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## Duel between Sir George Ramsay and Captain Macrae

CLEARING some old papers out of a closet the other day I came upon a packet endorsed 'Duel between Sir George Ramsay and Mr. Macrae.' The contents furnished a solution to something I had puzzled over without success, namely, whether Sir George Ramsay had as his second in the said duel my paternal great-grandfather Sir William Maxwell, 4th baronet of Monreith, or his contemporary my maternal great-grandfather Sir William Maxwell, 3rd baronet of Springkell. There is a detailed account of the duel, and of the circumstances which led to it, in the *Scots Magazine* for 1790, drawn up by the friends of both parties, but containing no indication as to which Sir William Maxwell acted as Sir George's 'friend.'<sup>1</sup> I applied to that erudite historian, the present Sir James Ramsay, 10th baronet of Bamff and grand-nephew of Sir George; but he could not give me the information I sought. It was, therefore, with some satisfaction that I found it had lain unsuspected in my own possession all the time. The narrative illustrates so vividly the manners of fashionable society in Edinburgh little more than a hundred years ago that it may contain some interest for readers in the present generation. Moreover, it seems no more than fair to the memory of Sir George Ramsay to place on record a plain statement of the facts, whence it may appear who was the aggressor in this bloody affair.

<sup>1</sup> The rough draft of the report sent to the *Scots Magazine* is among the papers in the above-mentioned packet.

Towards the close of the seventeenth century there lived in Ayr a 'violer' or musician named Hew M'Quyre or Macguire, who, being of benevolent disposition, befriended one James Macrae, the son of extremely poor parents in the same town, and provided him with education. Macrae went to sea in 1692, entered the East India Company's service, rose to be Governor of Fort St. David, and in 1725 was appointed Governor of the Presidency of Madras. Now in those days India lay a long way distant from Downing Street; the governorship of a Presidency was far from being merely an administrative office and honourable distinction; those who were fortunate enough to obtain such a post seldom failed to enrich themselves by means which probably would not stand scrutiny in our austere age. Anyhow, Governor Macrae returned to his native Ayrshire in 1731, having amassed a pretty capital of £100,000 in specie and diamonds, which he invested in landed estate and took up his abode at Orangefield, nice and handy for Prestwick links. None of his own kith or kin could be found, so the nabob, being a bachelor, sought out and adopted the five grandchildren of his old benefactor, Macguire the fiddler of Ayr. He had them well educated and, at his death in 1744, left to the eldest of them, James, the barony of Houston in Renfrewshire, on condition that he took the name of Macrae.<sup>1</sup> The new laird of Houston begot a son, of whom we have now to take account as one of the principals in this duel.

In 1790 Captain Macrae (alternately styled James Macrae of Holmains, Esq.) lived during the Edinburgh season at Marionville near Restalrig Kirk. Here, being a handsome young fellow of fortune and the *ton*, with a clever and pretty wife, many fashionable folk accepted his frequent invitations to amateur theatricals and other forms of entertainment. Others, however, among them, as will appear in the sequel, Sir George Ramsay, fought rather shy of Marionville, for Macrae had earned the reputation of a dangerous duellist. He was known to be a deadly shot, practising constantly at a barber's block in his garden.

On the night of 7th April, 1790, Macrae attended a performance at the Theatre Royal. When the play was over he

<sup>1</sup>Three of the fiddler's grandchildren were girls: the eldest, Elizabeth, married the 13th Earl of Glencairn and received from Macrae as tocher the barony of Ochiltree in Ayrshire; the second, Margaret, married the Judge, Erskine Lord Alva, and the third married Charles Dalrymple, Sheriff of Ayr, who became owner of Orangefield through his wife on Macrae's death.

went out to secure a chair and got into altercation with Lady Ramsay's footman, who was there on a similar errand. The footman seems to have expressed himself somewhat freely; anyhow Macrae considered that he had been insulted and gave the man a severe thrashing. Next morning Captain Macrae met Sir George Ramsay by chance on the street and told him that he was just on his way to call upon him to express regret for having been obliged to correct his—Sir George's—servant at the Playhouse on the previous night. Sir George replied that the man had been but a short time with him, and that, as he was Lady Ramsay's footman, he did not feel concerned in the matter. Macrae then said he would go and tender an apology to Lady Ramsay, and did so.

It was quite according to the spirit of the time that the matter was considered at an end, for nobody seems to have considered the footman's feelings. But strange and novel notions were afloat. Burns had not yet penned the defiant lines about rank and the guinea stamp, but it was nine months since the Paris mob had levelled the Bastille. On Monday, 12th April, a summons was served on Captain Macrae to answer a charge of assault on the person of James Merry, footman to Lady Ramsay.

Now, although the gallant captain (in what corps does not appear) was the great-grandson of a fiddler in Ayr and beneficiary of an Indian nabob, he was imbued with very aristocratic principles. Nothing could be further from his social creed than that a man—a footman! was 'a man for a' that.' So he sat down and wrote as follows to Sir George Ramsay:

MARIONVILLE,  
Tuesday.

SIR,

I received last night a summons at the instance of James Merry your Servant, whose insolent behaviour to me at the Theatre on Wednesday I was obliged to punish very severely, which was the reason for my not insisting on your turning him off. But as he has chosen to prosecute me, I must now insist that you shall immediately turn him off. As to his being Lady Ramsay's footman, it is of no consequence to me. I consider you as the master of your family, and expect that what I have now demanded shall be complied with by you.

I am, SIR,

Your humble Serv<sup>t</sup>

JA. MACRAE.

SIR GEORGE RAMSAY, BART.  
St Andrew Square.

Sir Herbert Maxwell, Bart.

To this mandate Sir George Ramsay replied thus;

TUESDAY

 $\frac{1}{2}$  past three.

SIR

I am just now favoured with your letter. I was ignorant that my servant had commenced a prosecution untill your letter informed me. He met with no encouragement from me on the occasion, and I hope, on considering the matter farther, you will not think it incumbent on me to interfere in any respect, especially as the man at present is far from well.

I am, SIR,

Yours obediently

GEORGE RAMSAY.

In the evening of the same day, Macrae sent his friend Mr. Amory in his carriage to deliver the following letter to Sir George:

MARIONVILLE

Tuesday

SIR

I must now once more insist on your servant being turned off; and have in consequence sent my friend, Mr. Amory, to know your final determination. In case you refuse to comply with what I have demanded of you, he will inform you of the opinion I entertain of your conduct.

I am, SIR,

Your humble servant

JAS. MACRAE.

SIR GEORGE RAMSAY BART  
St Andrew Square.

It is incredible that Macrae could expect that Sir George, whose subsequent conduct proves him to have been a man of spirit, would submit to this dictation. Sir George had offended Macrae by repeatedly declining invitations to the festivities at Marionville, and here was an opportunity to fix a quarrel upon him. After reading the letter, Sir George told Mr. Amory that no good reason had been given for turning off Lady Ramsay's footman, and until such had been made to appear, he positively declined to do so. Thereupon Avory delivered the message in writing with which he was charged, namely, that Captain Macrae looked upon Sir George, not as a gentleman, but, on the contrary, as a scoundrel. Sir George replied that further talk was unnecessary, and that nothing remained except to appoint a place of meeting. He requested Mr. Amory to name some coffee-house where they might arrange matters more conveniently than in Sir George's own house. Accordingly, Sir George met Amory that

evening at 9 o'clock in Bayle's coffee-house and was informed that Macrae desired him to come to Ward's, Musselburgh, at noon on the following day. Sir George agreed, and left the house; but Amory followed him and said that he had made a mistake in fixing the place of meeting, for Captain Macrae considered that Sir George was the challenger and therefore had a right to choose time and place. Sir George replied that this did not affect the main point at issue, and that he was willing the appointment should remain as fixed.

That evening, Macrae, understanding that high words had passed between Sir George Ramsay and Mr. Amory, endeavoured to obtain the services of Captain Haig of the 35<sup>th</sup> Regiment as his second. This Haig declined; but agreed to go with Macrae and Amory to the ground, and to use his influence as mediator.

The remaining incidents are set forth as follows in the Declaration of Sir William Maxwell before the Sheriff of Edinburgh. In that declaration only one detail of this deplorable affair seems to be wanting, but it is supplied in another document, namely, that the combatants were posted at a distance of 'about fourteen yards.'

*Declaration by Sir William Maxwell before Sheriff Cockburn.*

*Edinburgh 16 April 1790.*

Which day compeared in presence of the Sheriff of Edinburgh Sir William Maxwell of Monreith, Bart., who being examined and interrogate Declares—

That the Declarant having been indisposed and confined for some time past, Sir George Ramsay was in use of calling frequently upon him. That some time last week, as the Declarant thinks, Sir George Ramsay in one of his calls told the Declarant that one of his Servants had been used very ill and much hurt by Capt. Macrae at the Theatre. That the Declarant understood that the Servant was Lady Ramsay's own footman, and that he had been endeavouring to secure a chair for a Miss Congalton, as he thinks, in whose family he had either served or been a Servant in a family where she lived. That the Declarant told Sir George that perhaps the man might be in the wrong and that the Declarant did not think it was incumbent upon him to take any notice of what had happened. That some time after this Sir George told the Declarant that he had met Capt. Macrae, who had made an apology for what had been done to the Servant, and that he had just come from meeting Mr. Macrae on the Street accidentally, when the said apology was made, and that Capt. Macrae had told Sir George at parting that he would then go to Lady Ramsay to make an apology to her.

Declares—That upon Tuesday last the thirteenth curr<sup>t</sup> Sir George Ramsay called upon the Declarant about two o'clock, as he thinks, &

shewed to the Declarant a Letter dated that Day at Marionville, signed James Macrae, which Letter was directed to Sir George Ramsay & received by him that Day. The said Letter is now produced by the Declarant & subscribed by him and the Sheriff as relative hereto of this date and is marked No. first. That to this Letter Sir George Ramsay wrote an answer in the Declarant's room and in the Declarant's presence, a Copy of which answer holograph of Sir George Ramsay the Declarant now produces, and the same is signed by the Sheriff and the Declarant as relative hereto of this date and marked No. Second.

That between eight and nine o'clock, as he thinks, of the same Day Sir George Ramsay came to the Declarants Lodging & shewed him a second Letter dated Marionville, Tuesday, signed by James Macrae & directed to Sir George Ramsay, which Letter the Declarant was informed by Sir George had been delivered to him by Mr. Amory mentioned in the Letter; which Letter was also signed by the Declarant & Sheriff as relative hereto of this date and marked No. Third.

That after reading this last Letter from Mr. Macrae the Declarant was told by Sir George that he had told Mr. Amory that there had been no good Reason, in his opinion, assigned why he should turn off his Servant, and untill this was made appear, he certainly would not do so; upon which Mr. Amory informed Sir George that the message he had to deliver to him was that Mr. Macrae looked upon him not as a gentleman, but the contrary—a scoundrel.

That Sir George left the Declarant a little before nine o'clock and returned in a short space, informing the Declarant that he had been at Bayle's Tavern and had seen Mr. Amory, and shewed to the Declarant a writing holograph of Mr. Amory, as the Declarant was told by Sir George, from which the Declarant perceived that Sir George Ramsay & Mr. Macrae were to meet at Wards at Mussleburgh the following Day, being Wednesday the 14<sup>th</sup> at 12 o'clock noon: which writing is signed by the Declarant & Sheriff as relative hereto of this Date, and marked No. 4<sup>th</sup>.

Declares that Sir George Ramsay remained with the Declarant for some time after coming from Bayle's, and left him some time before twelve, as he thinks. That Sir George, before his Departure, wrote a Statement of facts of what had occurred between him, Mr. Amory and Capt. Macrae: That this Paper which Sir George told the Declarant was his own writing, was delivered to the Declarant & is now produced by him & signed by the Declarant and Sheriff as relative hereto of this date, and marked No. fifth.

Declares that all the before-mentioned Writings were put in possession of the Declarant by Sir George Ramsay, in order, as Sir George said, in case any accident should happen, it might appear he was not to blame.

Declares—That on Wednesday the 14<sup>th</sup> the Declarant at the request of Sir George Ramsay went with him in a Chaise to Wards at Mussleburgh, where they arrived about half-past eleven, and the Declarant believes that Capt. Macrae, Mr. Amory and Capt. Haig of the 35<sup>th</sup> Regiment were there before them. That the Declarant, a little after his arrival, was called out of the Room by Capt. Haig, with whom having gone into another Room

he found there a Gentleman whom he afterwards found to be Mr. Amory. That after conversing over the Matter the Declarant & the other two Gentlemen agreed that it would be a pity if matters were not accomodated between Sir George Ramsay & Mr. Macrae. That the Declarant, being an acquaintance of Mr. Macrae's, desired Capt. Haig to let Mr. Macrae know that he would wait upon him if it was agreeable, and the Declarant having gone to Mr. Macrae and expressed his Distress at such a Misunderstanding having taken place and used such arguments with him as occurred to the Declarant to satisfy Capt. Macrae that matters ought to go no farther and that he would now see the Propriety of making an apology to Sir George Ramsay for the Treatment it appeared from Macrae's letter and the message delivered by Capt [*sic*] Amory he had given him; that the expression of Scoundrel made use of by Capt. Amory was so shocking to every Gentleman that he was persuaded Mr. Macrae would now see the Impropriety of having used it.

Declares—That Capt. Macrae admitted to the Declarant that he had ordered Mr. Amory to use that Epithet to Sir George Ramsay and appeared to the Declarant in some degree inclined to be convinced by what the Declarant had said, but told the Declarant at the same time that the first step in accomodation was that Sir George Ramsay should turn off his Servant or get the Prosecution stopped. By which the Declarant understood Mr. Macrae to mean that if the Man insisted in the Prosecution Sir George should turn him off. That the Declarant told Mr. Macrae that he did not believe Sir George, after what had happened, could be prevailed upon to turn away his Servant as an indispensable Preliminary. Declares that the Declarant went from Mr. Macrae to Sir George Ramsay & communicated in general what had passed between Mr. Macrae and the Declarant. That Sir George, as the Declarant expected, absolutely refused to dismiss his Servant as a necessary Preliminary, but told the Declarant that if matters could be settled without this, he would trust the management of the whole to the Declarant. That the Declarant then returned to Macrae, with whom some more Conversation took place, after which the Declarant told Mr. Macrae that if he would make an Apology to Sir George for the horrid Epithet which he had caused Amory use, he—the Declarant—should become bound that Sir George would either prevail with his Servant to pass from the Prosecution or dismiss him his Service. That Mr. Macrae said to the Declarant that as Sir George had given the first affront, it became him to make the first Apology.

Declares—That by the first affront the Declarant understood Mr. Macrae to mean Sir George having refused to dismiss his Servant when first applied to for that purpose. Declares—That matters not having been accomodated after all the Exertion the Declarant & the other Gentlemen could make for that purpose, Sir George Ramsay & Capt. Macrae walked out. That Mr. Macrae went first accompanied by Capt. Haig & Mr. Amory, and the Declarant in a very little after followed with Sir George Ramsay. That the Declarant went up to Mr. Macrae when on the field and took him aside, used the strongest Expressions the Declarant could think of on the Occasion, and entreated him to recollect what he was

about—that he had admitted he bore no ill will to Sir George Ramsay, and the Declarant could assure him Sir George had none to him, and that he might do a Thing in two minutes that he would never forgive himself for all his Life. That the Declarant does not recollect what answer was made to him, and that the Declarant rather inclines to think there was none intelligible made. That the Parties having taken their Ground, the Declarant again attempted to go up & speak to Mr. Macrae, but he waved his hand to the Declarant as a Sign to keep off, bidding the Declarant take care of himself, for he was in the Line of fire. That it had been agreed between Sir George Ramsay & Mr. Macrae that they were to fire at one time. That accordingly Each of them did fire, and the Declarant inclines to think that Sir George Ramsay fired first; but the other followed as fast as possible, insomuch that the People at Wards thought it was one shot. That Sir George fell, upon which the Declarant ran up and asked him where he was hurt. That Sir George said he could not tell, but he had got it. That Mr. Macrae having come up, seemingly in great agitation, said—‘Good God! I little thought it would come to this,’ adding—‘O Maxwell! I wish I had taken your advice.’ That Macrae & Amory immediately went off. That the Declarant is satisfied that Sir George Ramsay was wounded by Macrae and by no other person then present.

Declares—That in going to Mussleburgh Sir George told the Declarant that it was the first thing of the kind he had ever been engaged in in his Life and that he never had a Quarrel before.

Declares—That when Sir George first mentioned to the Declarant Macrae’s having beat his Servant, he told the Declarant that he had reason to think Macrae was not pleased at him—Sir George—he having behaved dryly to him when he had brought to Sir George’s House, where a particular company had been invited, a Capt. Hunter & Mr. Amory, neither of whom had received any Invitation from Sir George, and that on this Occasion he—Sir George—had behaved rather dryly to Mr. Macrae, and very much so to Mr. Hunter. That Sir George at the same time informed the Declarant that he had avoided in the Course of the last Winter the Company of Capt. Macrae or of going to his House, making different Excuses, and particularly that Marionville was too far out of Town at night.

Declares—That on the Tuesday forenoon when Sir George Ramsay shewed the first Letter from Mr. Macrae before mentioned, he said to the Declarant that he thought Something of this kind would happen, and that he had hinted as much to the Declarant before.

This he Declares to be truth.

(Signed) · WILL. MAXWELL  
AN. COCKBURN.

The statement drawn up by the friends of both parties ends thus. ‘Have since heard that Mr. Macrae was slightly wounded in the cheek. We have only to add that no men ever behaved more like men of honour on this occasion.’ Sir George Ramsay



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CAPTAIN MACRAE

*From Kay's Portraits*

seems to have been taken to his own house in St. Andrew Square, where he died of his wound on Friday, 16th April. The following note from Lady Ramsay to Sir William Maxwell is among the papers :

I hope you dont feel the worse of the *severe* day you spent yesterday. Sir George is much the same this morning. He has got no rest, and is in great pain. He desires me to mention *to you* that he wishes all the letters that pass'd between him and Mr. Macrae concerning this unhappy affair may be published in the newspaper of this day.

Yours with much esteem

E. RAMSAY.<sup>1</sup>

Thursday.

The footman's action against Captain Macrae was not decided until February, 1792, when the Sheriff's judgment, awarding damages and costs, came before the Inner House and was affirmed. Some of the judges expressed their difficulty in reconciling the laws of the land with the laws of honour, but the Lord President reminded the Court that they were sitting as a Court of Law, not as a Court of Chivalry.

It is doubtful whether the aggrieved footman obtained more than nominal redress by this judgment, for Macrae, who was cited in criminal letters to take his trial for murder, had escaped to France and was proclaimed outlaw on 26th July. He had previously taken the precaution of vesting his estates in trustees, who carried out his instruction to execute an entail. He was seen no more in Britain, and at his death in 1820 left a son and daughter by his wife, Marie le Maistre.

HERBERT MAXWELL.

<sup>1</sup>The Hon. Eleanor Fraser, youngest daughter of George 14th Lord Saltoun, married Sir George Ramsay in 1786, and 2ndly Lieut. Gen. Duncan Campbell of Lochnell in 1792. She died *s.p.* in 1821.

