided to abandon the ship, but not before firing a carronade through the hull to sink her. The smugglers went over the side and fled to shore leaving their valuable cargo and ship to be confiscated by Burns and his men. The ship was repaired, refloated and sailed into Dumfries where its cargo and fittings were sold for a profit of over 120 pounds, a portion of which being paid as a reward to the officers. As a coda to this episode it was reported not long after the event that Burns purchased the ship's four carronades and arranged to send them to the revolutionaries in France. Britain and France were not yet at war so this action was not illegal, but support for revolution was not something expected of a loyal officer of the Scottish Board of Excise. Such sentiments could get Burns into serious trouble.⁶²

Perhaps in response to Burns' heroism with the *Rosamond*, he was promoted in April 1792 to the Dumfries First Foot-walk Division, the promotion that he had long hoped for. Not long after, Burns wrote his song *The De'il's awa wi' th' Exciseman* (1792):

There's threesome reels, there's foursome reels,
 There's hornpipes and strathspeys, man,
But the ae best dance e'er cam to the land
 Was the deil's awa' wi' th' Exciseman.

⁶¹ Crawford, 342.

⁶² Crawford, 350.

The song describes what happens when the devil takes away the authority figure, the Exciseman. The people rejoice, drinking, singing, laughing and dancing with their newfound freedom. Burns, since his youth, had seen dancing as a rebellious action. Emboldened by his new promotion perhaps, Burns sent the song to an excise supervisor in Edinburgh. It was intended as a joke, but some in authority may have seen it as an anti-establishment statement. His special status as a famous poet most likely saved him from reprimand; that would come later.

What appears to be Burns' growing unease with his excise role, can be seen in another song which he wrote at this time with the reprise, *Such a parcel of rogues in a nation* (1791):

FAREWHEEL to a' our Scottish fame,
 Fareweel our ancient glory;
Fareweel ev'n to the Scottish name,
 Sae fam'd in martial story.

The song concludes with:

We're bought and sold for English gold-
 Such a parcel of rogues in a nation!

Burns submitted the song to Johnson's *The Scots' Musical Museum*. While Burns' name was not on the song, it marked a degree of recklessness on his behalf that would have been hard to disguise. Not surprisingly, at the end of 1792 Burns was advised by his senior officer John Mitchell that the Excise Board was enquiring into his "political conduct".⁶³ Immediately, Burns wrote to his patron Graham of Fintry, begging for his position and protesting his innocence. While Burns feared ruin, the Board decided to informally warn him rather than issue an official reproach which may have led to his dismissal. Records from the time confirm that in the course of Burns' career with the Excise Board, there is no trace of any accusation of misconduct or even

⁶³ Crawford, 361.

minor fault that would have appeared in the official Register of Censures.⁶⁴ Burns led a dangerously conflicted life in his work for the Excise Board, but miraculously not only did he survive, he was once again promoted in December 1794 to Acting Supervisor of Excise. This should have settled Burns' anxiety but appears not to have been the case, in what would prove to be the latter years of his life. Early in 1795 the Royal Dumfries Volunteers was formed. In response to the war with France, this home guard style unit was formed to help protect the local community in case of invasion. Burns joined up in case his non-participation might be seen as being disloyal. He wore a uniform and turned out for drills as required. Despite these outward shows of compliance, Burns anonymously published perhaps his most strident republican song at this time, *A Man's a Man for a' That* (1795) in which he writes:

What tho' on hamely fare we dine,
Wear hoddin grey, & a' that;
Gie fools their silks, & knaves their wine,
A Man's a Man for a' that-
For a' that, & a' that,
Their tinsel show, & a' that;
The honest man, tho' e'er sae poor,
Is king o'men for a' that.-

The song ends with this concluding verse:

Then let us pray, that come what may,
As come it will for a' that,
That Sense & Worth, o'er a' the earth,
May bear the gree & a' that.-
For a' that, & a' that,
Its coming yet for a' that,

