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Allan Cameron's Narrative, February-April, 1716

THE END OF THE '15

THE MS. of the following narrative is in the possession of Mrs. Cameron Lucy of Callart, and by her kind permission is printed for the first time. The manuscript was clearly intended as a report upon events in Scotland after the departure of James and Mar from Montrose on February 4, 1716. The writer speaks of Achnacarry as 'my brother's dwelling,' of young Balhaldie as 'my nephew,' and without question is Colonel Allan Cameron, the veteran Sir Ewen's third son. He had been closely concerned in the negotiations between Bolingbroke, Mar, and Ormonde in the spring and summer of 1715, and had accompanied James to Scotland in the following December. After his endeavour, told in the narrative, to organise continued resistance to the Government, he escaped to France in July, 1716. The present document was possibly among several, 'all in Cameron's own hand, and in a very indigested method, and not fit to be exposed to critics,' which were sent to Mar at his request in September, 1716.[1] It supplies a valuable note upon the last phase of the '15, and supplements the materials recently provided by the Windsor *Stuart Papers* bearing upon a chapter of the rising which has been obscure hitherto.

[1] *Calendar of the Stuart Papers*, vol. ii. p. 437.

ALLAN CAMERON'S NARRATIVE.[1]

The army being arriv'd the second day after we march'd from Montrose at Aberdeen[2] in very good order, Generall Gordon[3] call'd a meeting of the nobility, officers and most of the gentry to the Earle Marishals house,[4] where the Kings Letter and his majestys Commission to him as Commander in Chief were Publickly read.[5]

The Generall afterwards call'd the heads of Clans who were present by themselves and ask'd what they thought fitt to be done. They all agreed to march in a Body to Huntleys Lands and to take their measures ther how to proceed after Huntley and his frindes had been discours'd. At the same time on Mr Farquarson, Brother to Inverey, who had been sent north with Letters to the Marquess Seaforth and to My Lord Glenaircha and frindes in Kathness, mett us ther with account that the marquess Seaforth hade all his men in readiness to march, and that frindes in Kathness both horse and foot were likewise so, and added that my Lord Huntleys frindes were all preparing themselves to march, whatever part Huntley himself would act; but when Mr Farquarson was return'd with this answer frindes in the north could know nothing of the Kings going off from Montrose nor of our retreat to Aberdeen.[6]

That night great numbers of the gentlemen who serv'd in the horse dispers'd, being extreamly discouraged: some went to seaport Towns to gett shiping, and others chuse raither to lurk in the Contry. All the Irish officers went to Peterhead in order to embark. My Lord Marishall, Marquess Tilliberdin,

[1] I have reproduced the original spelling, but have supplied a modern punctuation.

[2] James and Mar sailed from Montrose for France on February 4, 1716. Ignorant of their flight the army marched the same night from Montrose and reached Aberdeen about noon on February 6 (*Stuart Papers*, vol. ii. p. 110).

[3] Lieut.-General Alexander Gordon of Auchintoul.

[4] 'The 6th . . . at two o'clock a meeting of the noblemen, general officers, and chiefs of clans was appointed to be kept at Marishall's Hall, which was punctually observed' (Clanranald to Mar, 11/22, 1716, *Ibid.* p. 110).

[5] Both documents are dated February 4, 1716. The former, endorsed 'Letter of Adieu to the Scotch,' is printed in *Stuart Papers*, vol. i. pp. 505-7.

[6] Gordon produced to the meeting a letter from Huntly 'full of loyal protestations.' Farquharson, no doubt, was the bearer of it. Cf. *Ibid.* vol. ii. p. 149. Huntly supposed Gordon to be still at Perth (*Ibid.* p. 111).

my Lord Lithgow, my Lord Southesk, my Lord Killsyth, Lord Edward Drumond, Mr James Keith, Mr Charles Flimin,[1] Sir John Forrester, and severall other Gentlemen went along with the army. The Irish officers with severall other Gentlemen being dissapointed at Peterhead went to Frasersburgh, where when they were ready to embark, having gote two ships ther for that purpose, an English man of war came up to the harbours mouth, which oblidg'd them to leav that place and to follow the army.[2]

It was determin'd at Keith, after General Gordon and my Lord Marishall return'd from Huntley, they having gone to Gordon Castle to know his last resolution,[3] that we should hold straight to Badonick through the Hills, which prov'd a very seveer march, considering the great snow that lay on the mountains and the bad weather which came on.[4]

As soon as we arriv'd at Rivan Badonick[5] there was a Letter writ to Ardgyle to know what tearms could be hade, with an Intreaty to Ardgyle to interceed for them. Some would not signe it, but it was sign'd by the General, some of the nobility, and some of the Clans, and I doe not learn that there was any return made to it.[6]

After the Letter was writ and sign'd the Generall call'd all the heads of Clans who were ther by themselves,[7] and I hade likewise the Honor to be call'd, having the Command and charge of my Brothers[8] men on that march. He ask'd what they thought best to be done, and how and where these officers

[1] Fleming.