## Thomas Mudie and his Mortifications

IN 1649, the year of the execution of King Charles I., and when men's hearts in Scotland were stirred within them as to what would happen to their country, there lived in Edinburgh one Thomas Mudie, a burghess of 'credit and renown.' The name had been well known in civic circles of the capital for many years. So far back as 18th April, 1516, a John Mudie was on a Committee to enquire into the conditions of leases in the Burgh muirs, and in 1530 he is found sitting as a member of the Burgh Court.<sup>1</sup> Later in the same century Archibald Mudie, an apothecary and an esteemed elder and deacon of Christ's Kirk at the Tron, was sued by the Incorporation of Surgeons 12th April, 1587, for a breach of their exclusive privileges, inasmuch as he had exercised the art of surgery in applying 'toopicks and utheris emplasteris' to an ulcer on the foot of Matthew Weiche, in contravention of an Act of Council. He was fined forty shillings, and made to feel the inferiority of his professional position.<sup>2</sup>

In 1630 there was a certain John Mudie, a goldsmith in Edinburgh, who, along with some others of his craft, got into trouble with the Lyon Office. It was then, it appears, the practice for these tradesmen (a practice which still, I am afraid, to some extent obtains) to keep books of armorial bearings in their shops, and when enquiries were made by a customer as to what were his arms, with the view of getting them engraved on his plate, to consult these books and ascertain what arms appeared as belonging to any one of his name quite irrespective of whether the customer had any personal right to them. Such matters were then much more seriously dealt with than they are now, and accordingly we find that in 1630 the Privy Council ordered John Mudie and his fellow-craftsmen to submit their books of arms to the Lyon, and when they did so they probably got some enlightenment, vigorously given through Sir James Balfour, as to the law of arms.

<sup>1</sup> *Extracts from Records of the Burgh of Edinburgh* (Burgh Record Society), i. 160; ii. 25.

<sup>2</sup> *Ibid.* iv. 489.

It is impossible to say with certainty whether this John Mudie, goldsmith, was identical with that John Mudie, merchant, to whom Thomas Mudie, son to John Mudie in Calder, was apprenticed on 16th February, 1614. We may, however, be pretty sure that the master and apprentice were in some way related.<sup>1</sup> We do not know what position John, the father, and Thomas occupied. Thomas himself has been traditionally represented as a person of obscure origin and humble occupation, a cadger or carrier of eggs between Calder and Edinburgh. But whatever his father may have been, it is clear that he himself could not have followed this calling long, if at all, as we may presume that he was not more than fifteen or sixteen years old when he was first entered as an apprentice.

The boy then came to Edinburgh to seek his fortune in business, as so many country lads did at this period. He was more fortunate than many in having a relative for a master; and though his pay would be small, his conduct and moral welfare would be very strictly looked after, as was the fashion of the day when apprentices resided in their master's house and became to all intents and purposes one of his own family. Thomas fulfilled to a high degree the rôle of the Industrious Apprentice, because, though he did not marry his master's daughter, he found himself in a position before he had been many years out of his apprenticeship to take to himself a wife in the person of a certain Jean Jamieson, with whom he lived for many years in happiness and comfort. She was not probably of Edinburgh stock, as the marriage does not appear either in the Edinburgh or Canongate Registers: there may have been a boy and girl attachment between the two in his native place, as there was a family of that name at the Walkmylne of Midcalder. The marriage probably took place about 1623, and the only issue of it was a daughter Janet, about whom something will be said shortly.

As Thomas grew in years his wealth increased, and we find him lending money to various people, a natural enough proceeding, as goldsmiths were the most usual moneylenders of the period. On 4th August, 1631, William Alexander, a burgher of Dundee, was arrested at his suit, probably for the non-payment of a debt. The matter was referred to the Privy Council, and they ordered the Magistrates of Dundee to set him at liberty, as he had letters of protection, though it is not clear that these excluded Mudie's claim. In 1635 he appears as a creditor of a Jean Chrystie,

<sup>1</sup> *Edinburgh Apprentice Reg.*

though whether he was successful in recovering that debt is not stated.<sup>1</sup>

But the true Scottish craving for land soon asserted itself. On looking about him, Mudie discovered that portions at least of the lands of Saughtonhall were to be purchased. Saughton or Salectuna, to give it its ancient name, first appears in history as having been granted to the Abbey of Holyrood by its founder, King David I. Some time after the Reformation, on 28th July, 1587, Sir Lewis Bellenden, who had succeeded his father Sir John of Auchnoll as Justice Clerk in 1547, had a grant of an immense quantity of lands belonging to Holyrood Abbey, of which Sir John had in his lifetime been Bailie. They comprised many possessions in Mid-Lothian, East Lothian, Peebles, Linlithgow, and Stirling, which were all incorporated into the larger barony of Broughton. The lands in the vicinity of Edinburgh comprised such widely separated places as Broughton, Wrichtislands, Godbairnsroft, Harlaw, Barbourland, Saughton, Saughtonhall, Pendreich, Friertoun, Backspital, Foirspital, Lochflat, Meldrumsheuch, Coates, Lodbank, Whitecroft, Ferguscroft, Warriston, Bonnington, Hilhousefield, Pilrig, Fleuris, Grenesyde, St. Leonards lands, Deiraneuch *alias* Pleasans, Disseflat, Meadowflat, and Canonmills.<sup>2</sup>

All these remained with the Bellendens for some years, but the fortunes of the family began to fail, and in 1625 Sir William Bellenden, afterwards first Lord Bellenden of Broughton, sold Saughton to Sir George Forrester of Corstorphine, and in the following year he resigned the Smithlands of Saughtonhall in favour of Alexander Watson, an Edinburgh burgess.<sup>3</sup> The lands, however, must have changed hands several times within the next few years, as on 3rd February, 1637, Mudie got a charter of novodamus of these Smithlands of Saughtonhall. He seems to have acquired them from William Thomson, merchant, who in his turn had got them from Alexander Johnston, advocate.<sup>4</sup> The estates both of Saughton and Saughtonhall had evidently been disposed of in small lots by Sir William Bellenden and had thus got into the hands of a number of 'portioners,' as they were called. As regards Saughtonhall, for instance, we find that in the year before Mudie's acquiring the Smithlands he had, along with his wife, a charter which illustrates the many subdivisions into which the

<sup>1</sup> *Privy Council Reg.* 2nd Series, iv. 330 ; v. 455.

<sup>2</sup> *Reg. Mag. Sig.* v. 1304.

<sup>3</sup> *Ibid.* viii. 944.

<sup>4</sup> *Ibid.* ix. 729.

estate was cut up. The charter included half the 'tenandry' of Saughtonhall of old possessed by Thomas Pratt, and with the manor place acquired by the late Adam Lawtie, writer, from Thomas Wilkie, portioner of Saughtonhall; a portion acquired from George West by the late George Wilkie, father of Thomas Wilkie, and from Thomas Wilkie by Adam Lawtie; another portion acquired from the late Nicholas Dalyell by Thomas Wilkie and from him by John Watson, portioner of Saughtonhall, and from him by Adam Lawtoun (*sic*); another portion acquired from Nicholas Dalyell by John Watson and from him by Adam Lawtoun; another portion possessed by the said Nicholas and John Dalyell his brother and Adam Syme his sub-tenant; the vill acquired by Adam Lawtie from Nicholas Dalyell, except 58 acres allocated by John Watson to the late John Morrison, merchant burghess, Edinburgh; all which tenandry was resigned by Mr. Adam Lawtie, son and heir of the late Mr. James Lawtie, advocate, son and heir of Adam Lawtie, with consent of his wife Euphemia King.<sup>1</sup>

All these small holdings thus acquired by Thomas Mudie must have made up a considerable aggregate; but he continued to purchase further portions of the estate as they came into the market, the details of which need not be gone into. It may, however, be mentioned that in 1639 he acquired, along with other lots, the mansion-house itself, which had been occupied by Margaret Stewart, the mother of the Nicholas Dalyell above mentioned. Whether or not he actually took up his residence there or preferred to stick to his less pretentious home in the burgh itself is not known, but it is interesting to note that at this time he was as 'portioner of Saughtonhall' appointed to collect contributions for the repair of the bridge of Saughtonhall, 'which is the most frequented passage from Edinburgh to the West Countrie.'<sup>2</sup> He had also, as became a wealthy and leading burghess, entered the Town Council, where he attained by 1643 the position of Treasurer of the City. Under this designation he is found contributing £1000 to the maintenance of the Scottish army in Ireland, but whether this was a subscription from his private fortune or was made officially from the funds of the City is not clear.<sup>3</sup>

But Thomas was not satisfied with merely acquiring such pendicles of lands. Another considerable estate near Edinburgh

<sup>1</sup> *Reg. Mag. Sig.* ix. 538.

<sup>2</sup> *P.C. Reg.* 2nd series, vi. 482.

<sup>3</sup> *Ibid.* viii. 88.

came into the market, and in 1642 we find him purchasing a considerable portion of the lands of Dalry, including, besides the village and lands of Dalry itself, certain crofts at Tolcross outside the West Port, some teinds of Coates and other portions of that estate. These were disposed to him by Sir George Touris of Garmiltown and his son Alexander, younger of Inverleith, from which barony they were disjoined.<sup>1</sup>

We may conclude then that by this time Thomas Mudie had prospered exceedingly. He now began to look about him to find a suitable husband for his only child Jean, who had grown up to marriageable age. He sought an alliance with some family of position and standing in the country. Accordingly we find John Boyle, the laird of Kelburne, writing to Sir John Maxwell of Pollok on 28th June, 1643, to the effect that he hears Alexander Maxwell to be 'verie far on in ane marriage with Thomas Mudie's dochter, *the rich man in Edinburgh*.'<sup>2</sup> The marriage, however, though perhaps put in train in 1643, did not actually take place till June, 1645.<sup>3</sup> The bridegroom was a younger son of Sir James Maxwell of Calderwood, and was born, along with a twin sister, on 14th June, 1614. His mother was Lady Margaret Cunningham, third daughter of James Earl of Glencairn and sister of Anne Marchioness of Hamilton. He was therefore of unexceptionable birth, but like so many cadets of good Scottish families in these days he entered into business, and in due time became a burghess of Edinburgh, which accounts for the intimacy between the Mudie family and himself. He had, the year previous to his marriage, acquired the estate of Mauldslie in Lanarkshire from his brother Sir James, the first Baronet of Calderwood, and though he ultimately succeeded to the latter estate it is under the designation of 'Mauldslie' that he appears at the time of his marriage. It may be mentioned here that in their turn Alexander and his wife Jean Mudie had no male heirs, but only four daughters, of whom the first, Jean, married her cousin Sir William Maxwell, second Baronet of Calderwood, the second, Anne, Sir William Denholm of Westshiel, and the two others died unmarried.<sup>4</sup>

But the time of the old couple (though indeed they cannot have been very old at the time of their death) was approaching a close. The first to go, in 1650, was Mistress Mudie, and Thomas

<sup>1</sup> *Reg. Mag. Sig.* ix. 1062.

<sup>2</sup> *Fraser's Maxwells of Pollok*, i. 485.

<sup>3</sup> *Edin. Mar. Reg.*

<sup>4</sup> *Fraser's Maxwells of Pollok*, i. 485.

himself only survived her about two years. Previous to his death he executed two deeds or 'mortifications,' as they were termed in Scottish phraseology, which are of some interest and to which we shall now turn our attention.

In the first place he left a bequest of 4000 merks (£2666 Scots or about £222 sterling) to the school of his native place, Calder, to be employed in giving instruction in Church music<sup>1</sup> to the children of the parish.

On 26th November, 1655, a bond of corroboration was granted by Alexander Maxwell of Saughtonhall (as he was now termed) and his wife Janet Mudie securing for the purpose of the original bequest an annual rent of £160 Scots from the lands of Saughtonhall corresponding to the above principal sum of 4000 merks; in 1666 the security was changed from the lands of Saughtonhall to those of Dedridge. About 1838, when Dr. Somers wrote the admirable account of the parish, the schoolmaster received annually £11 2s. 2½d. from this source. We are told too by the same historian, that the Patrons and Managers of the mortification were 'Lord Torphichen, Sir William Maxwell of Saughtonhall, and one or two of the ministers of Edinburgh, who have a right to present a person fit to teach the four parts of grammar and art of music, or at least should be obliged to keep a "doctor" for teaching the music art as the deed of mortification more fully bears.' Whether this teaching of music continued down to 1870 or not I have not ascertained,<sup>2</sup> but after the passing of the Education Act the money was apparently devoted to the education of the children of the deserving poor of the parish. After elementary education was provided free the whole matter of the bequest was remitted to a reporter, who recommended (in 1884) that it should be transferred to the School Board and devoted to the establishment of a school bursary for two years of £4, and that £2 or £3 should be spent on paying the fees for

<sup>1</sup> So it is generally stated; but it is evident from Dr. Somers' account quoted below that the teacher was to instruct his pupils both in grammar and music, and that the latter branch of education was not to be confined wholly to Church music. It is impossible to conceive an Edinburgh citizen in the middle of the seventeenth century leaving money for the teaching of Church music exclusively. Unfortunately, I have been unable to trace the deed of mortification in the Records: when the deed is mentioned there is no indication given by the writers who refer to it, as to the volume of the many thousand in the Register House in which it is to be found.

<sup>2</sup> An enquiry of the Clerk to the School Board of Midcalder has failed to elicit a reply.



instruction in higher branches of learning. Thus the whole benevolent intention of the testator for tuition in music was entirely lost sight of and the money applied in the most commonplace way. Things remained in that footing till the passing of the Education (Scotland) Act, 1908, Section 30 of which enacted that the Governors of Endowments with an annual income of less than £50 should, instead of administering the money direct, pay their net income applicable to bursaries over to the bursary fund of the Secondary Education Committee, the right of preferential treatment for children of the parishes originally concerned being reserved, and such is the position of his bequest to-day.<sup>1</sup>

A still more handsome benefaction of Thomas Mudie met with a somewhat similar fate: at least it was not employed in the precise way in which he intended it. On 26th December, 1649, not long before his death, Mudie 'mortified' the sum of 20,000 merks (about £1333 stg.) for the purpose of building a church in the Grassmarket. It is stated in Grant's *Old and New Edinburgh* that the bequest was intended to be employed in re-building the church partially erected on the Castle Hill, which was destroyed by the English in the siege of 1650, but as the siege of the Castle did not commence till September, 1650, and the deed of mortification is dated the previous year, this is impossible. The money was left to the Town Council to carry out the granter's intentions, but it does not seem to have been paid over to them till about 1660. Even then nothing was done with it: it seems a habit for Town Councils to adopt this *non possumus* attitude and to lay up such pious benefactions indefinitely; we have had at least one example of it in our own time. It was not till 1681 that a move was made in the matter, but to do the Council justice the money had been accumulating at interest all the time. On the 16th September of the year last mentioned a Petition was presented to Parliament by the Town Council of Edinburgh and Sir William Maxwell of Calderwood, who had, as previously stated, married his cousin, the daughter of Alexander Maxwell and Janet Mudie. They represented to Parliament 'that this pious and worthy donation has become altogether ineffectual because the said Grassmercat is now absolutely necessary, for want of other places, to be a mercat for pitch, tar, grass, herbs, horse, nolt, sheep and other things which can be exposed for sale in no other place.' They also stated that as the Crown had taken over the south bank of

<sup>1</sup> I am indebted for this information to Dr. George Macdonald of the Scotch Education Department.

the Castle, which was the ordinary place for public executions of malefactors, they had no other place besides the said Grassmarket. They then proceeded to say that, as in these circumstances the intentions of the testator could not be specifically carried out, they proposed to employ the bequest in building a steeple over the West Port and hanging a peal of bells thereon. The reason apparently for selecting the West Port was that people of the west country, of which Mudie was a native, entered the city by it. Parliament was sufficiently satisfied with these rather audacious proposals, and seemed to think that there was already an ample provision of kirks in Edinburgh, and that the deceased, though providing for the erection of a church, had not provided for its endowment. The august body, however, did not absolutely commit itself, but recommended the Privy Council 'to see the soume employed by the Town Council as near the wishes of the defunct as can be.'<sup>1</sup>

Sir Thomas Lauder of Fountainhall gives us some more particulars as to this application. He says that the Town offered to use the money for the purchase of a peal of bells to hang on St. Giles' steeple, and to build a Tolbooth above the West Port of Edinburgh with Thomas Mudie's name and arms thereon. 'Some thought it better to make it a stipend to Lady Yesters Kirk, or to a minister to all the prisoners to preach at the Canongate and Edinburgh Tolbuiths and the Correction House Sunday about.'<sup>2</sup>

Nothing seems to have been done in the matter of the application of Mudie's mortified money; but in an entry dated 20th July, 1685, Fountainhall notes that the Bishop of Edinburgh procured a letter from the King to the Town Council of Edinburgh requiring them to take the 20,000 merks of Mudie's mortification in their hands and therewith to build a lodging and chapel to the said Bishop. This endeavour had evidently been going on for some time, as we are told that 'it was in the High Commissioner's instructions to last Parliament but was stopped there . . . this being represented to His Majesty as an inversion of Mudie's pious donation.' Public opinion was no doubt stirred against this application of the money, as was indeed natural, but the Bishop pressed the matter and was to some extent, though to a lesser degree than he would have wished, successful, 'The Bishop's friends,' it is stated, 'prevailed so far as to procure a new order from the King that till the houses were built (that is,

<sup>1</sup> *Act. Parl. Scot.* viii. 357.

<sup>2</sup> Fountainhall's *Historical Notices*, i. 325.

the Bishop's 'lodging' that he wanted) the Town Council should pay him the annual of that sum yearly (that is, the interest on the 20,000 merks), viz. 1,200 merks, which will do more than pay,' Fountainhall says, 'two house maills.' So the Bishop in the meantime did not come so badly out of the contest. He did not get his house built for him, it is true, nor did he get his chapel, but he got enough money to pay his house rent twice over, which was to him no doubt very comforting.

But he was not to enjoy his success very long. Three years after the application of the money was finally settled. The battle of the sites, a kind of contest which has from time to time done much harm in Edinburgh, was finally settled by its being resolved to use the money in building a new church in the Canongate. Formerly the chapel at Holyrood had served as a parish church for that district, but the King had announced his intention of taking it into his own hands and making it a private chapel for the Court exclusively. 'This,' says Fountainhall, with a certain amount of quaintly malicious satisfaction, 'should deprive the Bishop of Edinburgh of his house rent, which was paid out of the annual rent of that mortification.'

Building operations were commenced before very long: the work was entrusted to a certain James Smith, who seems to have been a very ordinary builder with no pretensions to be an architect. He proceeded to erect one of the most inelegant structures that disgrace the City of Edinburgh, and he did not even build it well. He could not even make a correct estimate of the cost; on 30th June, 1690, he petitioned Parliament for help to enable him to complete his contract. He says that the 20,000 merks originally left by Thomas Mudie had now increased to 50,000 or 60,000 merks, and that the Town Council had entered into a contract with him to build a church in the Canongate for the sum of 25,000 merks, exclusive of the cost of the ground for the church and the churchyard. Smith had now completed about threequarters of the work, but found it impossible to complete the work at the price fixed by contract. He gave the usual excuses of a builder in such circumstances: the foundations had proved unexpectedly bad, the price of timber had risen since the contract had been entered into, etc., etc. He therefore implored Parliament to grant him a further advance from the balance of the money left by Mudie still in the hands of the Town Council.

This Petition was remitted to a Committee, who got a report from several practical men. Ultimately, having considered the

matter in light of the report, they found that the original sum paid to the Petitioner for the purchase of the ground and building of the church was 34,000 merks: that the ground, including the actual site of the building, and the churchyard had cost 9000 merks, which left 25,000 merks for the building of the church. But it appeared that the expense of the building when finished would really amount to 36,162 merks, being 11,162 merks more than the original contract price: so the Committee were of opinion that Smith should either get the whole of the additional sum or alternatively the sum of £6000 Scots, which was all he had apparently asked for in his Petition. Parliament having duly considered the report of the Committee agreed that he should be paid the £6000 Scots.<sup>1</sup>

Smith, we would imagine, was probably much annoyed that he had not asked for the larger sum, which was what the Committee of practical men had estimated to be the cost of completing the building in a satisfactory manner, and it may have been owing to this that the church, when finished, was found to be anything but a creditable piece of work. It cannot indeed have been much more than two years old when, on 13th June, 1693, the Kirk Session approached Parliament, stating 'that the edifice is so vast and large that it will require a great deal of money to maintain its roof and windows and to preserve it from the violence of stormy weather.' The Session had already incurred debt to the amount of 4000 merks for repairs, and the church wanted much more to be done, both to its roof and floor, 'that it might be made more easie for the preacher and more useful, commodious and comfortable for all the hearers, especially for persons of honour that does frequent the same.' The acoustics too were bad, and there was an echo or 'great resonancy' in it, 'which does now exceedingly obstruct and hinder the hearing.' The Session having no funds of its own except the collections, which did not suffice to maintain the poor of the parish, implored Parliament to give them the balance of the Mudie money still unappropriated, which amounted to 9000 merks. Parliament, which was probably tired of the subject, took a favourable view of the application and ordered the Town Council to pay the Session as much of Mudie's money as was still in their hands, to be applied at the sight and with the advice of the keeper of Holyroodhouse or his deputes, the Lord Provost of Edinburgh and the Baron and Gate Bailies of the Canongate.<sup>2</sup>

<sup>1</sup> *Act, Parl. Scot.* ix. 159.