⁶⁴ James Adams, "Robert Burns and the Scotch Excise Board," *Glasgow Mail*, April 16 & 20, 1895. via Hathi Trust, <http://www.hathitrust.org>

That Man to Man, the world o'er,

Shall brothers be for a' that,-

Winter of 1795 was particularly harsh and Burns spent long days in the saddle negotiating deep snow. The poor weather conditions, a bad harvest, riots in the street and the war with France meant that life for most people was challenging. Not surprisingly Burns experienced a physical and psychological downturn, exacerbated by his conflicted beliefs. Crawford asserts that in trying to stay true to his political beliefs while appearing to remain loyal to the Excise service, Burns was becoming stressed to the point of affecting not only his work but also his health.⁶⁵ In February 1796 Burns returned to work after a period of illness and depression. It was not for long, as continuing illness prevented him from taking on a full work load. Burns' fretted about how he would continue to provide for his family. Ironically, Burns had been recommended for promotion to supervisor at Dunblane, but the appointment was not to be made until the 12th January 1797, six months after he had died.⁶⁶

Why did Burns continue in the role of excise officer when it clearly troubled him and was affecting his health? While it is easy to judge retrospectively it is well to remember that Burns' search for financial security went back a long way. His family's precarious situation left a deep scar on his psyche. The reality was that while Burns held ambitions of becoming Scotland's Bard and by any measure achieved this goal, poets, even successful ones, make little money. His need for security both financial and emotional arose early in his life and directed his behaviour, much of which was contradictory. Becoming an excise officer no doubt offended his principles, but at the time it probably seemed a good idea. The same could have been said for his much earlier plan to move to Jamaica. To settle down with Jean Armour at last on his own farm with a steady income that did not depend on the uncertainties of agriculture, would have been an appealing prospect. Who could really blame him? In practical terms, to have an alternative income to whatever he could make from the farm, or from his poetry would have been considered prudent. Burns' early biographer Thomas Carlyle observed, "It reflects credit on the

⁶⁵ Crawford, 386.

⁶⁶ Adams, 10.

manliness and sound sense of Burns, that he felt so early on what ground he was standing, and preferred self-help, on the humblest scale, to dependence and inaction.”⁶⁷

It is a shame that his declining health did not allow him to enjoy the benefits of this newly elevated status and the rigours of the role probably even hastened his death. Robert Burns died at 5.00am on the 21st July 1796. He was aged thirty seven. The last of his children with Jean, a boy Maxwell, was born on the day of Burns’ funeral. Maxwell would die before his third birthday.⁶⁸ Sad as these events were for Jean, at least she had some security with the pension that was paid to her by the Excise Office after Burns’ death. It would seem that Burns’ decision to become an excise officer may have been a wise move after all, despite his misgivings.

Conclusions:

The writer of the phrase “wine, women and song” seems to have had Robert Burns in mind. Burns certainly loved all three, but he could at times be contradictory in his attitudes and principles. He could write the most beautiful love poetry and yet at times he acted in ways highly disrespectful to the women he professed to love. He empathised with the plight of tenant farmers and downtrodden people, but when it suited him, he courted favour with powerful men to seek personal advantage. He wrote about the rights of man and called for freedom, but at one low point in his life he contemplated sailing for Jamaica to work on a sugar plantation reliant on African slaves. Thankfully he abandoned that plan. Despite his earlier appeals against the despised Malt Tax, later in his life he became an excise officer. He confiscated illegal stills and collected excise on behalf of the British Government in London. Robert Burns’ short life was full of contradictions and uncertainties, but flowing through all the turmoil and searching was a steady output of some of the world’s most memorable poetry. This body of work continues to inspire lovers of Scotland and Scottish culture today.

⁶⁷ Thomas Carlyle, *Life of Robert Burns* (N.Y.: Delisser and Proctor, 1859), 163.

⁶⁸ Crawford, 403.

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