[2] They rejoined at Rhynie on the 10th. Cf. *Stuart Papers*, vol. ii. pp. 56, 112.

[3] The army marched from Aberdeen on Feb. 7 and arrived at Keith on the 9th (*Ibid.* p. 111).

[4] The march was resumed from Rhynie on Feb. 11 to Strathdon and thence to Strathspey and Badenoch (*Ibid.* p. 112).

[5] Part of the army reached Ruthven in Badenoch on February 12 (*Ibid.* p. 112).

[6] The meeting was convened on the 14th, at which it was agreed to approach Argyll (*Ibid.* p. 112). The letter, dated Feb. 15, is printed in *Ibid.* vol. i. p. 512. It was signed by General Gordon, Linlithgow, Southesk, Robertson of Struan, Clanranald, James Ogilvie of Boyne, T. and C. Macdonald, Alexander Mackenzie, and J. Dougal. According to Southesk (*Ibid.* vol. ii. p. 149), Ogilvie and Struan were 'the great promoters of it.'

[7] Presumably at Cluny Macpherson's house, which Gordon made his head-quarters (*Ibid.* vol. ii. p. 112).

[8] *i.e.* Lochiel.

could live in safty, since the Clans were to seperat at that juncture and goe to their severall dwellings, ther not being money nor provision to subsist them so as to keep them in a Body together.[1] The nobility hade determin'd to goe to the Isles as the safest place for their retreat, so it was agreed that the officers should goe thither likewise, the Isles being at a greater distance from the enimie then the main Land, and that probably the first ships from France would come in ther.

Sir Donald, Clanronald, Apine, &c. were desyrouse to enter into a concert amongst themselves in case they should get to arms again,[2] or whatever might hapen, that they should keep a closse correspondance. This I urg'd as much as I could, and therefore, seing my Brother was not present, it was agreed they should meet at his house and take their measures ther, where they arriv'd in two dayes. My Brother (who hade then begun his march with his men, he being ordered from Pearth to bring with all expedition his own recruits and those of the other Clans to the army, which would make in all about 14 or 1500 men, and afterwards hade a second order to march north towards Inverness and there to joine Seaforth and Huntly in order to reduce that place) was within twelve myles of us and only the night before hade account that the army was thus dispers'd. So he came to us, but Glengary would not enter into any concert, on the Contrary apear'd as if he design'd to act a seperat part from all the rest. I propos'd that they should not leav Badonick the same day, and that they should devyde so as the one half might goe by Glengary and the other by my Brothers to facilitate their march. But Glengary would not countenance nor give them any maner of encouragement or assistance to hold his way: on the contrary Coll. Fitsymons, Capt. Colliar, M^r^ Strickland, and about twenty more of the Irish officers who attempted it were forc'd to return. This oblidg'd the nobility and all the officers and other gentry, with such of the Clans as went to the Isles, to march all by my Brothers at the same tyme, which so Crowded them by the

[1] 'All the Athole and Breadalbine men having left us, some at Aberdeen, some at Inverury, the clans, who till now kept in a body together, from hence (Ruthven) went by different routes to their respective countries.'—Clanranald to Mar (*Ibid.* vol. ii. p. 112).

[2] A loyal letter to James signed by Sir Donald Macdonald, Clanranald, and J. Macdougal, dated April 11, 1716, is in *Ibid.* vol. ii. p. 114.

Badness of the weather and roads that there march prov'd very troublesome.[1]

The nobility, with the officers, Sir Donald, and Clanronald went all to the Isles together.[2] Generall Gordon and Brigadier Ogilbie stay'd in Badonick,[3] and Brigadier Campbell for some dayes, but afterwards Brigadier Campbell[4] went to Mull and from thence to Uist.