<sup>2</sup> *Ibid.* App. 90.

This is the story of Thomas Mudie's mortification ; but the greatest mortification of all (in another sense) must have been that to his own spirit if he had been permitted to realise the misapplication of his bequests. It may have been perfectly proper to endow bursaries for general proficiency in Midcalder or to build a much-needed church in the Canongate ; but these were not the purposes for which the money was left, and so long as it was at all possible to carry out the testator's express wishes it should have been done. Why should not the children attending the Board School at Midcalder not be taught to sing Church music now ? Perhaps 'my Lords' would object to the time occupied by this being taken away from other subjects which they deem of more importance. But as the children are probably taught singing at any rate, it would not be amiss to teach them psalms, hymns, anthems, etc., not necessarily to the exclusion of secular music but along with it. This would be 'education' in the best sense of the word.

As to the church in the Grassmarket, we can well understand that Mudie, as a cultivated and observant burgher of Edinburgh, saw that there was a real need for a church in such a place. The excuses put forward by the Town Council for not building a church there were flimsy in the extreme. Even though the actual site of the 'mercat' was required for the sale of 'nolt, sheep and other things,' surely at that period there was ample space for the purpose within a stone's throw. As to their other plea, that as the Crown had taken over the south side of the Castle Hill they had no other place for public execution, it can only be characterised as disingenuous in the extreme. It is doubtful whether executions ever took place on the actual southern slope of the Castle rock ; they were no doubt often carried out on the site of the present Esplanade. Persons were executed there down to at least 1650, and even if the Crown had prohibited further ceremonies of the kind taking place there, the Town had often used the locality about the Market Cross in the High Street for a place of execution. It was only about 1676 that the Grassmarket, or rather a small portion of it at the bottom of the West Bow, came to be used for the erection of the gallows.

JAMES BALFOUR PAUL.

## The Master of Sinclair

The Master with the bully-face,  
And with the coward's heart, man,  
Who never missed, to his disgrace,  
To act the traitor's part, man.

—*Jacobite Song.*

IN the twenty-fourth chapter of *The Heart of Mid-Lothian* Mrs. Saddletree breaks to Jeanie Deans the pronouncement of her sister's doom. The jury, while finding Effie guilty of the crime with which she was charged, have recommended her to the Royal mercy; but Jeanie wonders whether in such a case the King can exercise his prerogative. 'Can he gie mercy, hinny?' says Mrs. Saddletree. 'I weel I wot he *can*, when he likes. There was young Singlesword, that stickit the Laird of Ballencleuch, and Captain Hackum, the Englishman, that killed Lady Colgrain's gudeman, and the Master of Saint Clair, that shot the twa Shaws, and mony mair in my time—to be sure they were gentle blood, and had their kin to speak for them. And there was Jock Porteous the other day—I'se warrant there's mercy, an folk could win at it.' Of the cases cited by the worthy dame, those of young Singlesword and Captain Hackum are, I fear, insusceptible of further reference, and with that of Captain Porteous I have already elsewhere rather exhaustively dealt; but the Master of Sinclair's is another story, which is both curious and interesting.

The Master's claim to the consideration of posterity rests upon his *Memoirs of the Insurrection in Scotland in 1715*.<sup>1</sup> Gifted with a sharp tongue and a pen no less pointed, this *advocatus diaboli* of the Rising conducts his case with marked ability, complete self-confidence, and great satirical power. Intended as an apologia for the author's conduct, which had not escaped the strictures of his party, the *Memoirs*, in the opinion of Sir Walter Scott, are more successful in exposing the shortcomings of others

<sup>1</sup> Abbotsford Club, 1858.

than in justifying his own behaviour. Mr. Andrew Lang has described them as written with the bitterness of Sir Malachi Malagrowther, and it may be that the Master was unduly prejudiced against such of his associates as had the misfortune to differ from him in judgment. Not even Flaubert himself nursed a fiercer scorn for the stupidity of his contemporaries than did the Master of Sinclair. But he certainly possessed the foresight, sagacity, and military skill so conspicuously wanting in the counsels of the insurgents; his vivid sketch of Mar is admittedly a life-like portrait; and his own inactivity at Sheriffmuir at least enabled him to give the best account we have of that debatable and doubtful field.

There is little likeness between the Jacobite risings of 1715 and 1745 beyond the collapse of their common effort—the rebuilding of the fallen house of Stuart. *Nisi Dominus ædificaverit domum*: and all good Whigs and Presbyterians were persuaded that Providence had plainly declared against the enterprise. No ray of the glamour which gilds in the retrospect the fine failure of the Forty-five illumines the dismal business of the Fifteen. Ill-timed, ill-planned, half-hearted, and misguided, the earlier attempt lacks the high heroic note; and in the romantic fame attaching to the vain endeavour of Prince Charles, Old Mr. Melancholy's tragi-comedy has neither part nor portion. The frigid image of the Chevalier de St. George, the gallant glowing figure of the Young Adventurer; the vacillation and incompetence of Mar, the boldness and resource of Lord George Murray; these contrasts but exemplify the very different fates of their respective ventures. Regarding Mar's ineptitude as a commander Sir Walter Scott has observed: 'With a far less force than he had at his disposal Montrose gained eight victories and overran Scotland; with fewer numbers of Highlanders Dundee gained the Battle of Killiecrankie; and with about half the troops assembled at Perth Charles Edward in 1745 marched as far as Derby, and gained two victories over regular troops.' But in the Fifteen, by that strange fatality which dogged the fortunes of the Stuarts, they lacked a leader of military talent at the very time when for once their forces were adequate to the occasion: they had the means but not the man.

The Hon. John Sinclair, eldest son of Henry, eighth Lord Sinclair, and his wife Grizel, daughter of James Cockburn of that Ilk, was born, probably at Dysart, the family seat in Fife, on 5th December, 1683, and was called by Scots custom the Master of Sinclair. 'It is well known,' he writes in commencing his

*Memoirs*, 'that I am of a Familie who, at all times and upon all occasions were attached to the crown of Scotland, and who have sufficientlie suffer'd for it, and that I was earlie instructed in the principles of an indispensable duty and fidelitie towards my Prince; and I must own that from my infancie I had an innate zeal and affection for all the remains of the old Royall Familie of Scotland.' When a lad of twenty-three he attended, as a Peer's eldest son, the debates in the last Scots Parliament upon the Treaty of Union, 'that infamous surrender of our rights and liberties,' which, he tells us, made a deeper impression on no Scotsman than on himself. He saw, 'with horreur,' the descendants of noble ancestors, whose glory it had been to sacrifice life and fortune for their country's freedom, solicitous to reduce it into the contemptible province of a neighbouring nation. There was indeed among these 'a hideous mixture of such whose names had no place in storie, and who, haveing no share of the honour of their Countrie transmitted to them, were not so much to blame if they bartered it away for profit or preferment, or to secure the ill-got wealth they had alreadie purchased, being conscious of their own guilt. There were wretches of a mushroom growth who, like the false mother before Solomon, had no other way of getting a part but by destroying the whole; and they now flourish and lord it in peace, haveing swept away all marks of power and distinction, and thereby put themselves on a levell with those whose vassals they were not longe before.' One is reminded of Flamineo's gibe in *The White Devil* of Webster: 'If [there were] gentlemen enough, so many earlie mushrooms, whose best growth sprang from a dunghill, should not aspire to gentilitie.'

Such being the views of this incisive critic upon the vexed question of the Union, little wonder he had no liking for Mar, who, as Secretary of State, was so indefatigable in furthering it.

The *Memoirs* show the author to be an accomplished scholar, on familiar terms with the Latin classics, from which his numerous quotations seem to have been made from memory. Where he received his education is not recorded, but being a 'Fifer,' it was probably at St. Andrews. Soon after the consummation of the Union young Sinclair left Scotland and went abroad, intending to join the army of the Allies under the Duke of Marlborough in Flanders. He did so 'without recommendation, support, or the least acquaintance there,' and also outwith the knowledge of his father, who had designed him, in view of his studies, for some other state of life. Either at the bar or in the pulpit the



Master would have made a formidable figure, but apparently a civil career had no charm for one of his contentious spirit. 'In my way to the armie,' he writes, 'while I was meditateing how I should carrie a firelock, I had the good luck to meet with a colonall, a gentillman of note of my countrie, who had the generositie to attache himself more to me than I did to him—[a characteristic touch, this]. He made me some time after a captain in his regiment, where I served till I was oblidged to quit for tuo misfortunes that happened in a very short time, one after the other.' The circumstances which led to his leaving the Duke's army are fully set forth in the Report of the Court-Martial held upon him at the camp at Rousselar (Roulers) in Belgium, on 17th October, 1708. The proceedings thereat, printed by Sir Walter Scott from an attested copy in his possession, were presented by him to the Roxburghe Club in 1828.

From these it appears that the Master, who then held the rank of Captain-Lieutenant in Colonel Preston's Regiment of Foot, was accused, first, of challenging Ensign Hugh Schaw of the same Regiment, in breach of the 28th Article of War. Captain Drummond produced the letter of challenge, 'which the Prisoner disowns.' Lieutenant Simpson stated that he was with Ensign Schaw at Moorseele, in West Flanders, when a corporal brought him a letter, which having read, the Ensign said was a challenge from the Master of Sinclair. Schaw declined to send an answer at the moment, 'being then to look after his Brother, who was wounded before Lisle'—he had just heard that his brother George had been mortally wounded at the siege of Lille, and was about to leave the camp to see him. Before doing so, however, he commissioned Simpson to tell the Master why he could not wait upon him that day. If a meeting should take place later, he would be prepared to defend himself, and 'after all he had really said nothing but what he thought he could prove.' To Simpson, Sinclair admitted sending the challenge, and swore that he and Schaw must meet that night. The witness 'desired him for God's sake to rule his passion and be reconciled,' but Sinclair said he would not, for his honour was concerned. Simpson remarked that it was his duty to inform the Colonel, and Sinclair answered that if he did he would be a 'Rascall.'

Upon this evidence the Court were unanimously (and unaccountably) of opinion that it did not 'sufficiently appear' that Sinclair had challenged Ensign Schaw, and the prisoner was acquitted accordingly.

The second charge, of killing Captain Alexander Schaw of the Royal Regiment of Foot, commanded by the Earl of Orkney, at the camp of Rousselar on 13th October, 1708, in breach of the 19th Article of War, was then gone into. Captain Alexander was the elder brother of Ensign Hugh. Patrick Sclater, a private in Ensign Schaw's company, stated that at Moorseele he saw the prisoner meet the Ensign, and heard him call out that he wanted to speak to him. When they came close together the prisoner took a stick from under his coat and struck the Ensign two blows on the head. They then drew their swords and fought. The witness tried to intervene, and failing to stop them, was about to call the guard, when the prisoner's sword broke. Sinclair went behind the witness, telling him to keep Schaw off; the latter said, 'I am more a Gentleman than to persue you when your sword is broke.' The prisoner then went away, calling Schaw 'a murdering Rascall,' and saying that he had sent him a challenge the day before. The witness observed that Schaw's sword was bent. Another private, named Logan, who also had been present at the duel, corroborated.

No mention is made of the wounds inflicted by the Master, but it otherwise appears that the unfortunate Ensign was mortally hurt, and succumbed to his injuries shortly after the close of the inquiry.

In answer to this evidence the prisoner stated that Ensign Schaw had blemished his reputation by giving out that he misbehaved himself at the battle of Wynendael, fought on 28th September. Ensign Colville of the same Regiment stated that while under fire at that engagement Ensign Schaw called out something to the prisoner, and next day he heard him say that during the action Sinclair had 'bowed himself towards the ground for a considerable time together.' Ensign Blair stated that he also heard Schaw say that the Master 'stoop'd in time of action, and that he [Schaw] had told him of it.' Captain Ruthven, of the Royals, stated that on the 13th instant, between seven and eight in the morning, he had a conversation with Captain Schaw, who remarked, 'I find the Master of Sinclair is to attack me; he may come and attack me now in my Tent, I have a Pair of charged Pistols for him.' Ruthven said, 'God forbid, Schaw, he should treat you so brutally; I hope, if he has a mind to attack you, he will treat you lyke a Gentleman, and with honour.' 'I don't know,' replied the Captain; 'he treated my Brother otherwise, for he had [a pad of] paper on his breast, and my

Brother's sword bent against it ; however I believe my ball will pierce his breast better than my Brother's sword.' They parted soon after, and he saw the deceased no more. John Moore, servant to the late Captain Schaw, stated that on 13th instant, as he was riding with his master at the head of Major-General How's Regiment, the Master of Sinclair galloped up and told the Captain to go to the front, as he wanted to speak to him. This the Captain declined to do, remarking that if he had anything to say, he might say it there ; whereupon the Master said, 'If I fire at you here I may kill some other Bodie ;' to which the Captain answered, 'You may fire if you please, for I have no ill-will against you.' The Master then demanded an apology from the Captain, who replied that he would not beg his pardon, having done no offence. Sinclair then drew his pistol, and before the Captain's was half out of the holster, fired, Schaw falling dead from his horse 'with his pistoll in his hand not drawn out of the bag.' Sergeants Bell, Sharpless, Mackulla, and Glasby, all of Major-General How's Regiment, gave substantially the same account of Captain Schaw's death, from which it appeared that the attack was entirely unprovoked, and that Sinclair fired before Schaw had time to draw his weapon. Two of them heard the prisoner say before he fired, 'I would shoot you on the spot, if it were not for these two Gentlemen,' referring to two officers who were passing at the time. Corporal Hanks, of the same Regiment, stated that, being in his tent, he heard a pistol shot, and running out, saw the Captain lying dead upon the ground. His pistol, though charged, was neither primed nor cocked. 'The Prisoner says for himself, the deceas'd Capt. Schaw has defam'd him upon severall occasions, and in severall Regiments ; that he was forced to do what he had done with a great deal of Reluctancy.' No indication of this reluctance, however, appears in his atrocious action.

The following witnesses were then examined for the prisoner. Lieutenant Sir Archibald Cockburn, of the Royals, stated that when he was with his Battalion at Moorseele, Captain Schaw described Sinclair to him as a rascal or villain, adding other 'scurrilous expressions' against the prisoner, 'which the deponent not caring to hear, was going away,' when Schaw called to him, 'Sir Archibald, you need not go away, for I say nothing here but what I desire to say very publickly.' Captain Home, of the same Regiment, stated that as Captain Schaw rode past him at the head of the Battalion, he asked if there was any news, to which

Schaw replied that all the news he had was of that villain the Master of Sinclair, who had committed a villanous and barbarous action upon his brother. Ensigns White and Colville stated that they had heard Captain Schaw say the Master was a rascal and villain, who should be chased out of the army.

This concluded the evidence, upon which the Court was unanimously of opinion that the prisoner was guilty as charged, and therefore sentenced him to death; but in consideration of the 'high provocation' given by the deceased to the prisoner they humbly recommended him to the Duke of Marlborough 'as a fitt object of mercy,' and prayed his Grace would be pleased to pardon him accordingly.

Mrs. Saddletree's 'twa Shaws' were scions of the ancient and honourable house Sauchie, to which was annexed the barony of Greenock. There were in that generation five brothers: Sir John, the holder of the title; Alexander and Hugh, accounted for by the Master of Sinclair; and George, mortally wounded before Lille, who all died within a few days of each other; and Thomas, killed within the year at the battle of Mons. Sir John had issue one daughter only, and at his death in 1752 the estate passed to another branch. Along with the proceedings of the Court-Martial Sir Walter Scott published a series of letters written by Sir John Schaw to sundry great folk with a view to having the sentence enforced against the slayer of his kindred. 'When I think of the Loss of my Brethern,' he writes on 28th October, 1708, to the Earl of Stair, then British ambassador to France, 'and that he who destroyed them should survive, and that endeavours should be used for his Escape, my perplexion is beyond Expression.' On receipt of the news Sir John had come post to London, intending to proceed at once to Flanders, but by the advice of his friends he remained there, and 'having an entire dependance on the Duke of Marlborough's Justice,' entered into correspondence with that nobleman and others regarding the rumoured pardon of the condemned Master. In a dignified appeal to the Duke, enclosed in his letter to Stair, he reminds his Grace how his four brothers ventured their lives in the army under Marlborough's conduct, of whom three are now dead; the Master's 'misbehaviour' in presence of the enemy could hardly, he remarks, be repaired by insulting and killing two fellow-soldiers who were ever ready and willing to fight for their country; finally he pleads for a speedy sentence, and hopes 'that no sollicitation may be suffered to stop the execution thereof.'

On the same day he writes to the Duke of Argyll, and beseeches him—'knowing that Courage and Humanity are your Grace's peculiar Virtues'—to see justice done for the murder of the two brothers, whose loss, had they fallen in battle, he would have borne with patience, as he did that of the other, killed before Lille. What action the Duke took is not recorded.

Writing to Stair on 2nd November, Sir John says that he has entered caveats with the Secretary of State against a pardon being granted without his knowledge, and that he is advised that the Queen will not interfere with the sentence. He had presented a petition to Queen Anne, praying her Majesty to give orders for bringing Sinclair to condign punishment for his barbarous and bloody crimes. Later, at a personal audience, Anne assured him that she would not meddle in the matter.

As a result of Sir John's importunities, the Duke remitted the Court-Martial proceedings for the opinion of the Attorney-(Montagu) and Solicitor-General (Eyre), who on 15th November reported that had Sinclair been tried in England, the Court, upon the evidence given, must have directed the jury to find him guilty of murder, 'for no Provocation whatever is sufficient to excuse malice, or can make the Offence of killing less than murder, when it is committed with Premeditation.' How far such provocation might be a ground for mercy they left to his Grace's consideration. Marlborough apparently decided that justice must take its course, for on 17th April, 1709, he signed an order to that effect, but the execution was delayed to enable the prisoner, on parole, to participate further in the Flanders campaign, and, if we can believe the Master, Marlborough himself urged him to escape, and gave him credentials to the King of Prussia.

The issue of the affair is briefly recorded by the author. After mentioning his 'two misfortunes,' he complains of being 'obliged to quit' on account of them, 'notwithstanding of the court-marishall's recommending me to the Generall, his Grace the Duke of Marlborough's mercie, which was always lookt on as equall to a pardone, and which, I can aver, was never refused to anie but myself; nor was his allowing me to serve at the sieges of Lille and Ghent precedented, on my giving my word of honour to return to arest after those sieges were over, which I did, and continued till his Grace of Marlebourough sent his repeated orders to make my escape, which I disobey'd twice; but at last, being encouraged by his promise to recommend me to any Prince in Christendom that I pleased, for these were his

words, I went off, and procured his recommendation to the King of Prussia, in whose service, which I may say is of all the strickest, I came back to serve in the Low Countries, where I continued untill the end of the war ; at which time her Majestie Queen Ann, haveing, as it was said, turned Tory, vouchsafed me her pardon.' The Schaws, by the way, were zealous and active Whigs.