All continued prittie quiet untill towards the later end of March that we hade account of Cadogans making preparation to march with any [*sic*] army into the Highlands.[5] But having no account what measures my Lord Seaforth was to take after Huntley hade surrendred and given himself up prisoner and ordered his men to give up their arms,[6] which was the first example of that kinde, I went to Kintail to wait on my Lord Seaforth and to know his resolution. This hapen'd a litle after Capt. Tulloch came to my Lord Seaforths Contry with a shipe wherin there was some officers and a litle money.[7] His Lop. gave me a deal of satisfaction and say'd he was willing to goe into any measures with the rest of the Clans for his majestys service.

How soon I return'd I sent express to Generall Gordon to Badonick to aquent him of my Lord Seaforths ansuer, and went myself to Glengary after I hade given my Brother likewise account of what my Lord Seaforth hade determin'd. Glengary apear'd then very hearty and seem'd to make preparation in order to defend his house. My Brother was oblidg'd to be

[1] The march appears to have begun on Feb. 16, and to have been delayed by bad weather (*Ibid.* vol. ii. p. 112).

[2] They arrived at Ormaclett on March 25 'after incredible fatigues' (*Ibid.* p. 149).

[3] With Cluny Macpherson.

[4] Colin Campbell of Ormidale. He was afterwards captured.

[5] General William Cadogan, whom Lovat was supplying with information, was at Blair Atholl. He proposed to march towards Badenoch on April 1, and to reach Ruthven on April 4. Major-General Wightman, the victor at Glenshiel in 1719, was at Inverness (*Ibid.* p. 75).

[6] On February 18 (*Ibid.* vol. i. p. 516).

[7] Captain Tulloch in the *Robert* or *Speedwell*, who had sailed from Havre on Jan. 17 (new style), returned from the Lewis on March 3, having left Seaforth 400 lbs. of powder and some money, which he gave up 'half force and half good will.' The officers Tulloch had with him (except two) returned to France, finding the rising at an end (*Ibid.* vol. ii. p. 40).

every night on his guard for fear of being surprys'd by the garison at InverLochy, which is within eight or nine myles of his house, it being no wayes strong.

General Gordon having account that Cadogan was come with his army, which then consisted of about 3500 foot and Dragoons, the length of Blair in Athole,[1] being the nixt Contry to Badonick, he came straight to Glengarys house, where I mett him. That night we hade account that one Coll. Cleyton[2] hade entered Apines Lands with 500 foot, and that Apines men hade begun to take protections and to deliver some arms,[3] and that the said Cleyton was on his march to InverLochy on the one hand, whyle Cadogan was marching towards that Contry by Badonich on the other, this was the more surprysing because Apine hade sent us no account of this party nor march. The Generall on this advertisment sent straight to my Brother and to Kepoch desyring them to meet him nixt day, they being the nearest to him of the Clans, half way betwixt my Brothers house and Glengarys, where accordingly the Generall, Glengary, my Brother, Brigadier Ogilvie, Kepock and I met. This was Fryday 30th March. It was agreed that my Brother, Glengary and Kepock should Rendevouz each of them at their own houses what men they could get together thursday or fryday nixt thereafter,[4] and in the mean tyme the General should goe to meet my Lord Seaforth so as to know what number of men he could expect from his Lop. and to get what Capt. Tulloch left in his hands of the Kings money. It was also concerted that the General should return so as to be at Glengarys or my Brothers against the day apointed for the Rendevouze, and at the same tyme the General wrote to those in the Isles and to the rest of the Clans that they might march their men with all expedition to Lochaber in order to opose the enimie who were near that Contry on their march, and to bring with them what provision they could, the Contry being very skairse at that juncture, and it not being possible to provyde themselves from any part which the enimie posess'd untill there was once a Body form'd.

Nixt day after the General came to Glengarys house,[5] one of my Brothers frindes, who serv'd as Capt. in his Regement,

[1] Cadogan reached Blair Atholl about March 30 (*Ibid.* vol. ii. p. 75).

[2] Colonel Jasper Clayton.

[3] Appin arrived in Paris on October 1, 1716 (*Ibid.* vol. iii. p. 15).

[4] *i.e.* April 5 or 6.

[5] *i.e.* March 31.

interiented a Leutenant going from Cadogan to the Governor of InverLochy with Letters, who was then at Blair in Athole, who told us there was a gentleman on the road from the Duke to Glengary, who accordingly came that very night with some message from Athole to Glengary. This gave us some ground of jealousy, but Glengary having then asur'd the Generall that he would stand it out to the last extreamity remov'd the Generalls fears.

At our return to Glengarys house from the meeting with my Brother and Kepoch, Glengary entreated of the Generall to set this Leutenant of Cadogans at Liberty and to let him goe on to InverLochy. Brigadier Ogilvie and I was not for it, but the General, tho with some reluctancy, condescended, being in Glengarys house at the tyme.