Whatever be the truth of the allegations regarding the Master's bowing down in the field of Mars and his unsportsmanlike use of a paper breastplate, there can be no question of the savage brutality of his behaviour to the brothers, and it seems strange that a British commander-in-chief should have countenanced such proceedings to the extent of favouring the offender's escape.

On 12th August, 1710, Sir John Schaw, having learned that Sinclair was reinstated in his regiment, addressed a strong protest to the Duke. He pointed out that when the death sentence had been confirmed by Marlborough, and the prisoner made his escape to Prussia, he was content to pursue him no further ; but to his surprise and sorrow he has of late been informed that Sinclair 'has added to the repeated murthers the impudence of returning, an officer in a Prussian regiment, to the army where he was condemn'd, as it were to affront Justice and glory in what he has done.' He begs that the sentence may yet be executed, and concludes with a pathetic picture of his bereavement.

To these entreaties Marlborough turned a deaf ear ; and at the end of the campaign the Master, crowned with Prussian laurels, came home, and received in 1712 the Royal remission of his sentence. He was advised to pay court to Mar, then Secretary for Scotland, as 'the riseingist man of that Nation,' but he found that Mar had used all his influence to hinder the granting of the pardon, which accounts for the extreme rancour which he henceforth cherished against that nobleman. He left London, disgusted with the intrigues of the Scots nobility, and retired to Fife 'and the innocent amusements of a countrie life, resolving rather to put my hand to the plough than ever prostitute myself and the honour of my familie by truckeling or cringeing to any insolent or deceitful courtier.'

While the Master at Dysart was cultivating the rural virtues and giving his Tory friends offence by attending the Kirk, where, by the way, he found he was but seldom edified, the death of Queen Anne took place on 1st August, 1714, and the Elector of Hanover peacefully succeeded to the British throne. Mar, dis-

trusted and disgraced by the new monarch, to whom he had proposed to dedicate his devotion, was busy intriguing with the Highland chiefs for a Jacobite rising in the North. The Duke of Berwick advised the Chevalier that he must either go in person to Scotland or lose his honour; the date of the rising was fixed, and then countermanded; but Mar, without a commission from his exiled sovereign, left London for Scotland to raise the Royal standard.

Dining one day with the laird of Grange, Sinclair learned from him that Mar and General Hamilton had landed 'out of a coale barck' at Elie the night before; that they came to pave the way for the Duke of Berwick's coming, if not the King's; that all was ready in England; and that ten thousand men, with great stores of arms and ammunition, would shortly arrive from France. *Timeo Danaos*, was the Master's comment upon Mar's good tidings. The gentlemen of Fife, misled by what he roundly terms Mar's 'lyes,' were ready to join the rising at once; the cautious Sinclair, however, advised delay: it were better to wait until the King came, and they saw the Highland chiefs unanimous—Mar was at work among the clans, proselytizing with varying success. Summoned by him to repair to the King's standard so soon as it was set up, our Cincinnatus declined to leave his plough. 'I took the freedom to tell the companie,' he writes, 'that they might depend upon it there was no such thing as a commission; that my Lord Mar's disappointments at Court haveing rendered him miserable, had made him desperate, and to my certain knowledge, haveing nothing to loose, his designe was to make himself a great man abroad by riseing on our ruins at home.'

The death of Louis XIV. at this juncture disposed, in Sinclair's view, of any chance of aid from France. It meant more than that: Louis, whom Bolingbroke termed the best friend the Chevalier ever had, was the life of the Cause, and with him died all chance of its success. 'The Highlandmen would rise out of hopes of plunder, and would doe as they had always done': either they weary and desert, or if victorious, retire with the spoils; 'if they are beat, they run straight home.' In any event the Lowland gentry would have to pay the piper. Sinclair's cynicism was justified.

Meanwhile the 'Tinchal' called by Mar had been so well attended by the chiefs that it was decided to raise the standard of James III. and VIII., which was accordingly done at Braemar on 7th September, 1715.

Next day a hopeful scheme, designed by Lord Drummond and approved by Mar, for surprising the Castle of Edinburgh, failed through the incompetence and folly of those entrusted with its management. One Forbes, 'a little broken merchant,' was selected by Drummond as engineer and conductor of the affair. A sergeant and soldier of the garrison were bribed; when the former had the guard, he was to place the latter at a post on the Castle wall as sentry, who would let down cords, which the conspirators could attach to scaling-ladders, and so gain entrance to the fortress. Drummond furnished forty Highlanders, and fifty young apprentices, advocates' clerks, writers, and some servants to those in the Government, were Edinburgh's contribution. The night was arranged, and the rendezvous fixed for nine o'clock at the West Kirk, below the point of attack; but Forbes and others, who were to bring the ladders from the Calton, where they were being made, lingered in the city till after ten (the hour determined for the assault), drinking to the success of the undertaking. Those on the spot, impatient of delay, climbed the rock, and tried to effect their purpose with grappling irons, but after an hour spent in fruitless effort, the sentry called out, 'God damn you all; you have ruined both yourselves and me. Here comes the round I have been telling you of this hour; I can serve you no longer.' Whereupon, shouting 'Enemie!' he fired his rifle, and, in the Master's phrase, 'everie man shifted for himself, the round firing over the wall after them.' What time Mr. Forbes, the engineer, and his merry men, with the ladders, had only got the length of Bearford's Parks, half way along the modern Princes Street. The wife of one of the conspirators, Dr. Arthur, had given to Lord Ormiston, the Justice-Clerk, a hint of what was afoot; 'but all agree,' says the Master, 'that had the ladders come in time, the Justice-Clerk's advertisement had come too late.' So indiscreet were the Forbes contingent that one who had been in their company, but not of it, that night in a tavern, told Sinclair the hostess informed him they were 'poudering their hair to go to the attack of the Castle.'

The failure of this attempt, so typical of the methods that rendered the rising abortive, was a vital blow to the Chevalier's cause, which thereby lost the chance of gaining not only the greatest stronghold in the kingdom, with all the military stores, but also the sum of £60,000, Scotland's 'Equivalent,' which had lain there unappropriated since the Union.

The occupation of Perth by the insurgents on 28th September



made it impossible for Sinclair longer to hold in the Fife Jacobites, who were already straining at the leash; so against his better judgment he decided to join them, and, numbering fifty horse, they marched for the Fair City, then and afterwards the headquarters of the rebel army. He gives a caustic account of what he found there. Mar, with the main body, was still in the North, and to the Master's experienced eye the military dispositions at Perth were ludicrously inadequate to meet the expected attack of the Government forces assembled at Stirling under the Duke of Argyll. Colonel Hay, the officer in command, 'was a young lad who stood much in need of advice, being latelie come from schoole'—his knowledge of the art of war was derived from having mounted guard once or twice at St. James's Palace. Sinclair was not sparing of advice. In the end he got his own way, the Colonel telling him to 'make what changes about the place he pleased.' Divers noblemen and lairds, with their following, began to come in, of whom Lords Strathmore and Panmure alone secured the Master's commendation for capacity, and at length Mar himself arrived to take the supreme command. Of his companions in arms the Master's account is far from flattering. The Highlanders he classes with Negroes and Laplanders. 'If by nature,' he remarks, 'they are distant from the state of beasts, nevertheless they differ very little from them;' the horse is only capable of eating, drinking, sleeping, running, and returning to his stable: 'you need not add much to form a Highlandman.' To the Lowland lairds and gentlemen he is little kinder; and he objected to the signatures of those who were members of the Society of Writers to the Signet being appended to Mar's address to the Duc d'Orléans, on the ground that 'it look't like mocking the Regent,' and would give the impression that 'we were all made up of such canaille'! He gives a scathing account of the jealousies and factions which rent the counsels of the army. 'While everie one was building castles in the air,' he writes, 'and making themselves great men, most of our armes were good for nothing,' and though the ammunition, of which so much had been promised, was not forthcoming, Mar—'a Generall by Divine inspiration'—was still 'full of lyes and great hopes.' Argyll, who had only about 2000 regular troops, bidding his time, remained at Stirling, 'and tho' a younge man, full of fire,' says the Master, 'acted, in my private opinion, the part of ane old wary Generall.' The inactivity of Mar, on the other hand, with some 12,000 broadswords at his disposal, was less commendable.

But one fruitful and effective exploit, of which the credit is due to our hero, need be mentioned. A marked weakness of the host assembled at Perth was the shortage of munitions. At six o'clock on Sunday morning, 2nd October, a Fife friend of Sinclair's came to him at Perth, having ridden all night, to tell him that there was a vessel in the harbour of Burntisland loaded with ammunition and arms—'at least three thousand.' The cargo had been shipped at Leith, and was intended for the loyal clans under the Earl of Sutherland, then commanding the King's forces in the North; but the skipper, with whom domestic affection outweighed the sense of duty, had first put in to Burntisland to visit his wife. The Master was transported with the news, though he knew enough of his friend's imaginative powers to accept his estimate with reserve. He at once awakened Mar, who, after making difficulties and wasting valuable time—the ship was to sail with the evening tide—at last authorised the Master to attempt the *coup*. Accordingly Sinclair set out at five o'clock with eighty horse. Avoiding villages, and taking along with him such persons as he met upon the road, for if Argyll got word of the affair the dragoons from Stirling might easily cut off his retreat, the Master reached Burntisland. The ship had already drawn out of the harbour, but her captain yet lingered in the family bosom. No time was lost in securing the harbour heads and the person of the uxorious mariner; all available small boats were commandeered, and the services of the townfolk requisitioned to man them; the ship was boarded with ease, 'but the wind being contrarie,' it was hard work towing her back to her berth. Meanwhile the Master had his own to do ashore, for the amateur troopers, having loosed their horses' bridles, 'went a strouling thro' the toun' in quest of alehouses, a practice which, as their leader complains, 'confounds at all times, but more at night, the unluckie officer who has the command of them.' Standing in the water up to the middle, Sinclair with his own hands received the arms from the ship's side, and found to his great grief 'but three hundred, wanting one.' There were also a few barrels of powder and ball, and some cartridge boxes, which, with twenty-five firelocks and a barrel of powder seized on board another vessel in the port, and thirty more appropriated from the Town Guards' armoury, completed the haul. It was well that the Master had allowed a margin. His volunteers were slow to load the fifty baggage horses; 'after humblie begging the favour of these fellous to put on more, to no purpose,' says Sinclair, 'I

gave them round without distinction a heartie drubbing, the most persuasive and convincing argument to those sorte of men, and with my own hands tyed on the greatest part of them.' The Master knew his business. After sundry exciting adventures by the way, due mainly to the indiscipline of his troopers, Sinclair brought his booty into Perth 'at five of the clock, without either eating or drinking or sitting down,' so far as he was concerned. 'All these particulars I have mentioned,' he characteristically remarks, 'tho' about a thing of no consequence, to sheu the trouble one has with such fools, and how great a misfortune it is to be concerned with them.' He was not one to suffer fools gladly.

The Master was next commissioned by Mar to visit the fringes of Fife, proclaim the King in various towns, levy taxes, seize all arms and ammunition, and also to inspect and secure the fishing-boats required for the prospective crossing of the Firth by a strong force under Mackintosh of Borlum. The very partial success by which the latter venture was attended is attributed by Sinclair to the mismanagement of Mackintosh, who, he says, was 'fudled' at the time of embarkation, and was, moreover, personally unpopular with his men—they called him 'a baptized brute.' 'Of the twenty-five hundred who were designed to pass, eleven hundred got over, and a thousand were so frightened with the terrour of the sea and the expedition that they deserted to their hills.' The further fortunes of the enterprise were known to the Master only by hearsay. Forth is proverbially said to bridle the wild Highlandman; but there seems no question of the soundness of Sinclair's opinion that instead of detaching so many men for the passage of the Firth, Mar should have moved his whole force to the Fords of Frew, near Aberfoyle, where Prince Charles passed in 1745; 'but I never heard,' he says, 'of anie man of our armie who knew any thing of those foords except Rob Roy, who, they themselves said, they could not trust.' Honest Rob had occasion to know the Fords, as readers of Sir Walter will remember.

On 12th November the Highlanders under Mackintosh, with their English adherents, surrendered at Preston, and on the following day at Sheriffmuir the fate of the Rising was practically sealed. For a month after Mackintosh had crossed the Firth Mar sat still at Perth, mainly occupied in dictating despatches and issuing proclamations demanding supplies. On 10th November, however, the rebel host at long length began to move

towards the Fords of Frew. Next morning Argyll, having learned of the advance, marched through Dunblane to intercept it, and took up his position on Sheriffmuir. We cannot here fight over again that disputable battle, in which each side claimed a victory. It is interesting to note, though Sinclair makes no mention of the fact, that Sir John Schaw fought with distinguished courage as a volunteer in King George's cause, and was twice wounded. Mar's force outnumbered Argyll's by more than two to one. The brilliant attack by the Highlander's on Argyll's left was entirely successful; on the right wing the advantage obtained by the Government troops was equally complete. In the centre the insurgents, as appears, might also have triumphed had their cavalry charged at the proper time. As it was, two squadrons went off in pursuit of the fugitives whom the Highlanders had scattered, while those under command of Huntly and Sinclair remained inactive on the field, and never engaged at all. The popular view of the conduct of those leaders is thus expressed by the contemporaneous ballad-monger—

Huntly and Sinclair

They baith played the tinkler

With consciences black as a crow, man.

Mr. Andrew Lang, in his *History*, remarks that Sinclair takes great credit for preventing his men from charging, and has been blamed in consequence: 'But what could three squadrons do against an undemoralised line of bayonets? Really, he seems to have shown judgment.' The Master himself in his *Memoirs* replies to his critics with undaunted spirit.

Whether or not Sinclair's fellow-officers did him less than justice, their mutual recriminations could not fail to damage the common cause, and the state of matters at Perth, to which the army returned, became yet more confused and hopeless. In the North Lovat had raised his clan, and captured for King George the Castle of Inverness; Glasgow was in the hands of the English regiments fresh from their success at Preston; and 6000 Dutch troops had reinforced Argyll. Sinclair, as president of what was known as 'The Grumblers' Club'—an institution for which the circumstances must have afforded a fine field—was in daily conflict with Mar. He saw that the game was up, and advocated an attempt to make terms with Argyll; he carried his point, but the Government would accept nothing short of unconditional surrender. Huntly went North upon his own affairs—his country

was threatened by Sutherland; and the Master, shaking the dust of Perth from his feet, followed soon after, glad, in his own forcible phrase, 'to be out of that hell.' His position had become unendurable. It was 'agitated' in Mar's cabinet council whether he should be sent to Dunnottar or to the Western Isles; and apart from the 'calumnious prosecutions' of which he complains, so bitter were the Highlanders against him that he was like to be 'cut down' on the street. He was 'adverticed' both by friends and foes that his life was in danger. One night an ambush was laid for him in a tavern, but his bold bearing carried him through. He exonerates Mar from participation in these designs for the reason that 'he could gain nothing by my murther, which must certainlie doe him more harm than good, except he could bring it about by my undescretion and then throw the blame on myself'! A less prudent man than Sinclair must have realised that it was time for him to go.

By Christmas Day the Master was with Huntly at Castle Gordon, where he found a quiet refuge, 'after being wearied to death with fighting that monster with many heads, many hands, many feet, and (worst of all) many tongues, which St. George's dragon was a jeast to, nor could his conflict be so well proven as mine;' having struggled, he protests, with as much zeal for his country in Perth as did St. Paul for his faith with wild beasts at Ephesus. News of the Chevalier's landing at Peterhead on 22nd December disturbed his well-earned repose. 'Now ther's no help for it,' said Huntly; 'we must all ruine with him. Would to God he had comed sooner.' They learned further that if James found matters 'on a bad foot,' he was resolved to return immediately, leaving his poor subjects free to make what terms for themselves they could—'a very just and reasonable thought,' comments the Master bitterly. Mar, however, 'captured' James—'that unhappie Prince, intirelie a stranger to his oun affairs, as much as he had dropt out of another world or from the clouds'—and had him 'carried triumphinglie up to Pearth,' where the Royal presence, so long anxiously looked for, failed of its anticipated effect. 'If he was disappointed in us, we were tenfold more so in him,' writes an eye-witness, in a tract erroneously ascribed to Sinclair, who did not meet the Prince. Old Mr. Melancholy, the pamphleteer reports, was never seen to smile; with the ague, and a price upon his head, amid the *agréments* of a Scots winter, and the general ruin of his cause, it is not surprising.

Sinclair declined Mar's invitation to rejoin the standard, Huntly did nothing; and finally, when word came of the evacuation of Perth, the retreat to Montrose, and the flight of Mar and his master to France, our hero resolved upon the course which, in the last resort, he had long envisaged: to make for the Orkneys, where he hoped 'to skulk till I got some ship to waft me over to some forraigne shore.' Fugitives, 'extreamlie dumpish and melancolie,' began to arrive; and the Master prudently desired to secure an early boat, as, if Sutherland laid an embargo on shipping, his retreat would be cut off except from the Highlands, where it was not proper for him to go—'by Mar's particular care they had got so bad an impression of me that I was sure to be murder'd, otherwise I should not be one of the first to follow his scandalous example of deserting my Countrie.'

Passing the Moray Firth to Caithness, Sinclair and his companions reached the wild shores of the Pentland Firth. Of the terrors attending the passage to Orkney he retained a vivid memory, which found relief in sundry apt quotations from the *Æneid*, illustrative of the perils of such waters. At Kirkwall the melancholy prospect of the castle ruins—'the seate of the old Earles of Orkney, my ancestours'—was a depressing sight for one 'in whose veins the blood of Robert Bruce run as fresh as in his oun,' and this reminder of the fallen fortunes of his house did not improve the Master's temper. His fellow-travellers had a bad time of it. The curse of confused counsels was still upon the Jacobite remnant, but Sinclair, as usual, got his own way. At Stromness, with six companions, putting off in a small boat, he seized in the bay a sixty-ton ship 'loaded with beef, very fit for our purpose,' and having impressed a pilot, with a fair wind set sail for Calais. Some of the fugitives would have preferred a different destination; but, as the Master philosophically observes, 'it was not possible to please all, everie one belching out what his follie dictated.'

Per varios casus, per tot discrimina rerum,  
Tendimus in Latium: sedes ubi fata quietas  
Ostendunt,

quotes the Master, in concluding his *Memoirs*. 'And as may be seen by the sequell,' says he, 'we, still more unstable as the winds, not onlie 'Incerti quo fata ferant, ubi sistere detur;' but as we had begun our affair, so this part of us were to end it, 'in tam diversa magister, ventus, et unda trahunt.'" It was the epitaph of the Fifteen.

Of the subsequent career of the Master there is little left to tell. Duly attainted for his share in the ill-starred Rising, he continued to live abroad. In 1723 Lord Sinclair died. Though a Jacobite and Tory, he had kept clear of the entanglements of Mar, but while obliged to disinherit John, the heir, in favour of James and William, his younger sons, with a resourcefulness which must have earned the approval even of that hypercritical exile, he had caused them execute a back bond, binding themselves to manage the property under certain trustees, to whom the rents should be paid for behoof of their outlawed brother; and in the event of the latter becoming 'free of his present inconveniences,' or having lawful issue, they were further bound to reconvey the estate to him or to his children. As it would never have done to set forth the true consideration, the deed declared the cause of granting to be the 'unfortunate accidents that some years ago fell out abroad between the said Master and two sons of the deceased Sir John Schaw of Greenock.'