When this Leutenant Hardy (so they call him) and the other gentlemen went away, Glengary walk'd out with them and was very seriouse and sent his footman with the Leutenant to InverLochy, who conducted the sd. officer neer the bounds of Badonich in his way to Cadogan, otherwayes the Contry would have seiz'd him over again, but seing Glengarys footman with him they did not think it needfull.

Nixt morning, being munday the 2d. of Apryle, the Generall made ready to goe to Kintail to meet my Lord Seaforth, and desyred I would goe along with him, by reasone that I hade been a litle tyme before with his Lop. when he gave such good encouragement.

As we were ready to goe off there came an expresse from my Brother to the General shawing that he hade gote certent account that Coll. Cleyton was to march from the Garisone of InverLochy nixt day, being Twesday,[1] with 8 or 900[2] men to my Brothers house in order to attack him. He likewise sent a Letter which a frinde from InverLochy wrote to advertise him, that upon the representation made by the officer who was prisoner at Invergary, Cleyton hade determin'd to march to my Brothers house, which he could doe in three or four hours tyme the Generall did read this Letter. The Letter likewise mentiond that it was believ'd for certent at InverLochy that Glengary hade setled affaires with Atholl and Cadogan, so as they were sure he would not draw a sword against them. This we were all loath to believe.

[1] April 3.

[2] The number is elsewhere given as 600 (*Stuart Papers*, vol. ii. p. 133).

My Brother wrote to Glengary likewise that he was very well inform'd that he was to be attackt nixt day by a strong party from InverLochy, that he hade not tyme to get a suffitient number on such short advertisment to opose them, therfore hop'd he would come with what he could get together of his men to his assistance, seing he (Glengary) nor his Contry was not in any danger nor to be troubled untill they did his business first, my Brother and his Contry being betwixt Glengary and the Garison.

Upon this account I entreated of the Generall to allow me to goe back to my Brother that I might be assisting in rysing his men and to witness whatever might follow. But Glengary press'd the Generalls going off to my Lord Seaforth and that I should by all means goe along, to that degree that the Generall would have me either goe or otherwayes that I might own I wrong'd the Kings service. I thought myself oblidg'd to obey, so could not help it. When I press'd very earnestly to return, Glengary sayd, you need not be so uneasy, for you will return tyme enough to get your share; for, sayd he, we will not medle without we have a good advantage, and perhaps they will not fall in blood for some dayes. At the same tyme he told us that he was to order his men to bring each of them three dayes provision on that account: besydes, said he, I can hardly think the party will come out so soon as your Brother is told.

This being on munday the 2d of Apryle, the Generall, Brigadier Ogilvie and I persued our journey to Kintail. But nixt day the Party under Cleyton actualy march'd, as my Brother was inform'd, straight to his dwelling house: but those of his men who live on the road betwixt the Garisone and his house took up all that fornoon to put their Catle out of the Partys way, and those who were fardest off in Morvine and Swinart[1] hade only tyme to be with him against fryday,[2] which was the day apointed for the Rendevouze, so that very few join'd him untill it was night.

Glengary came to my Brother only about half an hour before the party apear'd, with a hundred men or therabouts. Its true betwixt what they both hade they were not in a condition that day to attack the Party, they not having the fourth part of their number. Some of my Brothers and of Glengarys men offer'd to fyre at them at a pass, but Glengary would not allow it; for, say'd he, we will but lose our men to no purpose. My Brother did not press it either, seing there was so few of his

[1] Sunart. [2] April 6.

men ther that night, but say'd to Glengary, that he hop'd he would keep his men together nixt day, since he, my Brother, doubted not but he would have a suffitient number of his men together then, which with Glengarys men might very well attack the party. They parted so that night, and nixt day, when those of my Brothers men came to him who were nearest and who were puting their Catle out of the way, he sent to Glengary to aquent him therof and withal that he expected to have his men together, but gote no return.

This was on wednesday, and on thursday[1] night my nephew young Balhaldy[2] came express from my Brothers frindes who live in Morvine and Swinart signifying that they were on their march and would be with him tomorrow, being Fryday, as he apointed. Upon which my Brother went early in the morning to Glengarys and at the same tyme he thought to finde the Generall and others ther, as had been concerted. But finding none but Glengary and his own frindes he stay'd that night, both to wait the Generalls coming and know Glengarys last resolution. Wherfore he told Glengary that his men were come against the day of the Rendevouze, so that iff he would joine his men with them they were in a condition to beat Clayton. My Brother added that the Enimies being at his house signifyed nothing, for that none suffer'd by that but himself, and that otherwayes it was an advantage, they having no way to retreat, for that they were encamp'd and lay in their Tents, as not thinking his house any defence at all for them, and that only the officers lay in it.

Glengary ansuer'd in plain tearms, that he hade determin'd to deliver his house and himself up to Cadogan, that nixt night he expected a party to take posession of the house, and that in a day therafter he would goe to Cadogan and afterwards to Athole,[3] and added that his advyce to my Brother was to doe the same.[4]

[1] April 5.

[2] William Macgregor (or Drummond) of Balhaldie. His mother was a daughter of Sir Ewen Cameron of Lochiel. He played a leading part in the intrigues which brought Prince Charles from Italy to France in 1744.

[3] Glengarry was at Perth on April 21, after visiting the Duke at Blair (*Stuart Papers*, vol. ii. p. 133).

[4] Glengarry's motives were variously interpreted. Whatever they may have been he did not lose James's favour. His name appears in November, 1716, in a list of chiefs deserving distinction, and on December 9, 1716, a warrant was issued for a patent creating him 'a lord and peer of Parliament of Scotland, by the title of Lord McDonald' (*Ibid.* vol. iii. pp. 303, 572).

This ansuer of Glengarys suprys'd my Brother extreamly, who told Glengary that in the first place he would not take his advyce, and secondly that he ought to have told his designe sooner to the Generall and to him and his other nighbours, and that there was People in the Goverment who made offer of doing all the good offices in their Power to him when the army dispers'd, to whom he return'd ansuer that he design'd to doe nothing but in concert with other worthy Persones who were equaly engag'd in the same cause.

When my Brother was inform'd at first that the party was to come out in order to attack him, he wrote to Kepoch likewise desyring his assistance, who sent him a Letter in return a day after the party came the length of my Brothers dwelling.[1]

My Brother finding that Glengary hade left him thus and hade given up his house to be garison'd by the enimie, and considering that that house lyes in the passe betwixt Inverness and my Brothers, that a Party of nine hundred men lay now at his house, which is half way betwixt Glengary and Inver-Lochy, that the Garisone of InverLochy is in the center of his estate and frindes, and no account from the Isles nor of any maner of succour, concluded that it was to no purpose for him to act alone, that it would end in the intyre destruction of his men and Contry and not in the least advance the Kings service, Therefore he ordered part of his men to disperse and take protections as others hade done to save their goods and familys in hopes they might as yet have an oportunity to serve their King and Contry. Never were men more uneasy then they were upon their being oblidg'd to return without having done something against the Enimie.

The Generall could know nothing of these particulars, my Brother not thinking it needfull to write to him till the day of the Rendevouze, against which tyme he expected himself back as was concerted, and likewise untill he knew Glengarys last resolution. However, as soon as we arriv'd at Kintail, the Marquess of Seaforth told the General that there was some money left in his hands when Captain Tulloch came to his Contry, but that it was not possible for him to get at it then, the enimie being in possession of the place where it was con-

[1] Writing to Mar on April 11, 1716, Clanranald remarks: 'Keppoch is suspected to follow Huntly's measures, whose vassal he is' (*Stuart Papers*, vol. ii. p. 113). Keppoch, in fact, escaped to France with Allan Cameron (*Ibid.* p. 322).

ceal'd, and at the same tyme say'd he would order his men to be in a readiness to march how soon others would draw to a head.

Nixt morning there came a Letter from Glengary to the Generall, which he wrote wednesday morning,[1] showing that no body would joine. This Letter, which my Brother knew not of, made no mention of Glengarys being ready to deliver himself and his house in the enimies hands. At the same tyme my Lord Seaforth hade account that there was a ship arriv'd from France in the Isle of Sky with necessares for the Highlanders, and others say'd it was come to cary away the nobility and officers who were then in Wist,[2] upon which the Generall and Brigadier Ogilbie resolv'd to stay with my Lord Seaforth untill he hade certent account what ship this was and her Cargo, and that in the mean tyme I should return straight to Glengary and my Brother with account of this, and to encourage them the best I could, which accordingly I did.

The Generall wrote a Letter, which he gave me open, adress'd for Glengary and my Brother, aquenting them of the arrivall of this ship and of my Lord Seaforths ansuer, and that how soon he understood what the said ship carried he would let them know.[3] He ordered me to send the Letter to the one and to

[1] April 4.