In 1726 the Master of Sinclair obtained a pardon for his life, which, however, did not remit the penalties of the forfeiture. The incapacity was mainly a technical one, for on his return to Scotland he settled down at Dysart, and entered, in all but name, upon the peaceable enjoyment of his patrimony. By reason of this pleasant legal fiction the Master spent his remaining years in the dignified leisure he had professed so often to envy, which he now put to profitable use in the composition of his *Memoirs*. He seldom visited Edinburgh, but on the rare occasions of his doing so he always went *incognito*, well armed and attended, either to anticipate the vengeance of the Schaws or reprisals by former friends. Had the *Memoirs* seen the light in his lifetime, verily would the author have stood in need of defensive weapons to meet the criticisms of his contemporaries. On one such visit he proposed to hire a running footman, and interviewing an applicant, asked the man as to his qualifications for the office. 'Sir,' said the candidate, 'I ran beside the Master of Sinclair's horse when he rode post from the English camp to escape the death to which he was condemned for the murder of two brothers.' Sinclair, we read, 'much shocked, was nearly taken ill on the spot.' It is improbable that the appointment was obtained.

The drums and tramlings of the Forty-five failed to rouse the Master from the studious peace of Dysart: doubtless he deemed himself already sufficiently a martyr to the Cause, and found that he could do better execution upon his enemies by

sharpening his quill against them than by reverting to the doubtful arbitrament of steel. He died at Dysart on 2nd November, 1750, in the sixty-seventh year of his age. He was twice married, his first wife being the Lady Mary Stewart, eldest daughter of James, fifth Earl of Galloway, his second, Amelia, eldest daughter of Lord George Murray. There was no issue of either marriage. One wishes that these ladies had recorded their experiences of their lord, which could hardly have been other than interesting.

If few Scots patriots have been more roundly abused than the author of these *Memoirs*, none has hit back with better heart and to greater effect. And though his counterblast be posthumous yet is he assured of victory; for whatever can be said against him, the balance is still in his favour.

WILLIAM ROUGHEAD.



## Political Ballads illustrating the Administration of Sir Robert Walpole

**SIR ROBERT WALPOLE** is one of the most interesting figures in British politics. A statesman far in advance of his time, he was the only Minister of his day who had made a special study of finance and commerce, and may be said to have laid the foundations of Free Trade and modern Colonial policy. At home his policy was to leave quiet things alone, while abroad he steadily pursued a course of non-intervention. He saw clearly that the Protestant succession must be maintained, and with that object sedulously cultivated the French Alliance. That the country prospered under his rule is undoubted, and after his death it was generally allowed that he was right, but during his lifetime his aims were not only misunderstood but persistently misrepresented. Few Ministers have had to contend with an Opposition so hostile and unscrupulous, while at the same time the mob, who counted for a good deal at that period, were bitterly opposed to measures they could neither understand nor appreciate.

Walpole is the more interesting from the fact that, however advanced his political views may have been, he was emphatically a man of his time. His manners, mode of life, and morals were altogether those of the first half of the eighteenth century. In his love of field sports he ranked with the Squire Westerns of the period. He kept a pack of harriers at Houghton, and also a pack of beagles at his house in the New Park, Richmond, where he used to hunt twice a week. His conversation was of the same school, as we learn from no less an authority than his son Horace, being indeed coarse even for his day. We find all these traits touched upon, exaggerated, and satirized in the ballads reproduced in Dr. Percival's book.<sup>1</sup> In the very lucid and informing introduction by the Editor the man and his times are very clearly brought before us, while the circumstances in connection with which the

<sup>1</sup> Edited by Milton Percival, Ph.D. Oxford: at the Clarendon Press. 1916.

ballads came to be written are dealt with in detail. Walpole had taken a leading part in political life from his first entrance to the House of Commons, and was soon an outstanding figure in the party warfare that preceded and followed the accession of George I. to the British throne. After holding various positions he acquired supreme power in 1721, when he became Chancellor of the Exchequer and First Lord of the Treasury, offices which he held for over twenty years, in spite of every effort to overthrow him. During the whole of that period he was constantly opposed and thwarted by an able and bitterly hostile Opposition, which was from time to time recruited by the ablest of the politicians of the day, owing in no small part to Walpole's persistent refusal to share his power, or have for colleagues men of outstanding ability.

Dr. Percival devotes some space to the different methods by which, in Walpole's time, politics and politicians could be publicly discussed and satirized, and popular opinion concerning them aroused. The chief agencies were :

PAMPHLETS, which were still much in vogue. These were by no means confined to hack writers, many prominent statesmen, including Walpole himself, lending a hand when occasion arose.

NEWSPAPERS. The Opposition had the best of it in this field, their chief organ *The Craftsman* being ably conducted, and as a rule far in advance of the numerous journals that from time to time appeared on the side of the Government.

THE DRAMA. Gay's *Beggar's Opera*, which was produced in 1728, gave a lead to the use of the Stage for the purpose of political satire. It was followed by a number of pieces in which Walpole was mercilessly lampooned. In the hands of Fielding the political play became a formidable weapon, and it was largely owing to his attacks on the Ministry in *Pasquin*, the *Historical Register*, and *Eurydice Hissed*, that in 1737 the Playhouse Bill was passed, which required all plays to be licensed before they could be produced on the Stage.

BALLADS. It must be remembered that the newspapers of the day had not yet developed into what they became later, the reporters and retailers of news of all kinds. The ballads dealt freely with subjects which the newspapers were afraid or unable to touch, while their method of treatment was far more popular and intelligible. They were, in fact, the direct descendants of the ballads which in the sixteenth century had to a certain extent supplied the want of newspapers. Many of those produced at

this period were sold by hawkers, and sung in the streets and places of public resort, such as coffee-houses and 'Mug' houses, as well as round political bonfires and at electioneering meetings. They were not, however, confined to such circles. They were handed round and circulated, both in MS. and in print, in all classes of society, including the Court itself. We cannot, of course, expect to find in these ballads the imagination, the diction, and the poetical charm of the romantic and legendary ballads, nor are they of such a nature as to move the heart, 'more than with the sound of a trumpet.' It would nevertheless be a mistake to regard them as nothing better than doggerel. Some of them, no doubt, are of that type, but many, on the other hand, show considerable literary ability, great power of versification, and a fine turn for satire. This is not to be wondered at when we find that among the authors were men like Pulteney on the side of the Opposition, and on the Ministerial side Lord Hervey. Lord Chesterfield is credited with the authorship of one at least, while more have been attributed to his pen. Among other names associated with them are those of Sir William Yonge, Budgell, Mitchell, and George (afterwards Lord) Lyttelton. It must, besides, be kept in mind that they were meant not to be read, or even recited, but to be *sung*. The tunes to which they were written were all well known at that time, and many that read poorly enough must have sounded very differently when sung to familiar and appropriate strains.

The ballads included in the present collection may be arranged under the following heads :

(1) Ballads directly attacking or satirizing Walpole himself. In these everything connected with him, whether as a man or a politician, is attacked in turn. His manner, appearance, and morals. His alleged cowardice in foreign affairs. His reputed corruption and speculation, and his methods of maintaining his position by the wholesale abuse of places and pensions. What, however, seems to have aroused the strongest resentment was his long continuance in power, and his unwillingness to share it with anyone. Good specimens of this class are :

*Robin Hood and the Duke of Lancaster* (No. II); *The Norfolk Game of Cribbage* (where Cribbage = Politics) (XXXIII); *The Projector's Looking-Glass* (XXVIII); *The Compleat History of Bob of Lyn* (LXVII).

The last named may be taken as typical. Its sub-title is *A New Ballad to the tune of Bonny Dundee : Proper to be sung at*

*Elections*, while the date is assigned by Dr. Percival to February, 1741. The name is derived from the fact that Walpole was member for the Borough of King's Lynn.

He stood for a Borough, to the House he got in,  
And thence came the name of *Bob of Lyn*.  
He scribbled without, and he speeched it within,  
And a bustling Member was *Bob of Lyn*.

*Bob of Lyn*, during twenty long years,  
Directed, perplex'd, and mismanaged affairs :  
A *Whig* out of place, and a *Tory* when in,  
And a very great *Trimmer* was *Bob of Lyn*.

*Bob of Lyn*, tho' a Man of great might,  
Was born with a mortal aversion to fight :  
He preach'd up the sleeping in a whole skin,  
And a very meek *Christian* was *Bob of Lyn*.

The ballad ending up with the lines :

Lend your Aid, O Electors ! to drive up the pin,  
And rescue poor *Britain* from *Bob of Lyn*.

(2) Ballads dealing with prominent questions of the day, such as the Anglo-French Alliance :

*Great Britain and Glory* ; or *The Stay-At-Home Fleet* (X) ; *The Sailor's Song* ; or *Dunkirk Restored* (XIII).

The Excise Project :

*Britannia Excisa* (XXIV) ; *Britannia Excisa, Part II* (XXV) ; *The Congress of Excise-Asses* (XXVI) ; *An Excise Elegy* ; or *the Dragon Demolished* (XXVII).

The *Excise Elegy* was a poem of Victory on the abandonment of the Excise proposals, which Walpole, who knew when to yield, gave up because he found 'it could not be carried without an armed force.' It has all the exaggeration and bitterness with which the Minister was opposed.

Oh ! have you not heard of the Wantley Great Dragon,  
Which poor helpless Children did not leave rag on ?  
Or great Trojan Horse, which contained in his Belly,  
Twice thirty-five Greeks, at the least, let me tell ye ;  
    *This Monster Excise,*  
    For so say the wise,  
More fierce would have been, and occasion'd more cries ;  
By nature so cruel, ill natur'd and wild,  
He resolv'd to devour Man, Woman and Child.

But what do you think was this Dragon's Design ?  
 To eat your *Tobacco*, and drink up your *Wine* ;  
 To live at Free-cost, and devour ye All,  
 Not having regard for the *Great* or the *Small* :  
     Thro' Pantry and Grange,  
     Resolv'd, he would range,  
 Your *Money* he'd take, but would give ye no *Change*,  
 He next would lay hold of your *Pullets* and *Mutton*,  
 In *England* sure never was seen such a *Glutton*.

The Spanish War : *The Negotiators* (XLII) ; *A Political Touch of the Times* (XLVI) ; *A New Song* (XLVII).

The first of these is attributed to Pulteney, and aims at discrediting negotiations and negotiators, as represented by the Walpoles. It tells how 'Blue String the Great' took with him his brother to 'Balance the Scale.'

For long had he known  
 What all men must own,  
 That two Heads were ever deemed better than one :  
 And sure in *Great Britain* no two Heads there are,  
 That can with the *Knight's* and his *Brother's* compare.

The Spanish envoy receives their proposals with contempt, and flouts them :

Sir Knight, quoth the Don, 'tis in vain to discourse,  
 For words are with me no manner of Force ;  
 If you mean to convince me, Sir *Blue String*, you must,  
 Without further prating, *come down with your Dust*.

No. XLVII illustrates the eagerness and light-heartedness with which the nation entered into the Spanish War.

A number of ballads are given dealing with the expedition to and the taking of Porto Bello, including that which is perhaps best known to the general reader, viz. No. LVII, *Admiral Hozier's Ghost*, by Richard Glover. This, which was printed by Percy in his *Reliques of English Poetry*, came out on May 21st, 1740, and was sung to the tune of *Come and Listen to my Ditty*.

(3) Another class consists of ballads written in connection with elections. Nos. LIX, LX, and LXI deal with the election of Lord Mayor in 1740, No. LXIV with the General Election of 1741, while there are several that were written during the election for Westminster in that year, when Admiral Vernon was put up in opposition to the nominee of the Court Party.

(4) Ballads, on various events, written with the object of annoying Walpole or damaging his reputation. Of these, *Le Heup at Hanover* (VII) is a scurrilous ballad dealing with a

scandalous incident at the Court of Hanover, of which Isaac Le Heup, envoy to Sweden, was the hero. He was a brother-in-law of Horace Walpole, Sir Robert's brother. It begins :

When *Robin* ruled the British land,  
 With Gold and Silver bright,  
 To put his kindred all in place,  
 He ever took delight.  
 Forth from the *Venal Band* he called,  
*Horace* and *Isaac* came.  
 He bid them go to foreign Courts,  
 And raise immortal fame.

*A Bob for the Court* (IX), written in 1728, after the suppression 'for reasons of State' of *Polly*, a sequel to the *Beggar's Opera*,—Dr. Percival thinks may have been written by Dr. Arbuthnot.

*The Honest Jury, or Caleb Triumphant* (XI), one of the cleverest and most vigorous of the ballads, was written by Pulteney in connection with the *Craftsman* trial, 1729. It was sung to the old tune of *Packington's Pound*, and was characterized many years afterwards by Lord Mansfield as 'famous, witty, and ingenious.' It contains some plain, if unflattering, allusions to Walpole :

You may call the man *Fool*, who in Treaties does blunder  
 And stile him a *Knave*, who his Country doth plunder.  
 If the *Peace* be not good, it can ne'er be a *Crime*  
 To wish it were *better*, in Prose, or in rhyme ;  
 For Sir Philip well knows,  
 That *Innuen-does*

Will serve him no longer in verse, or in Prose ;  
 Since *Twelve honest men* have decided the cause,  
 And were Judges of *Fact*, tho' not Judges of *Laws*.

*A New Norfolk Ballad* (XV), by Sir Francis Walsingham's Ghost, has a double theme—one the profusion and corruption of the Prime Minister, and the other what was popularly supposed to be the precarious state of affairs at home and abroad, consequent (according to the writer) on Walpole's policy. Its object was to rouse suspicion and put people on their guard.

But what is the *Ultimate End* and *Design*,  
 Of the States-man so great, you nor I can Divine ;  
 Some say it is one thing, and some say another,  
 Surmises are fruitless, and vain is a Pother.

So let all that pass ;

He sure is an Ass,

Who can, and will not see a Snake in the Grass.  
 Then *Englishmen, Englishmen*, be not perplex'd,  
 But raise up your spirits, and stand to the Text.

The last two ballads in the book, *Bob Booty's Lost Deal, or the Caras Shuffled Fair at Last* (LXXIV), and *The Secret Committee* (LXXV), deal with Walpole's fall from power, and the subsequent attempt to enquire into his past conduct and alleged misdemeanours by means of a Secret Committee of the House, an attempt that signally failed.

That long, very long,  
 Things all have gone *wrong*,  
 We knew, and we said, 'twas a Pity ;  
 But now we shall know  
*How* and *Why* they went so,  
 When we read what they do in *Committee*.

*Excises, Conventions,*  
 And more *good Intentions,*  
 Might yield me whereon to be witty ;  
*Great Posts* held by *Patent*  
 With *Perquisites latent* ;  
 But these I refer to *Committee*.

The book is not only entertaining but instructive ; the ballads show the mind of the people, and how easily it was worked upon by a clever but unscrupulous Opposition. The so-called *Patriots* as a matter of fact were no better than disappointed place-men, infuriated at being kept out of office so long. That Walpole appreciated the situation, and knew very well why he was so persistently attacked, is obvious. It was the 'Patriots' that he alluded to when he made his famous remark, 'All these men have their price'—a statement that, in the incorrect form of 'All men have their price,' has often been quoted as an instance of his cynicism. Proof of what he really said is afforded by one of the ballads, *An excellent Court Ballad, entitled Sir Blue String's Expostulation with Admiral Vernon, upon the taking of Porto Bello* (No. LV).

In this Sir Robert is represented as saying :

You seek nought but the Good  
 Of your Country—Ods Blood !  
 How I laugh at these *Rhodomontades*.  
 There's not one, but whose Price,  
 I could name in a Trice,  
 Among all these fine *Patriot Blades*.

Altogether they throw very valuable as well as amusing side-lights on the history of the period.

T. F. DONALD.

## Glasgow Burghal Records, 1718-1833<sup>1</sup>

WHAT place will burghal records ultimately hold in the study of history in Great Britain? That the store of national fact of all kinds, but especially regarding the social phenomena of successive periods, must in future be more and more drawn from municipal sources seems certain. Whether for their politics, their industries, or their civic amenities, grievances, or aspirations, it is only in the autobiographies of the cities and burghs that the central movement of action and thought is reflected with the constant variety and the frequent vicissitude which the unending forward thrust of mankind makes inevitable. The work which over so many years Dr. Robert Renwick has been doing for the City of Glasgow in editing the minutes of the town councils and the relative charters and papers of the municipality is in its essence the editing of a biography, self-recorded from century to century in the registers of the town's business.

While it is impossible to calendar here even the chief heads of the contents of so many volumes, a few points may well be set in chronological sequence. These are not chosen necessarily because of their importance in the annals but rather for their illustrative significance.

We find the lieges vexed in 1718 by the imposition of the Malt Tax, which occasioned the Shawfield riots in 1725. A bond in that year by the inhabitants of Port-Glasgow embodies an obligation by them towards Glasgow as superior of Port-Glasgow with its harbour, quay, and dock, under which they thirled themselves to the Glasgow mills and restricted their brewing of malt on condition of Glasgow erecting mills to serve Port-Glasgow. The

<sup>1</sup> *Extracts from the Records of the Burgh of Glasgow, with charters and other documents.* Vol. V. 1718-38, pp. xxx, 621. 4to. Glasgow, 1909. Vol. VI. 1739-59, pp. xxxviii, 635. 4to. Glasgow, 1911. Vol. VII. 1760-80, pp. xlvi, 705. 4to. Glasgow, 1912. Vol. VIII. 1781-95, pp. xlvi, 737. 4to. Glasgow, 1913. Vol. IX. 1796-1808, pp. liv, 751. 4to. Glasgow, 1914. Vol. X. 1809-1822, pp. liv, 813. 4to. Glasgow, 1915. Vol. XI. 1823-1833, pp. lxx, 736. 4to. Glasgow, 1916.



thirlage dues were to be employed in building a dry dock. At this period Port-Glasgow was a great feature in the policy of Glasgow. The city was passing through an important phase of its evolution—the phase in which the idea of the Clyde as a first-class waterway up to the Broomielaw was not yet conceived, and in which Glasgow's aspiration for the freedom of the seas was by way of its vassal harbour at Port-Glasgow.

Population grew slowly; the yearly rate of increase from 1712 until 1743 was not quite 150. Trade reviving about 1735 flourished from 1750, considerably assisted by the commerce with America, which had fostered manufacturing projects in Glasgow. By 1771 the value of goods manufactured there was about £500,000. Mercantile and intellectual activities went hand in hand; typefounding began in 1718; the first newspaper appeared in 1715; the coffee-house, with the journals for its frequenters, was in full vogue in the second quarter of the century.

When Prince Charles Edward, in September, 1745, requisitioned Glasgow for a loan of £15,000 he indicated his willingness to accept 2000 broadswords as equivalent of part of the sum. In December following the further demand was for 6000 short cloth coats, 12,000 linen shirts, 6000 pairs of shoes, pairs of hose, and blue bonnets. These two 'iniquitous fines,' as the magistrates afterwards called them, were with some modification paid; but the Jacobite day was short, and in 1746 much good town's money was spent in wine toasting Cumberland's birthday and 'solemnizing the victory at Culloden.' Besides these celebrations 'after the battle of Culloden where the rebels were defeated' there was a gold box for the Duke's burgh ticket, with his arms and the town's together thereupon. A new set of market buildings begun in 1753 shews that the two years of civil strife had not long interrupted progress. They were reckoned, we learn, 'the completest of their kind in Britain.'

Many references to the road system and the building and repair of bridges, as well as to revision of bridge dues, point to the continued importance to Glasgow of the conjunction of highways there. Historians have shewn that the Bridge of Glasgow (in Blind Harry's day still recalled as having in Wallace's time been made 'of tree') was the essential making of the city as a commercial resort and centre. The time was now arrived, however, when the waterway was to come into being on a scale such as to constitute a heavy challenge of comparison with the traffic by land. A new epoch began when in 1740 the council agreed 'that

a trial be made this season of deepening the river by carrying away the banks below the Broomilaw,' with the result that the process of 'deepening some shoals in the river' became a set policy, which was to develop mightily after Smeaton, the engineer, was called in to advise in 1750. This scheme, however, was not of exotic origin; Glasgow itself originated the engineering of its greatest and most distinctive enterprise. Not yet, however, was the resolution taken—of final moment for future development—that the Clyde up to Glasgow was to be made navigable without any lock or dam and solely by narrowing and deepening the channel. Credit for this decisive and fateful counsel appears to have been primarily due to John Golborne, whose recommendation to that effect in 1768 was strengthened by James Watt's report in 1769, and received the confirmation of parliamentary sanctions in 1770.

As the eighteenth century drew to a close new movements were actuating the public mind, and some of the citizens found themselves drawn into the vortex of high politics, in which temperamental as well as traditional concepts of liberty, right, and privilege came to sharp issue. The records from 1781 to 1795, therefore, arouse particular expectancy. In the 'glorious revolution' of 1688 Glasgow had at last obtained its full civic franchise by its good service to Protestantism and King William. In 1745 its loyalty to the Hanoverian dynasty had been unshaken. A tidal wave of radical thought flowed over Great Britain in the French Revolution time with momentous effects there and then; with yet more momentous consequences, even when they seemed to be the mere wreck and waif of a spent hurricane. Great as is the interest of the material advance of Glasgow, its discovery of iron and steel and steam, its sea changed from an inland cathedral town to a primary Atlantic port, these elements of the annals suggest an even deeper interest in the mentality out of which these remarkable things came. What political continuity, what constant yet developing fabric of mind connected the men who favoured William of Orange, the opponents of Prince Charles Edward, the supporters of the Government in the critical epoch of 1793, and the party of Reform (not forgetting its Radical wing) that carried the amended Representation of the People in 1832?

It is this question which gives Dr. Renwick's eighth volume a commanding significance. If on the one hand the loyalty of the municipal representatives is conspicuous in the entire actings of

the council, the apparently instinctive opposition to the new proposals of Police Acts, the sudden emergence of what was called sedition, the formation of political associations, the prevalence of a large degree of sympathy with the Revolutionary principles in spite of all the formal votes and resolutions affirming unabated confidence in the King's Government, the necessity of repressive prosecutions, of which that of Thomas Muir of Huntershill was historic and notorious—all these things disclosed that during that strange seed-time of political change Glasgow was seething with the fervour of the new speculations on the arts of government and the rights and functions of the citizen.

To us at the present time the fierce hostility to the Police Bills might seem difficult to understand if we did not recognise that the opposition stood for individual liberty, believing itself endangered by autocratic power. The apprehensions formed were not more extravagant than those upon which authority acted to stamp out revolutionary tendencies. Prosecutions coloured by politics and a cry of the country in danger have seldom been free from the bias of passion. When the magistrates in 1793 protested against the unjust attempt of France to disseminate destructive principles it was the beginning of a long struggle which left its mark on the Council registers, in condemnations of Napoleon, in approval of the peace with him in 1802, in support of the monument to Pitt, in approval of renewed war in 1803, in felicitations on Camperdown and Trafalgar, and in the column to Nelson, the statue to Sir John Moore, the bonfires of joy over the late glorious events in France in 1814, and—strange to say—the silence with which Waterloo is passed over.

Glasgow, like the country generally, was in the back-water of the great reaction. In the American War of 1812-1815 Glasgow merchants and the citizens with them had suffered much. Industrial and social discontents swelled into the squalid and hopeless Bonnymuir rising of 1819. Distresses of weavers, problems of the poor, recurrent 'seditions' and riots, growth of mendicancy—a national sore intensified by the influx of Irish practitioners of the art—these are sombre intermediaries between the down-putting of Napoleon and the advent of popular franchise. Yet over these shadows of strife and misery new dawns were breaking. Progress surprisingly often takes the form of improved means of communication. Canal development had accompanied the exploiting of the Clyde. Steam and James Watt arrived in time to push the consequences of new positions.

In 1803 the engine was improved so as to consume its own smoke. In 1812 Henry Bell's triumph, the *Comet*, started a new cycle of mechanical advance. Coaches were getting forward, but before long the locomotive was superseding coach and canal. From 1824 Glasgow had entered upon the great competition chiefly directed towards securing the conveyance of minerals. A certificate in 1826 recommended Henry Bell to the Chancellor of the Exchequer for his great ingenuity and as first introducer of the steamship practically applied; but the public treasury made meagre response, and the pension which secured a measure of comfort to Henry Bell's later years came chiefly from Glasgow subscriptions and—appropriately enough—the Clyde Trustees.

Phases of transition visible in Dr. Renwick's concluding volume of extracts include the parliamentary preliminaries for the new bridge which Telford was to design and which was not completed until 1836. No symbol 'carries on' through the ages more significantly than the bridge. A new type of social force had manifested itself in the work of Dr. Thomas Chalmers, whose administration of relief among the poor had been a triumph of sessional organisation, for the first time turned to public use on a large scale to meet the exigencies of distress, which were the wake of Napoleonic war. Industrial invention and experiment changing the conditions of working-class life, impatience of numbers of men with their helplessness to amend an ill-ordered world, the reactions of peace after the twenty years' wrestle with France, the instincts which the revolutionary programme at its best had nurtured, all acted together upon the Scottish mind to produce a spirit of reform controlled by practicable aims. In the prelude of the movement towards really representative government the Glasgow records, while quite inadequate even as a bare recognition of the ferment produced by revolutionary and radical cults in Scotland, exhibit the coexistence of old systems and new in surprising confusion.

Port-Glasgow, at earlier periods of its history an anomaly of feudalism in a new mechanical and maritime day wherein feudalism had no part, had ceased to be a vital interest of the suzerain city before even its docks were equipped. Its Atlantic motto, *Ter et quater anno revisens æquor*, carefully devised in Glasgow, became really a mere memory of a past project when there was dredged a draught of 8 feet low water, and 12 to 15 feet high water, up to the Broomielaw. Feudal nexus, strange enough at Port-Glasgow, held place too in the relations with Gorbals, of

which the Provost, Magistrates, and Council were 'Barons and Superior.'

The Police Act nexus came in lieu of the baronial, starting the policy of annexation which in these modern days has lost none of its adaptability. In 1830 the whole art, process, and advantage are admirably described, setting forth the efficient unity, salutary economies, and manifold benefits of an incorporation with Glasgow of 'the adjacent burghs of Calton and Anderston, the barony of Gorbals, the village of Bridgeton, and other suburban districts.'

When we remember the opposition to the various Police Bills forty years earlier, the republican or 'seditious' tendency of revolutionary associations, and the overt indications of political dissent, of which Bonnymuir was a glaring though abortive expression, it becomes easy to understand in the Address to the King in 1831 the town council's declaration that the tranquillity of the country demanded salutary political reforms securing 'a full, free and fair representation in parliament.' Beneath all the capering and vapouring of political enthusiasms and republican rhetoric there was in Glasgow a sturdy democratic force of opinion which could vote 40,000 strong in 1816 against grievances and could claim the franchise in 1831 in a trades' procession numbering 150,000. It is an odd commentary on the effect of enfranchisement that the efforts of the municipal body in 1833 were earnestly directed against municipal reform, which was the foremost sequel of a reformed parliament—the proof of the pudding being the 'preeing o't.'

These seven quarto tomes, printed for the Corporation of Glasgow, well annotated and fully indexed, complete one more stage of the service of municipal Glasgow to national history. The prodigious and sustained industry of Dr. Renwick for at least 44 years, has equipped Glasgow for historical purposes, on its municipal sides at least, to a degree of completeness probably beyond that attained with regard to the archives of any other city in the United Kingdom, except London. And the many books (including over 45 quarto volumes) on which he has laboured, whether under the chief editorship of Sir James Marwick or as sole editor himself, did not exhaust his activities. His *Historical Glasgow*, written for the British Association in 1901, was an admirable and succinct general sketch. His *Glasgow Memorials* in 1908 grouped in its crisp chapters a series of monographs on aspects of the city's annals. But besides these independent essays

every one of the prefaces to Glasgow charters, records, and protocols incorporated contributions of his, derived through his unique familiarity with the registers and documents of which he is officially in departmental charge. His unrivalled knowledge is maintained by his studied interest in and attention to every new point of topography or burghal constitution which emerges in archaeological discussion.

Why therefore, it may well be asked, should such intimacy of local knowledge have concentrated itself in him alone? Surely the answer is clear. It remains for him to assemble and array this knowledge as a continuous narrative of the rise, growth, constitution and life of Glasgow. He ought to be asked under the highest learned, and civic auspices to dedicate his ripe historical faculty and his unique accomplishment in the annals, topography, and institutions of Glasgow, to a full general history of the city. The community would honour itself not less than Dr. Renwick by such an invitation, to which the adhesion of the Corporation possibly at the same time conferring some honorific office to cover the task, would be an appropriate and official act of grace. Not perhaps for many generations need Glasgow expect the recurrence of such an opportunity to recognise—if not rather to constitute specially *ad honorem*—so meritorious and so modest a historiographer.

GEO. NEILSON.

# The Political Philosophy of the Marquis of Montrose

## I. THE POLITICAL PHILOSOPHY OF A MAN OF ACTION

THE Marquis of Montrose played such a remarkable part in the history of Scotland that it is singular that his political philosophy has attracted so little attention. It has indeed been examined with care by Napier, who first printed the letters in which it is contained, and by Mr. John Buchan in his recent monograph. But though literary men might have been attracted by the beauty of his style, and philosophers might have appreciated the wisdom of his thoughts, his writings have secured little attention. He lived in a period of transition, but he had no pretension to be, like Bartolus of Sassoferrato, 'one of those minds which help to carry over to one age the thoughts of another, and transmit by transmuting the intellectual heritage of their day.'<sup>1</sup> The writings of Montrose have been ignored by the historians of political thought, but after all he put on record in them the principles on which he acted; it may be contended that the men who express their principles in action should not be forgotten by those who are tracing the progress of the art of government. Some writers, like More and Harrison, who had literary successes, and drew Utopian pictures which have never been realised, had little influence on the actual life of their own generation or on succeeding ages. Political science does not seem to give much guidance in regard to the practical problems of our own day, such as Home Rule for Ireland; the consideration of the laws of social evolution gave us no warning of a coming European convulsion and little help to wise action in a new emergency. The art of government is not to be treated as a mere literary affair which philosophers think out in their studies, its progress is similar to that of other arts. Improvements in the art of cotton spinning imply a knowledge of the

<sup>1</sup> Figgis, *Royal Society Trans.* n.s. xix. 168.

principles of mechanism; and improvements in the art of government imply a knowledge of principles of human conduct, but what is really important for progress is that new suggestions should not remain on paper but should be put in practice. The importance of mere literary men in shaping and perpetuating political ideas may easily be exaggerated; it is thought as expressed in action that has established precedents and called forth imitation; 'political thought is very pragmatist.'<sup>1</sup>

Just because Montrose was above all a man of action, there is a special fascination about the political writings attributed to him. They were first identified by Napier, no question seems to have been raised about their authenticity, and they are accepted by such a careful critic as Dr. S. R. Gardiner.<sup>2</sup> Montrose did not write a formal treatise, or analyse the conception of Sovereignty, but he put on record, as occasion required, the opinions which were shaped in his mind as the results of conversation with his familiar friends Napier of Merchiston, Stirling of Keir and Stewart of Blackhall.<sup>3</sup> One of his letters is addressed to the king, warning him against the treasonable aims of certain partisans.<sup>4</sup> He communicates to a noble friend his views on the nature of Sovereignty and the conditions of good government;<sup>5</sup> and he has put on record, in his defence, the grounds on which he regarded himself as innocent of the charges brought against him.<sup>6</sup> These papers have an extraordinary personal interest; they show the reasons which guided his conduct and enable us to judge how far he was consistent; they raise the question whether similar reasons did not explain the conduct of those who were under his influence and acted with him. In a later generation men like Graham of Claverhouse consciously took him as their model, and it does not seem possible to attempt to lay down the limits within which the political ideas of such a national hero were operative.

The few who have studied him with care appear to have been tempted to give him praise which he does not wholly deserve. Thus Gardiner writes that he 'was attempting to anticipate the

<sup>1</sup> Figgis, *From Gerson to Grotius*, p. 1.

<sup>2</sup> *D.N.B.* vol. viii. p. 317.

<sup>3</sup> *Memorials of Montrose* (Maitland Club), vol. i. 285 n. 2, 368; vol. ii. 35.

<sup>4</sup> *Memorials* (Maitland Club), vol. i. p. 268; *Memoirs*, vol. i. p. 311.

<sup>5</sup> *Memorials* (Maitland Club), vol. ii. p. 43; *Memoirs*, vol. i. p. 280.

<sup>6</sup> *Memorials* (Maitland Club), vol. i. p. 215; *Memoirs*, vol. i. ap. xlv.



freer life of modern Scotland,'<sup>1</sup> and even Mr. Buchan claims him as a 'modern man,'<sup>2</sup> and says that 'there is scarcely an idea that is not modern, and what is far rarer, the application is modern too.'<sup>3</sup> To me it appears that his aloofness from democracy severs him completely from modern thought with its attachment to parliamentary sovereignty,<sup>4</sup> and that he was not before his time, but emphatically a man of his time. He was great because what he wrote in regard to the difficulties of his own day was put so clearly and forcibly, and was in itself so wise, that it is of value for all time.

## II. THE CONSISTENCY OF MONTROSE IN HIS ATTACHMENT TO THE NATIONAL COVENANT

Montrose found himself face to face with what had been the great political problem of the Middle Ages, though it was now presented in a new form. The relations of the temporal and spiritual powers was the problem of the Middle Ages,<sup>5</sup> and it was set in a new light at the Reformation by the revolt from Rome. Charles V. and Philip II. exercised their temporal powers for what they thought was the good of the Church, in disregard of the Pope. It had been maintained in England that that Kingdom was an Empire, and that the King was entitled to exercise the power of an Emperor, under the advice of the spirituality of the realm. The assertion of Gallican Liberties tended to increase the royal authority in France at the expense of the Papacy,<sup>6</sup> and the claims of the temporal prince to decide on the religion in his own territory was frequently urged; this appears to have been the ground taken by Queen Mary in the recorded conversation with Knox in 1561;<sup>7</sup> but such a maxim was abhorrent to the conscience of a nation which had come to believe that they had accepted a form of Christianity in which Christ was recognised as the direct Head of the Church, and where all details were administered in accordance with the scriptural models. The assertion of the sovereignty of Christ in His Church and submission to Him was not felt, by the sixteenth century Scots, to be in any way prejudicial to the recognition of the sovereignty

<sup>1</sup> *D.N.B.* vol. viii. p. 317.

<sup>2</sup> J. Buchan, *Montrose*, p. 275.

<sup>3</sup> *Ibid.* 278.

<sup>4</sup> C. H. M'Ilwain, *The High Court of Parliament*, 93.

<sup>5</sup> Wolf, *Bartolus*, 210.

<sup>6</sup> Pithou, *Libertez de l'Eglise gallicaine* (1594).

<sup>7</sup> Knox, *History* (1731), p. 323.

of the monarch in civil affairs; his rule was accepted as inviolable, and his authority regarded as God given. Article XXIV. of the *Scots' Confession of 1560* runs as follows: 'We confess and acknowledge Empires, Kingdoms, Dominions and Cities to be distincted and ordained by God; the power and authority in the same be it of Emperors in their Empires, of Kings in their Realms, Dukes and Princes in their Dominions, and of other Magistrates in the Cities, to be God's holy ordinance, ordained for the manifestation of his own glory, and for the singular profit and commodity of mankind. So that whosoever goeth about to take away or to confound the whole state of Civil policies now long established, we affirme the same men not only to be enemies to mankind, but also wickedly to fight against God's expressed will.'<sup>1</sup> Similar language was used in the band of maintenances of 1587,<sup>2</sup> and in the National Covenant of 1637<sup>3</sup> the doctrine is laid down that the 'cause of God's true Religion and his Highness' Authority are so joined as the hurt of the one is common to both.' This was the principle to which Montrose heartily assented. He was never conscious of wavering in his attachment to this Covenant, and he took up arms in its defence<sup>4</sup> when he believed that there was encroachment upon the spiritual power by the advisers and instruments of the crown, and especially by Archbishop Laud in forcing the Prayer Book and Canons on the Scottish Church. The King's advisers had, as Montrose felt, induced him to go beyond the proper sphere of temporal power; the scope of temporal sovereignty, as traditionally defined by the schoolmen, gave no excuse for such claims, and they might be set aside without impugning any of the essential points of sovereignty.<sup>5</sup> The encroachment could only be justified by some such principle as *Cujus est regio, illius est religio*; and though this maxim sounded blasphemous to Scottish ears, it might be good law in England,<sup>6</sup> where the king was recognised as Head of the Church and supreme in spiritual jurisdiction; but in Scotland it was certainly unconstitutional in 1625, whatever it might have been in 1560; and Montrose took up arms to resist unconstitutional encroachment upon the spiritual power.

But during the next three years the state of public affairs had entirely changed. Charles had given most liberal concessions to

<sup>1</sup> Dunlop, *Collection of Confessions*, ii. 90.

<sup>2</sup> *Ibid.* ii. 109.

<sup>3</sup> *Ibid.* ii. 129.

<sup>4</sup> Napier, *Memoirs*, i. 190.

<sup>5</sup> *Memoirs*, i. 280.

<sup>6</sup> On differences between the Constitution in England and in Scotland, see King James' Speech, 31st March, 1607, *C.J.* i. 362.

the aggrieved Covenanters, both personally and through his commissioner Traquhair;<sup>1</sup> though he had not abandoned his personal claims explicitly, he had at least ceased to press them. Montrose was completely won over, and became full of enthusiasm<sup>2</sup> for a King who could act with such 'prudence.' On the other hand, there was a considerable change among the Covenanters: claims to a very large interpretation of the rights of the ministers in the exercise of spiritual power had been put forward by Andrew Melville in the *Second Book of Discipline*;<sup>3</sup> and this, though not formally accepted by Parliament, had exercised an increasing influence. The ministers, by the spiritual authority they claimed over the monarch personally, were in danger of stepping out of their sphere; and their claim to teach the Magistrate how civil jurisdiction should be exercised was not easily reconciled with the recognition of the monarch as exercising an authority given by God Himself. 'Where the Ministry of the Kirk is once lawfully constituted, and they that are placed do their Office faithfully, all godly Princes and Magistrates ought to hear and obey their voice, and reverence the Majesty of the Son of God speaking through them.'<sup>4</sup> This exaggerated language was repellent to Montrose; but the doctrine was diffused by Buchanan<sup>5</sup> from a humanist point of view, and it expresses the attitude of mind of the forward party among the Covenanters, who carried through the Solemn League and Covenant, made with the parliamentary party in England. When this was followed not merely by intrigues against the king himself in Scotland, but by an 'overt act' of treason in taking up arms against the king and invading England, Montrose felt that the time had come for him to act vigorously in opposition to those whom he regarded as undermining the authority of the civil power. To his mind the forward party among the Covenanters were not only traitors to the National Covenant by their failure to recognise the authority of the civil power, but traitors to the Kirk,<sup>6</sup> by treating the form of government, which they had declared to be in accordance with Christ's direction, as a thing indifferent, and by entering into agreement to act along with Brownists and Independents. From 1640 Montrose was a vigorous supporter

<sup>1</sup> Napier, *Memoirs*, i. 225, ap. xlv. n.

<sup>2</sup> *Ibid.* i. 311, ap. xxviii.

<sup>3</sup> Dunlop, *op. cit.* ii. 761. Similar views had been held by John Knox, *History* (1731), 382.

<sup>4</sup> Dunlop, *op. cit.* ii. 789.

<sup>5</sup> *De jure Regni apud Scotos.*

<sup>6</sup> Napier, *Memoirs*, i. ap. xlvi.

of Charles I. and of his claims to authority; and it is easy to understand that in thus changing sides he did not feel that, whatever others might be, he was himself untrue to the principles of the National Covenant.