[2] On April 5 Captain Owen O'Sheridan arrived at South Uist on board the *Marie Thérèse* from Morlaix. He sailed again on April 18 and reached Roscoff in Brittany on May 10 (new style), having on board the Earl Marischal, Southesk, Tullibardine, Linlithgow, Kilsyth, Lord Edward Drummond, Lord George Murray, and other Jacobite refugees, besides the Irish officers (*Stuart Papers*, vol. ii. pp. 74, 109, 142, 148).

[3] The following extracts from letters of Clanranald and Southesk to Mar vividly represent the relations between those who escaped to France, and Gordon who held himself still bound to act militantly in James's behalf. Clanranald writes to Mar: 'Mr. Sheridan arrived here [Uist] upon Thursday the [5th] instant, and after delivering me your Grace's letter to General Gordon, and another for myself . . . the nobility and gentry that were here at the time seeming to have an inclination to know what might be in them that concerned the King's service, I thought that things of that kind was not to be kept a secret from them who had already suffered so much for it. Therefore I thought fit to communicate to those of the first rank what my letter imported, and though I would not take upon me to break open General Gordon's letter, there was amongst them who did, and accordingly it was broke up and the contents read in presence only of a few of the nobility and myself. The contents agreeing in the main with what your Grace had suggested in mine, and Mr. Sheridan's instructions from your Grace being of a piece with both as to what concerned the ship and cargo, I proposed to conform myself in all things to your Grace's

goe myself to the other, wherfore I sent the Letter to my Brother and went on straight to Glengary. Mean tyme I sent one before me who could march very hard the nearest way over the hills with the contents of the Letter in write, who delivered it some hours before I arriv'd. My Brother had been with Glengary that night at his own house, as I have already mention'd with Glengarys ansuer to him, yet Glengary told him nothing of the Letter he receiv'd from me, and before I came to Glengary nixt morning my Brother was gone back.

I must own that tho I was doubtfull all along that Glengary was acting under hand with Athole, of which I told the Generall, yet I was mightily suprys'd to finde him just ready to goe off for Inverness to Cadogan, and his house Immediatly to be delivered up to be garison'd by the enimie. I found Gordon of Glenbucket with him. It would be too tediouse to insert hear all that pass'd betwixt Glengary and me. I imediatly went to my Brother, who had only return'd from Glengary a litle before I arriv'd. He told me all that pass'd betwixt him and Glengary, upon which he hade ordered his men of Swinart and Morvine to disperse, they being in Ardgyleshyre and consequently their familys would be ruin'd in their absence, since ther was none then on their march and in arms but themselves.

How soon I gave my Brother account that ther was such a ship arriv'd and that it was the reasone which detaind the Generall from coming straight back, he ordered his men not to take protections for some dayes, for at that tyme there was

commands, which was to secure the ship and cargo, and without delay to forward General Gordon's letter to himself. This was first agreed to by the most part that were present, but it was afterwards thought dangerous to lose much time here . . . [and] though I objected that it appeared plainly from what your Grace had writ in your letters that a return from General [Gordon] would be absolutely necessary before the ship should depart, I added besides, it was but just that the clans, who were the only body of men now in the nation that made any appearance for the King . . . might be allowed some reasonable time, that they might lay the state of their condition before his Majesty. Notwithstand of this objection, it was resolved next morning to call a council of the lords and general officers, to vote which was most for the King's service, the ship to wait, or to be immediately unloaded and dispatched. All the votes excepting a few was for the latter' (*Stuart Papers*, vol. ii. p. 109). Southesk says that he was against that course. He adds that between April 13-18 'there came an express from General Gordon ordering the ship, I must say in a very uncivil manner, to stay till his further orders . . . for in sending that order he never so much as writ to one of us, and at the same time he writ for volunteers to come up, as my Lord Marischal says, and join him, for that the Highlanders would still stand to the last man and never deliver up their arms' (*Ibid.* p. 149).

only a few of those who were most expos'd to the Garison of InverLochie who hade given in any arms and hade gote protections. My Brother wrote that minute to the Generall, which I sent off by express to Kintail, and wrote myself at the same tyme to know what he would have done.

I having account that my Brothers men of Swinart and Morvine were within twelve myles of me after they hade gote orders to goe home, I went with all expedition after them in hopes to be with them before they dispers'd, with a resolution iff I gote them together to attack Cleyton with them and with what other men would joine me.

When I came to the head of Locheill, where they hade been waiting my Brothers orders, I found the most of them were dispers'd according to the message my Brother had sent them on his return from Glengary, but I overtook severall of the Gentlemen who commanded them and some of the comon men. The Gentlemen asur'd me iff I thought fitt they would convine a good party in a few dayes in order to attack Cleyton or any other party of the enimie I pleas'd. Upon which I sent another express to Generall Gordon to Kintail to aquent him of all this, and that iff he gave me orders with any encouragement, that I was getting so many of my Brothers men and some of the Moidart men who hade promis'd to joine me in a meeting I hade with them some dayes before, and likewise part of Apines men and of Glengarys men, tho he hade surrendred himself, together, as I would undertake to attack Cleytons party or some other party of the enimie and doubted not of success.

After I sent off this express I kept the most of the gentlemen with me, and dispers'd the comon men into different places near me for want of provision to keep y^{m} together, so as they might be ready on some hours advertisement. In the mean tyme Cadogan having gote posession of Glengarys house, by which the passe betwixt Inverness and InverLochy was open'd to him, especialy since Cleyton lay at Achnacary with his party betwixt Glengary and InverLochy about half way, he was therby encouraged to alter his march, and in place of going from Badonich by the braes of Lochaber towards InverLochy with his army, he countermanded the Troops who lay at Inverness, whome he hade formerly ordered to joine him in Badonich, and marched straight to Inverness with his army, and came up to the Castle of Invergary himself with a Convoy of a few

horse, and as hard as he could ryde came under night to Achnacary, my Brothers dwelling, where Cleyton lay, but gave out the night before that he was to return to Inverness. Nixt morning he sett off early for InverLochy, which is not above an hour and halfs ryding, the road being good.

I being at some myles distance had only account nixt morning that he had pass'd, but I resolved without waiting any orders from the Generall to attack him as he return'd, for which I prepar'd myself and gote a suffitient number of prittie young fellowse together under night without making much noise, with whom I march'd that night over hills, which I was oblidg'd to doe for fear Cleyton should get notice, having march'd near the place where he was encamp'd, so as to be ready to attack Cadogan at a pass about half way betwixt InverLochy and Invergary. I hade the missfortune to miss him very nairrowly. Never any man rode with greater expedition then he did, and so gote by the passe before I came up. Iff I had effectuated this designe, whatever might have been the event, it would have confounded their measures a litle, he having all the orders concerning Scots affaires in his breast at that juncture.

After this I waited Impatiently sometyme for the Generalls return. The first account I hade was from a Gentleman who came from Kintail, that the Generall was gone for Wist in order to embarck for France in Shirradines[1] ship, which suprys'd me mightily, not having receav'd any word from him directly or indirectly. But I had this account, however, from such good hands that I must believe it. Upon this I went straight after him, Leaving all those gentlemen and sojers in suspence untill I would aquent them from the Isles with what they were to doe. As I was on my way to the Isle of Sky I mett on of the expresses whom I sent to the Generall, who told me that the Generall was certontly gone, but that he could not learn any word he left for me at Kintail.[2] C. Sanford Terry.

[1] Gordon, in fact, did not embark in O'Sheridan's ship. See the following note.

[2] Here abruptly ends Allan Cameron's MS. He himself, Gordon, Seaforth, Lochiel, the stalwarts, were convinced by now that to continue the insurrection was futile in face of Cadogan's activity and the defection of the other leaders. On April 7 (new style) Captain Tulloch again sailed from Havre, in the *Vendôme*. The vessel was captured off the Long Isle, but Tulloch seized a barque, and with Seaforth, Gordon, Ogilvie of Boyne, Lochiel, Keppoch, Campbell of Glenderule, and Allan Cameron himself, arrived at Roscoff at the end of July, 1716 (*Stuart Papers*, vol. ii. pp. 74, 203, 218, 322).

The Relations of Mary Stuart with William Maitland of Lethington

THE most brilliant and patriotic statesman of his time, the personality of William Maitland of Lethington has none the less ever failed to awaken any sentiment of enthusiasm amid the great bulk of his fellow-countrymen.

The entire absence of fervour in his composition; the ironical bent of his mind; the subterranean methods of his diplomacy, and the seeming inconsistencies of his career have combined in varying degrees to alienate affection and substitute for it what is at best a reluctant and grudging admiration.