It is alleged that Alexander Henderson<sup>1</sup> sympathised with him, and he himself believed that the mass of his countrymen were influenced by interested parties and seditious preachers to enter on a course which was against their better judgment. Certainly Scotland was to pay a heavy price for the manner in which treason was condoned at this time. A suspicion of treason attached to the Presbyterian after the Restoration; and religious enthusiasts regarded the Presbyterianism which was established after the Revolution as latitudinarian and moderate. It was not till 1876, when the surviving remnant of Covenanters were fused in the Free Church, that they ceased to be a standing protest against the duty of obedience to a Civil Power which claimed to be independent of spiritual authority.

### III. SOVEREIGNTY, AND THE STRENGTH OF A TEMPERATE MONARCHY

So far we have seen Montrose forced into opposition, first by the 'papistical prelates' and the High Commission, which encroached on the spiritual power, and then by those who in his judgment were undermining civil government altogether and introducing mere anarchy; but it is worth while to look more closely at his positive statement of his principles.

He insists on Sovereignty as essential to the welfare of human society. 'Civil Societies,' he says, '(so pleasing to Almighty God) cannot subsist without government, nor government without a Sovereign Power, to force obedience to laws and just commands, to dispose and direct private endeavours to public ends, to unite and incorporate the several members in one body politic, that with joint abilities they may the better advance the public good. This Sovereignty is a power over the people; above which power there is none upon earth; whose acts cannot be rescinded by any other; instituted by God for his glory, and the temporary and eternal happiness of man. This is it that is recorded so oft, by the wisdom of ancient times to be sacred and inviolable—the truest image and representation of the power

<sup>1</sup> Murdoch and Simpson, *Memoirs of James, Marquis of Montrose*, by Wishart, p. 30 n.

of Almighty God upon earth—not to be bounded, disputed, meddled with at all by subjects, who can never handle it, though never so warily, but it is thereby wounded, and the public peace disturbed. Yet it is limited by the laws of God and nature; and some laws of nations; and by the fundamental laws of the Country, which are those upon which Sovereign Power itself resteth, in prejudice of which a king can do nothing, and those also which secure to the good subject his honour, his life, and the property of his goods.<sup>1</sup> Sovereignty, or the divine authority to exercise power and demand obedience, is not attached exclusively to any one form of government. It is not inherent in monarchy, and Montrose differs from James I.<sup>2</sup> and many other royalists, who seem to identify Sovereignty and monarchy; but according to Montrose, Sovereignty 'is still one and the same, in point essential, wherever it be, whether in the person of a Monarch, or in a few principal men, or in the Estates of the People.' Since Montrose is writing chiefly about practical questions in the affairs of Scotland, which was undoubtedly a kingdom, he has very little to say about oligarchies or democracies, and confines himself almost exclusively to the discussion of good government in those countries where Sovereignty is exercised by a monarch.

The essential points of Sovereignty are 'to make laws, to create principal officers, to make peace and war, to give grace to men condemned by law, and to be the last unto whom appellation is made.' 'These prerogatives are inalienable, indivisible and incommunicable.' The laws of a realm are treated by Montrose as the privileges of the people granted by the king: 'The King's prerogative and the subjects' privilege are so far from incompatibility that the one can never stand unless supported by the other. For the Sovereign being strong, and in full possession of his lawful power and prerogative, is able to protect his subjects and maintain their liberties entire; otherwise not. On the other side, a people enjoying freely their just liberties and privileges, maintaineth the prince's honour and prerogative out of the great affection they carry towards him, which is the greatest strength against foreign invasion, or intestine insurrection, that a prince can possibly be possessed with.'<sup>3</sup> Montrose admits

<sup>1</sup> Napier, *Memoirs*, i. 281.

<sup>2</sup> 'Trew Law of Free Monarchies,' in *Works* (1616), p. 193.

<sup>3</sup> Napier, *Memoirs*, i. 287.

that to those who hold these doctrines 'the proceedings of these times may seem strange'<sup>1</sup> and that 'it requires more than human sagacity to go so even a way betwixt the prince's prerogative and the subjects' privileges as to content both, or be just in the matter. For they can never agree upon the matter, and when it hath been attempted as in some places it hath, the sword did ever settle the question, which is to be avoided by all possible means';<sup>2</sup> and therefore to procure a good and temperate government it is necessary that both the king and the people should play their part. The power of the Prince 'is strong and durable when it is temperate, and it is temperate when it is possessed (with the essential parts aforesaid) with moderation, and limitation by the laws of God and of nature and the fundamental laws of the Country.'... 'The effects of a moderate government are Religion, Justice and Peace, flourishing love of their subjects towards their Prince in whose hearts he reigns, durableness and strength against foreign invasions and intestine sedition, happiness and security to King and People. The effect of the Royal Power restrained is the oppression by tyranny of subjects (the most fierce, insatiable and insupportable tyranny in the world) where every man of power oppresseth his neighbour without any hope of redress from a Prince despoiled of his Power to punish oppressors. The effect of a Prince's power too far extended is tyranny, from the king (if he be ill), or (if he be good) tyranny or a fear of it from those to whom he hath entrusted the managing of public affairs... but failure must follow let a prince command never so well, if there be not a corresponding obedience among the people. Patience in the subject is the best remedy against the effects of a prince's power too far extended.' Throughout Montrose regards the weakness of the monarchy as the greatest possible evil, inasmuch as it results in mere anarchy; and the best security for good government seemed to him to lie in the prudence of the monarch who tried to attach his subjects to his rule by his moderation. In all this we see the direct influence of Bodin, but also the effect of Montrose's personal experience of Scots affairs: the anarchy which resulted from the ambition of nobles, and the contentions of families seemed to him the greatest evil from which a civil society could suffer, and one which it was necessary at all hazards to avoid.

<sup>1</sup> Napier, *Memoirs*, i. 287.

<sup>2</sup> Napier, *op. cit.* i. 285; *Memorials* (Maitland Club), ii. 47.

History has condemned the personal monarchy to which Montrose pinned his faith, and it has passed away altogether from Scotland. Montrose hoped that there might be co-operation for the common good between royal prerogative and the subjects' privileges, but he did not anticipate a practical transfer of Sovereignty, so that it is no longer placed in the monarch, but in the people.

#### IV. TESTS OF A GOOD GOVERNMENT

##### (i) THE EFFECTIVENESS OF THE STATE

##### (ii) THE CHARACTER OF THE CITIZENS

Apparently it was inconceivable to Montrose that the Sovereignty of the people could ever be realised, or that men could be honest in advocating it; but the sentences in which he dismisses the suggestion raise an interesting question. 'And thou, seditious preacher, who studies to put the sovereignty into the people's hands for thy own ambitious ends—as being able, by thy wicked eloquence and hypocrisy, to infuse into them what thou pleasest—know this, that this people is more incapable of sovereignty than any other known.'<sup>1</sup> It is perhaps not very profitable to speculate on the grounds of this remarkable *obiter dictum*: the Scotsmen of the seventeenth century were not lacking in intelligence: education was certainly more general throughout the country than it was in England, and they had been trained for the government of trade in the national interest, by the Convention of Royal Burghs in a way of which Englishmen, with their exclusive companies, had no experience. It might have been supposed that the Scot was exceptionally fitted to undertake the responsibility of popular sovereignty. But still Montrose seems to have felt that the conditions were not present which were necessary for a successful experiment in self-government.

Mr. Terry, in his book on the Scottish Parliament,<sup>2</sup> calls attention to the extraordinary political apathy in Scotland during the seventeenth century. There was little national feeling; the Lowlands and the Highlands had little in common, and even the Lowlands were the prey of competing faction, while the great families were very jealous of one another. There was little solidarity throughout the country as a whole, hardly any sense

<sup>1</sup> Napier, *Memoirs*, i. 288. He had already noted on the same page, that the people of Scotland, for many grave reasons, are not capable of a republic.

<sup>2</sup> *The Scottish Parliament*, 37, 163.

of common interest among those who were severed from one another by great physical features, and still less consciousness of common sentiment; the conditions under which the consciousness of nationality can arise were wanting. But Montrose's opinion that democratic government was unthinkable in Scotland, as he knew it, at least raises the interesting question as to the tests which should be applied to decide whether a government is good or bad. He does not discuss this question explicitly, though he is throughout much more interested in the goodness of a government than in its form. Political organisation may be said to be good or bad according to the efficiency of the community in any action it undertakes, and as to the influence it exercises on the individuals who compose it. The war has raised many unexpected questions, and it is commonly said that democracy is on its trial, that there has been a gradual recognition of the fact that the fundamental issue in the present contest is that between autocracy and democracy, and that the decision taken on the continent of Europe must affect the world at large for generations yet to come. It seems that the principles, discussed by the Marquis of Montrose, may at least assist us to analyse the present situation. Montrose was not much interested in the mechanism of government; but he thought it important that the government of the monarchy, which existed in his day, should be wise in judgment and strong in action; and these questions must be faced by democracies. The war is an ordeal by which many established institutions are being tried, and it has raised the practical question as to how far democratic self-government is good government and shows itself able to stand a strain.

(i) Montrose laid stress on Sovereignty and the recognition of Sovereignty as essential to the existence of any political community. 'The essential points of sovereignty,' he says, 'cannot exist in one body composed of individualities.'<sup>1</sup> There is need of an effectual power such as a head, 'to unite and incorporate the members into one body politic that with joint endeavours and abilities they may the better advance the common good.'<sup>2</sup> Sovereignty was intended, as we should say, to form the country into an organism, without it there would be a mere aggregate of 'individualities.' In a democratic state there need be no monarchy, but popular Sovereignty is essential for its good government,

<sup>1</sup> *Memorials* (Maitland Club), vol. ii. p. 45; *Memoirs*, vol. i. p. 281.

<sup>2</sup> On the importance of Sovereignty, see the speech on 7th July, 1907, of the Speaker of the House of Commons (*C.J.* i. 254).



and there is quite as much call for obedience and for sacrifice as in any other type of political community. The importance of Sovereignty was recognised by Hobbes, who regarded the state as a Leviathan or super-man to which the rules of conduct that were laid down for private persons were not directly applicable. Milton also seemed to recognise that an oligarchy in whom Sovereignty resides has a right to compel unwilling citizens for their good.<sup>1</sup> The doctrine that the recognition of Sovereignty is essential for a political community underlies the political writings of Burke, and finds clear expression in Austin; but though there has been such a consensus of opinion in support of Montrose's characteristic doctrine, there has also been a school of political thought founded by Locke, who in attempting to describe how political authority could be derived have explained it away. His *Civil Government*<sup>2</sup> shows how men, who were conscious of gaining by the change, might form a Civil Society into which they were drawn by common interests and sentiments. But such a community would be a mere aggregate of 'individuities,' not an organism, and though such a community may work harmoniously for many purposes, especially for industry and trade, there is sure to be occasion sooner or later for common action, which involves personal obedience and personal self-sacrifice, and Locke fails to show the grounds on which, or the limits within which, these can be reasonably rendered. His doctrine was very popular however, and found an enthusiastic disciple and clear exponent in William Paley, who again met his antagonist in Adam Sedgwick, the Professor of Geology at Cambridge. 'On Paley's principles civil obedience cannot continue to be regarded as a duty; and if civil order be maintained at all, it can only be through selfishness and fear on the one hand, and by corruption and brute force on the other. Such a state of things can only lead to ruin and confusion, or the establishment of a despotic executive.'<sup>3</sup> There has thus been re-assertion, from time to time, of Montrose's principle that the recognition of Sovereignty was essential for the good government of a community.

The present war has shown us great communities in action, and has given us an opportunity for comparing by a practical test the

<sup>1</sup> F. W. Maitland, *Collected Papers*, i. 16.

<sup>2</sup> Locke, *Civil Government*, ii. §§ 131, 135.

<sup>3</sup> *Discourse on the Studies of the University of Cambridge*, 5th ed. p. 172.

communities which are dominated by the teaching of Locke with those where the doctrine of Montrose is heartily accepted. The strength of Germany, which has been such a surprise to the Allies, has lain in the general recognition of Sovereignty throughout the country. The population are accustomed to submit to be organised, and they have shown themselves not only extraordinarily efficient in industrial enterprise and in peaceful penetration by commerce, but also in waging war. They have recognised the importance of organisation and have accepted it with all its possibilities, and have shown an extraordinary trust in the sovereign power; the accord between the Emperor and his people is most remarkable; they have not only been most patient in terrible privations and sacrifices, but for years past they have sympathised with the ambition for an industrial Empire which has been built up since the time of List, and they have welcomed the steps by which the realisation of that dream has come within the reach of practical politics.

None of the Allies can claim to have shown any similar powers of steady purpose and rapid and organised action. Among those who are working together to maintain that there shall be opportunities and scope for the development of democracies, no nation has shown itself less efficient as a nation than America; and it is precisely there that the recognition of Sovereignty and the sense of nationality has grown most slowly; though it may have been implicit throughout, it has only come to assert itself occasionally. There has been little sense of any common interest throughout the whole area of the United States, except in the sense that the freedom of their commerce should not be interfered with by vested interests or militant powers, a determination which has found fitting expression in the Stars and Stripes.<sup>1</sup> The enthusiasm which might have been devoted to the good government of the country as a whole, and to her influence on the world, has often expended itself in mere party loyalty.<sup>2</sup> The population has been drawn from such different sources that there has been but little common sentiment, which moves the people alike; though the determination to do away with slavery, through the length and breadth of the land, has produced a similarity of social conditions. There have besides been leaders, like Jefferson, who were definitely opposed to the national ideal and hold firmly to State rights.

<sup>1</sup> Cunningham, *English Influence on the United States*, p. 69.

<sup>2</sup> M. Ostrogorski, *Democracy*, vol. ii. p. 77.

This party can be traced through all the changing history of American politics, and its principles have determined the action of Dr. Woodrow Wilson, who maintains that while in other countries the executive leads, in America the executive obeys.<sup>1</sup> He has been in the unfortunate position of trying consciously to obey a people who did not know their own mind ; but in spite of his fear that any attempt at leadership is out of the province of an American statesman, there has at least been a recognition of popular Sovereignty and of the duty on the part of individual subjects to make personal sacrifices to give effect to the national will. Mr. W. J. Bryan, unconvinced as he appears to be personally, yet feels it is right to throw himself actively into the enterprise which is being undertaken by the nation. There could not be a more striking contrast in regard to the promptness of action and power of action than there is between the country where Sovereignty is habitual and the other where this recognition is only occasional.

(ii) Dr. Woodrow Wilson appears to treat democracy as in itself a good thing, and though he admits it may have an old age of degeneracy,<sup>2</sup> as it had in ancient Rome, he does not discuss whether it is possible to guard against this tendency. He is content to consider that governments are good or bad according as they are in a greater or less degree democratic in form, but he does not consider the circumstances under which it can be introduced or the conditions under which it works are the best. There can be no doubt that the institutions of a country have a great effect in moulding the habits and character of the citizens,<sup>3</sup> and to many people this would appear by far the most important test which we can apply. Dr. Woodrow Wilson draws a contrast between the democracies of the ancient and of the modern world in this respect, that 'the citizens of the former lived for the state, and the citizen of the latter lives for himself, and the state is for him.'<sup>4</sup> And even those who regard this contrast as exaggerated may feel that the one test which ought to be applied to a state is that of the character of the individuals who grow up under it, and that much is to be said for a community in which the individual has before him the possibility of attaining the fullest personal life.

The test, however, is somewhat difficult to apply, as the citizen in a democratic state may be looked on in two different aspects.

<sup>1</sup> *The State*, 571.

<sup>2</sup> *The State*, p. 578.

<sup>3</sup> Sedgwick, *Discourse*, p. 87.

<sup>4</sup> *The State*, p. 582.

Occasionally he is called on to give his voice and to exercise some of the functions of Sovereignty, he has to vote for particular officials or to help to decide a particular policy ; in his degree he must be a ruler, and the question as to his capacity for ruling must be considered ; but on the other hand, since general elections are only occasional while law and order are permanently enforced by the police, he is habitually called upon as a good citizen to obey the law of the land.

Much anxiety has been expressed, both in ancient and modern times, as to the education of a king. George Buchanan devoted himself to the education of James VI., and Montrose felt that it was all important that the monarch should exercise prudence. All parties were agreed that the king, who did not act for the public good, but merely with regard to his personal pleasures, was a tyrant and not a king ; and if the democratic citizen is to play his part in ruling rightly, there is at least a danger that he may not view the matter that comes before him with proper detachment, but may use his power of ruling in his personal interest and without thought of the public good. The fact that he is called upon to consider the public good and to give his voice opens up an enormous vista ; the action of the nation must affect for good or evil the most distant generations and influence remote places. There is no limit to the thought and enquiry which he may give to public affairs if he really desires to do his best to form an opinion for himself and to exercise his part in the power of ruling ; but, on the other hand, his personal interests may often lie on the surface and be easy to note ; it is not easy to lay them aside in regard to any contemplated legislation. The citizen is not well fitted for trying to lay them aside when called on to rule unless he habitually disregards them in readiness to obey. It is by learning to obey that he shows at least one element of fitness to rule.

But while the subject, in a community where Sovereignty is recognised, is habituated to discipline and ready to be organised, no such habit is likely to be formed in a community which is only conscious of itself as an aggregate of 'individualities.' The self-centred 'individuality' can find no intellectual justification for the claims of personal self-sacrifice which may be made by the State, he does not respond readily to the call of duty towards either God or his neighbour, if that call is incompatible with personal self-development ; and hence he may feel that he is consciously right to refuse to be either disciplined or organised. On this

doctrine there is plenty of excuse for the conscientious objector, who claims not only to have an opinion of his own, but to express it in word and deed, without regard to the effect it may have in hampering the action of the State or in undermining its authority. From the point of those who think that the individual attains the best of which he is capable in civilised society, it is a positive disaster that the cohesion and solidarity of the State should be undermined because of the private opinion of some individual.

#### V. THE INFLUENCE OF RELIGION

Montrose in his enthusiasm for personal monarchy failed to recognise the great possibilities which lie in democratic self-government. Democracy gives the opportunity for the highest development of intellect and character on the part of the citizen ; but though democracy gives this opportunity, it does not provide a guarantee that that opportunity shall be well used : it will be well used or not according to personal character ; it is on this, that the possibility of good government in a self-governing community really depends, and it is generally recognised that religion is a powerful force in moulding character. The really religious man will recognise his responsibilities in all his actions as a ruler, not only to his neighbours or to the community, but to God. This is the completest possible safeguard against arbitrary or selfish action on the part of the citizen in the exercise of his right to rule ; and the Christian religion, both in the New Testament and in its influence throughout the ages, has inculcated the duty of obedience. But we cannot forget that religion is not in itself and under all circumstances an influence which makes for good in the State, or that it necessarily forms the character of a good citizen. Montrose was a devoutly religious man, but he was keenly alive to the mischief which was done by 'seditious preachers,' and had a horror of those Brownists who regarded Sovereignty as a matter of mere indifference and claimed a right to go their own way. How far any religion is a power for good in the State or no, must depend on the question as to how far its influence is exercised to form amongst its adherents the character of a good citizen.

Montrose, in examining the confused political issues of his own day, asked the right question in regard to the programme of each party—'how will it work?' He did not think that the programme of the Covenanting ministers would work, and he stated

the conditions under which he believed that personal monarchy would prove itself a good government. He was mistaken in his forecast, but it is doubtful whether he did not state the only conditions which could have given it a chance. We shall have the best prospect of solving the problems of the day if we are not content with asserting that democracy is always the best form of government, but are willing to ask the right questions and to enquire under what conditions it is possible, and under what conditions it is at its best.

W. CUNNINGHAM.

## A Hitherto Unprinted Charter of David I.

THE record of any transaction in which a king of Scots was concerned during the first half of the twelfth century must, from the rarity of such documents, be of interest; the unusual length of the charter printed below, together with the number of witnesses, renders it of particular value. The original text is unfortunately lost, but an early fourteenth century copy is preserved in the *Registrum Antiquum* in the Muniment Room of Lincoln Cathedral. The *Registrum Antiquissimum*, the cartulary of that foundation dating from the early part of the thirteenth century, contains none of the Paxton charters.

One may fairly argue from the appearance of Alwin in the attestation clause as chaplain that the charter was issued some time between the year 1124, when David became king of Scots, and 1128, the year in which Alwin, the king's confessor, became first abbot of Holyrood.<sup>1</sup> The names of the other witnesses in no way conflict with this. Grimbald was tenant on the Countess Judith's lands in 1086, and two at least of those who witness with him were sons of Domesday tenants.<sup>2</sup>

<sup>1</sup> Lawrie, *Early Scottish Charters*, pp. 380 and 381.

<sup>2</sup> For Grimbald cf. *Victoria County History, Northamptonshire*, vol. i. pp. 352a and 352b. Guy de Cahagnes was the son of William de Cahagnes, who held half a hide in Northamptonshire as tenant in chief and other lands as tenant of the count of Mortain: *ibid.* pp. 325a, 325b, 326b, 336b. Godwin, whose son Alwin appears as witness, was a pre-conquest Northamptonshire land-holder, who apparently suffered as a result of the conquest; for in six out of the eight entries in which his name occurs one reads 'Godwin held freely': *ibid.* 322a, 322b, 323a, 326a, 328b, 352a. In 1086 he only held two hides in Cold Higham of Walter d'Aincurt and half a hide in Silverstone of Ghilo de Picquigny: *ibid.* 341a, 344a. Walter son of Winemer (the Fleming) appears in the Northamptonshire Survey as holder of the land held by his father in 1086: *ibid.* 375b, 376a. Robert son of Viel was of the second generation to Domesday. Viel, his father, appears in the Northamptonshire Survey, *temp.* Henry I.: *ibid.* 572a, 385a, 386b; and one finds Robert himself mentioned in a charter assigned by Lawrie to *circa* 1126, in which King David grants to the monks of Northampton lands in Scalford (co. Leicester) to be held freely as Robert son of Viel holds his land: Lawrie, *Early Scottish Charters*, No. LXXI. Between the years 1144-1147 Robert son of Viel issued a charter to Daventry Priory: *Add. Chart.* 21204.

The present charter records the grant by the king of Scots to the church of Holy Trinity of Paxton of seven virgates in Great Paxton in return for the nine virgates possessed by the church in Little Paxton and 'Accadena.' The document further defines the rights of the church to tithe. The phrasing of the charter suggests the existence at Paxton of a community of clerks under the rule of a prior; there seems to be no other evidence for the existence of such a body at this place. Paxton, with three unnamed berewicks, presumably Little Paxton, Toseland, and 'Accadena,' in 1086 formed part of the fee of the Countess Judith,<sup>1</sup> from whom it passed to David I. of Scotland by his marriage with Maud, Judith's daughter. In the Domesday survey of Huntingdonshire it is recorded that there were in Paxton a church and a priest, 'Ibi ecclesia et presbyter,' and also that 'de hac terra pertinet ad ecclesiam una hida'; before 1128 the church possessed nine virgates in Little Paxton and 'Accadena' alone.

A series of original charters, also preserved in Lincoln Cathedral, records the history of the church of Paxton in the latter half of the twelfth century. William, king of Scots, in a charter apparently granted early in his reign, confirms the gift of Malcolm his brother of the church of Paxton to the abbey of Holyrood.<sup>2</sup> Four other charters deal with the institution of one master Peter as parson of the church of Paxton.<sup>3</sup>

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#### CHARTER.

David<sup>4</sup>. dei gratia Rex Scottorum Episcopo Lincolniensi omnibusque baronibus suis 7 amicis salutem. Notum sit vobis me excambuisse ecclesie sancte Trinitatis de Paxtona totam terram suam quam habebat in parua Paxtona 7 in Accadena<sup>5</sup> ( scilicet .ix. virgatas terre pro .vii. virgatis in magna Paxtona ( scilicet .ii. virgatas de me dominio 7 .v. de terris villanorum cum ipsis villanis terras illas tenentibus ( 7 pro suo herbergato cum suo virgulto quod habebat in parua Paxtona : dedi eidem ecclesie meam dominicam curiam in magna Paxtona sicut fossatum circuit . Et hoc excambium feci petitione Orgari presbiteri 7 Osberti

<sup>1</sup> Domesday, f. 207a.

<sup>2</sup> D. & C. Linc. 90/3, 23.

<sup>3</sup> D. & C. Linc. 90/3, 20, 21, 24, 25.

<sup>4</sup> D. & C. Linc. *Registrum*, f. 49.

<sup>5</sup> This place has not been identified.



capellani mei. Et concessi liberaliter in elemosina eidem ecclesie omnem decimam tocius dominici mei ( 7 omnium hominum meorum de magna Paxtona 7 parua Paxtona ( 7 de Toleslunda<sup>1</sup> ( 7 de Accadena ( Et omnem decimam pasnagii mei ( . 7 piscinam ( 7 dominici porci eiusdem ecclesie 7 dominica animalia 7 dominice oues 7 capre liberaliter habeant pascuia cum dominicis meis. Deinde dedi eidem ecclesie de cremento quamdam croftam ex altera parte ecclesie veluti quoddam fossatum circumcingit ( Et totam decimam molendinorum de Paxtona ( 7 de mortuo nemore meo ad arandum in ministeriis ecclesie quantum necessarium fuerit 7 similiter clausturam de nemore meo. Et quicumque de hominibus meis dederit predicte ecclesie aliquid in elemosina in terra aut in redditibus aut in aliis rebus ( volo 7 concedo quod ipsa ecclesia habeat 7 teneat. Denique pro anima mea 7 Matildis uxoris mee 7 animabus antecessorum 7 heredum nostrorum volo 7 firmiter precipio quod predicta ecclesia omnia prescripta liberaliter in elemosina inperpetuum habeat 7 teneat sicut aliqua ecclesia liberalius tenet. Et prior 7 clerici eiusdem ecclesie in religione canonicis eidem ecclesie seruiant. Et ex quo prior obierit ( si de clericis eiusdem ecclesie religiosus prior repperiri poterit ad seruiendum religiose: ponatur Sin autem consilio meo 7 episcopi aliunde religiosus prior perquiratur ( ut in ipsa ecclesia semper religio honeste 7 attente conseruetur. Omnes autem predictas consuetudines 7 rectitudines 7 quietationes ( 7 libertates quas predicte ecclesie de Paxtona concessimus inperpetuum in elemosina ecclesie de Canbestuna<sup>2</sup> easdem concedimus 7 confirmamus. Huius autem donacionis 7 concessionis 7 confirmacionis sunt testes Walchelinus capellanus Alwinus capellanus ( Robertus de Brus ( Willelmus Peuerellus Robertus de Umframulla ( Hanenaldus de Bidun ( Hugo vicecomes ( Hugo de Moruilla ( Grimbaldus Robertus Dapifer Wido de Cahaines<sup>3</sup> ( Robertus filius Vitalis ( Robertus Foliot ( Walterus de Lindeseia ( Robertus Corbet ( Galfridus Ridel ( Hilbertus (Walterus filius Winemer ( Tailebos Galfridus Andegauensis Esmundus clericus ( Willelmus prepositus ( Ailmarus prepositus ( Thurcillus ( Edredus Alwinus filius Godwini apud Huntendunam.<sup>4</sup>

<sup>1</sup> Toseland, co. Hunts.<sup>2</sup> Kempston, co. Bedford.<sup>3</sup> MS. Cahames.<sup>4</sup> The punctuation is given as in the manuscript.

## Trade after the Napoleonic War

WITH SOME COMPARISON BETWEEN PRESENT CONDITIONS  
AND THOSE OF A HUNDRED YEARS AGO

**N**EXT to the war itself the subject that is perhaps most discussed at the present time is trade after the war. Trade is taken in its largest sense as covering practically all the economic activities of the nation: *e.g.* agricultural and manufacturing production, transport and markets both home and foreign, employment and wages of labour, employment and profits of capital, the burden of war debt and taxation, credit and banking and the effects on prices. All these topics are closely interconnected, and all and more must be drawn in due proportion for a proper picture of 'trade after the war.' When the picture has to be drawn largely from conjecture the general effect will vary according to the stress laid on the different elements. From the same facts and conjectures the economic forecast may be black or bright according to variations in stress.

The application of the historical method to what occurred after the great Napoleonic wars ought to be useful in suggesting lines of inquiry and in realising the complexity of the subject. There are points of resemblance and of difference well worthy of consideration, both in general and in particular.

A point of general interest may be first noticed. It was commonly believed in the Napoleonic period that the return of peace would create an immense foreign demand for the goods of this country and its colonies. Accordingly as soon as peace seemed probable there was an outburst of speculation in all kinds of exportable commodities. It may be said to have reached its height just after the abdication of Napoleon in the spring of 1814. The extravagant speculation for British manufactures caused an unusual demand for labour with rising wages. Incidentally there happened to be a fall in the prices of provisions, so that the manufacturing workers were much better off.

So far the first general comparison is favourable to our optimistic prophets who foresee a great peace boom both for capital and for labour. It soon turned out, however, that as regards trade the prosperity was artificial and ephemeral. The shippers found that the effective demand for British goods and colonial produce had been greatly over-rated. The desire element in the demand was strong enough. The foreigners intensely wanted our goods both home-made and colonial—there was a great demand in the sense of desire to possess, but the means of purchase were proportionately limited. Accordingly great losses were incurred on goods shipped to the Continent in 1814, and towards the close of the year numerous failures took place, which continued in increasing numbers in 1815 and the early part of 1816.

The popular belief of that time in a peace boom is well brought out in the evidence of a hand-loom weaver before a select Committee of the House of Commons in 1833, quoted by Tooke.<sup>1</sup> 'Can you remember what was the reason that the price of weaving sixty-reed cambrics was so high in 1814?' Answered, 'It was in consequence of the battles of Leipzig and Dresden. A general opinion prevailed that if we could succeed in destroying the power of Buonaparte, wages would get up and prices would be confirmed to this country for ever; and prices got up to an enormous height, and they came down as fast.'

The fall in the prices of produce from the highest in 1813-14 to the lowest in 1815-16 was remarkable. Raw cotton fell to just one-half, sugar to less than one-half, logwood and pepper to one-third of the highest points. Copper fell from £140 per ton in 1813-14 to £85, lead from £33 to £18, and tin from £174 to £102.

The fall in the prices of produce was irregular, but the lowest point of depression between 1814-17 was in general touched at the end of 1816 and the beginning of 1817.

In this period there was also a considerable depression in the shipping interest. There was indeed a more extended field for tonnage, but voyages were quicker through the removal of the impediments of war, a large mass of shipping was liberated from transport, and the cost of shipbuilding fell with the cost of materials, and with it the price of ships.

The general conclusion of Tooke<sup>2</sup> is well worth quoting in full. 'Thus there was from 1814-1816 a very general depression in

<sup>1</sup> Vol. ii. p. 6 n.

<sup>2</sup> Vol. ii. p. 12.

the prices of nearly all productions, and in the value of fixed property, entailing a convergence of losses and failures among the agricultural, and commercial, and manufacturing, and mining, and shipping and building interests which marked that period as one of the most extensive suffering and distress. Of that great and memorable fall in prices the principal part beyond what was the effect of the seasons and a recoil from the extravagant speculations in exportable commodities is clearly attributable to the transition from war to peace; not from war as having caused extra demand, but as having obstructed supply and increased the cost of production; nor to peace as having been attended with diminished consumption but as having extended the sources of supply, and reduced the cost of production.'

When it is stated in the foregoing passage that the period 1814-16 was one of most extensive suffering and distress, the reference is to the employers' capital and profits and not to the general conditions of the masses of the people. As regards the labouring classes, Tooke goes on to say that in '1814-15 and until the renewed rise in the price of provisions they were in a comparatively satisfactory state; as the price of labour had not fallen in anything like the proportion of the fall of the prices of necessaries . . . the great bulk of the working population were in an improved state compared with that which they experienced in 1812.'

One of the most important results of the application of the historical method to economics is the observation that with a general rise in prices from whatever cause as a rule the working classes suffer more as consumers and gain less as producers than the employing classes. Conversely, in the case of a *general* fall in prices the working classes benefit relatively to the employers—money wages do not fall so rapidly as prices, and in some cases do not fall at all, *e.g.* from 1876 to 1896. Like all other empirical laws, however, this law of prices must not be rashly extended in time or place without full consideration of the attendant circumstances. Accordingly before any application can be made of the effects of the changes in the price-level of the Napoleonic period regard must be paid to the causes of the changes.

On this subject a very keen controversy arose which has been prolonged down to our own times. The origin and the progress of the controversy are displayed in full detail in Tooke's great *History of Prices*, and indeed this work itself was undertaken in the first place with special reference to this controversy. The

*magnum opus*, the first two volumes of which were published in 1838, was founded on earlier essays which arose directly out of the controversy.

As is observed by Tooke in his *Introduction*, in the publications without number on the subject of the high range of prices during the great wars and the low range in the following period, the explanations offered fall into two great classes, or are concerned with two great causes, namely, the War and the Currency.

During the first two years of our present great war people were content to ascribe the continuous rise in prices to the War simply, but in the beginning of 1917, with the issue of the great consolidating loan, more attention was directed to the rise in prices as consequent on the inflation of currency and credit.

It seems probable that in the near future the old controversy between War and Currency will be revived with reference to price movements in and after the present war. The analogies and contrasts with the former period cannot fail to be instructive.

Tooke himself began with a preliminary inquiry into the effects of war and currency on prices in former epochs of English history. He proved, as regards war, that the popular idea that war always raised prices was not well founded historically, inasmuch as ranges of high and low prices were about evenly divided between periods of war and peace. In the same way he showed that the nature and extent of the effects of variations in the quantity of money had been too easily taken for granted even by Adam Smith himself.

War is a very short word, but a state of war involves a multitude of causes and conditions acting in different ways on the economic state of the nation. Similarly as regards currency, there is no simple connection between the aggregate of the various forms of currency and of credit on the one side and prices on the other. Just as the state of war must be analysed so must the state of the circulation of money and its representatives.

In this short paper no more can be attempted than a statement of the principal results of the former controversy, with a brief indication of some of the points of contrast with present conditions.

First of all, Tooke himself called attention to a cause of high and low prices which, in his opinion, often altogether outweighed the effect of war or currency, namely, the state of the seasons. One of the most valuable parts of his work is the detailed examination of the effects of the seasons on prices. England during the Napoleonic war period was practically dependent on

its own food supplies. A shortage due to bad weather raised prices out of all proportion to the deficiency. As a consequence, a period of bad seasons was the very best for the farmers, and also for the landlords, if it was long enough to allow for an adjustment of rents. The Corn Laws<sup>1</sup> were practically inoperative in the whole Napoleonic period. The great cause affecting corn prices was the weather. People were too much struck by the rise in prices to observe that even in this period there were years of low prices. Tooke showed in general and in particular that just as scarcity unduly raises, so abundance unduly lowers, prices. Part of the excess supply of one or two good years may be stored, but a continuance of good seasons will cause prices to fall still more by the release of the stored grain.

The best way to see the full effect of the seasons in this Napoleonic period is to take account not only of the average prices of the year but of the fluctuations. The average price of wheat in 1801 is given in the usual tables as 115s. 11d. Certainly a high price, but 'before the harvest of 1801 was secured the price of wheat in the London market reached 180s. and the price of the quartern loaf was for four weeks 1s. 10½d.'<sup>2</sup> In 1812 the average is given as 122s. 8d., but the price in August reached 155s.<sup>3</sup> By December, 1813, the price had fallen to 73s. 6d., less than half of August, 1812, but the average for 1813 was 106s. 6d.

It is quite clear from Tooke's *History* that the average high prices of corn were due to the bad seasons. A single good season was sufficient to break the prices, and with two good seasons prices fell greatly. Between March, 1801, and March, 1804, wheat fell from 155s. to 49s. 6d., the sharpest fall on record.

Before the present war the influence of British weather had ceased to be of any practical importance as regards the price of grain, as was shown by the great agricultural depression in the early seventies, in which bad seasons received no compensation from high prices, which indeed made a low record for modern times. Even during the course of the present war it cannot be said that British weather has been the chief cause of the rise in food prices. The world harvest of 1916 was deficient,

<sup>1</sup> Cf. my *History of the English Corn Laws* (Social Science Series).

<sup>2</sup> Porter's *Progress of the Nation*, p. 452.

<sup>3</sup> Tooke, ii. p. 342.

and the destruction of tonnage and the demand for transport had increased. In 1917 the submarine menace has been intensified, and the available supply of cereals depends most upon importation. Steps have been taken in this country to enlarge greatly the area of tillage and restore our food independence. If the new cultivation were protected by import duties the price of British wheat would again be governed by British weather. It seems probable, however, that minimum prices will be maintained by bounties (direct or indirect) and not by import duties. After the war it is hardly likely that world harvests will be deficient. It is more probable that the recent great advance in agricultural scientific work will rapidly bear fruit under the stimulus of exceptional demand. Hitherto agricultural practice on a large scale has lagged behind scientific discovery, especially in the United States.

It seems probable also that after the war the relative shortage of ships will soon be made good, partly by new construction and partly by the liberation of tonnage from naval requirements.

So far as the conditions of supply are concerned, the cause of most importance in the time of Tooke, namely, the seasons, will take a second or much lower place. It is also possible that the foreign peace demand for our goods may not be so ephemeral or defective as in the earlier peace period.

But there remains for comparison one point of vital importance, namely, the currency. Tooke showed very clearly that the effects on prices of the Bank Restriction (that is to say, the adoption of inconvertible notes) during the war were exaggerated. Very often a rise in prices occurred, due to bad seasons or other obstructions of supply, which was ascribed to excessive issues of notes when, in fact, no excess had occurred. Tooke's examination of the actual conditions of the circulation is a model of judicial inquiry. All the same it is now generally agreed that the Restriction (or the inconvertibility) had more influence than he supposed.

An impartial investigation of monetary conditions in the present war shows that there has been considerable inflation. I have written at length elsewhere on this matter.<sup>1</sup> Here it need only be said that inflation is now so generally admitted that the main concern of financial authorities is to discover the best means of deflation.

<sup>1</sup> Cf. 'Inflation and the Rise in Prices,' *Economic Journal*, Dec. 1916, and the 'Statistical Aspects of Inflation,' in the *Journal of the Royal Statistical Society*, July, 1917.

Granted present inflation, it follows of necessity that if the gold standard is restored to its pre-war simplicity and efficiency, there must be a great fall in prices. The present high level is largely due to the *de facto* abandonment of the gold standard.

After the Napoleonic wars the principal feature in the economic situation was the fall in prices. There was some recovery from the fall already described (1814-16), but from 1818-22 there was another great fall—according to the index numbers of Sauerbeck—a fall from 142 in 1818 to 100 in 1822. There was a reaction up to 1825, and then the depression of prices was renewed. The general result was that the cessation of war was followed by a long period of falling prices.

This fall in prices was ascribed by many to the re-establishment of the gold standard, and the resumption of specie payments by the Bank of England, in accordance with the Report of the famous Bullion Committee of 1810. All the well-known arguments in favour of inflation were brought forward in opposition to the reversion to the gold standard in its old form. Many argued that in effect the war had established a new level of prices and that it would be most unjust to resort to the old level. Contracts, it was urged, had been entered into which would be vitiated by being interpreted in terms of the old standard. The results of this old controversy were incorporated in all the text-books on political economy. The rugged arithmetic of Ricardo was transmuted into the thin lucidity of Mill (in Mr. Balfour's unhappy phrase). All this learning, however, had been forgotten before the present war, or rather it was branded as academic and therefore non-practical. It was forgotten that Ricardo made a fortune in business, that Tooke was a great merchant, and that the old controversy on inflation and deflation was waged by practical men interested in practical results. There can be little doubt, however, that the old controversy will again break out after the war, and no better preparation could be made than a careful study of the great war and the great peace a hundred years ago.

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