Virulent and clumsy daub as the *Chamaeleon* of Buchanan undeniably is, its title at least served the purpose of that hired literary janissary, and, in conjunction with the 'Michael Wylie' of Richard Bannatyne, invested the name of Maitland with sinister associations that adhered to it for a good three centuries. The grotesque rendering into Lowland Scotch of the appellation of Machiavelli, detracted to only a very limited extent from the full measure of its significance. Of the cold-blooded indifference which distinguished the great Florentine, Maitland was perfectly incapable, and any attempt to establish a parallel between men of so dissimilar a temperament is necessarily doomed to failure. Both indeed were patriots and both were Secretarys, but here all resemblance ends. There was but little of the philosopher in Lethington's composition. He was a practical politician who took things as they were and endeavoured to make the best of them from his own standpoint. Abstractions possessed no interest for him. Yet the suspicion that in some undefined form, he was the counterpart of the Italian philosopher whom the Florentines themselves treated at last as a criminal, took a profound root in the Scottish mind, and even now has been hardly eradicated.

Fascinating and picturesque as are the volumes in which Sir John Skelton has vindicated the character of Maitland, it can none the less hardly be denied that, not content with giving the 'Secretar' full credit for possessing the wisdom of the serpent, he has endowed him somewhat over-liberally with the harmlessness of the dove. Modern as in many aspects of his character Maitland appears, he was yet essentially a man of his time, and the humanitarian ethics of to-day found no place in either his moral or political outlook. Infractions of the sixth commandment were in his eyes but venial transgressions. Throughout the entire period of the Reformation, Gordian knots of whatsoever description were usually cut by the knife of the assassin. Even when not actively practised, murder was connived at by the leaders of every political Scottish faction—Knox and the preachers not excepted.

The charge of faithlessness to his mistress brought against Maitland by Buchanan, Lesly, Camden, and, in our own day, Mr. Andrew Lang, remains, however, a wholly different matter. Heavy as the indictment may at first sight appear, it rests upon no substantial basis, and when Lethington's career is regarded as a whole, and not subjected in portions to a distorted analysis, breaks down altogether.

The first count against the 'flower of the Scottish wits'—as Elizabeth described him—which is the betrayal, not of Mary but of her mother, demands little in the way of refutation.

Entering the service of the Dowager at an early age, Maitland continued in it until her ultimate determination to convert Scotland into an oversea province of France rendered his position, alike from a religious and a patriotic standpoint, utterly intolerable. Convinced from the very outset of his career that the true interests of his country lay in a union with England, it was impossible for him to remain in Leith as the instrument of a policy which he believed to be fundamentally wrong. With the Bible at his finger-ends, controversy with the doctors of the Sorbonne was inevitable, and as resignation in those days was an unheard-of thing, there was no door open to him but flight to the Lords of the Congregation. Maitland's very life was in jeopardy, and as the whole aspect of affairs had altered since his first employment by Mary of Guise, no blame can possibly be attached to him on account of his desertion of her.

It is the opinion of so unbiassed an authority as Mr. T. L. Henderson that 'in securing the triumph of the Reformation Maitland is entitled to rank alongside of Knox.' His singular power of persuasion undoubtedly won over to that cause many of the nobility to whom the great Reformer was absolutely antipathetic. The detachment of Huntly from the party of the Dowager was due to his revelations and instrumentality. It is in the highest degree improbable that any other envoy except Lethington could have allayed the suspicion with which Elizabeth regarded the growth of the Scottish democratic theocracy, and procured from her the military and naval assistance without which the cause of Protestantism must temporarily at least have been shipwrecked.

As Secretary of State, it cannot be deemed surprising that, serving under the *régime* he did, and with the construction which could be placed upon the abandonment of the Dowager present to his mind, Maitland at its first mooting should have viewed the arrival of the Queen with some apprehension. Though perceiving with characteristic prescience, that, in his own language, 'her coming might cause wonderful tragedies,' he none the less recognized clearly that it was inevitable, and strove to make the best of the situation, unpromising as it was.

In the matter of the English succession, Maitland left no artifice untried to secure its reversion for his mistress, but, against the fixed determination of Elizabeth, all the wiles of diplomacy were vain. No blandishments upon earth could have melted her obduracy, and if Lethington failed to achieve the impossible, it was through no fault or failing of his own.

During the comparatively peaceful and prosperous period which followed immediately upon Mary's return, Maitland did his utmost to mitigate the hardships of her position, and by doing so forfeited entirely the confidence of the Knoxian party. He was almost unceasingly at controversial war with the preachers on her behalf, and in him they found, so far as fence of tongue was concerned, their only formidable opponent. So far indeed did the Secretary carry his regard for the Queen's susceptibilities, that he contrived to recast a supplication addressed by the fourth General Assembly to their sovereign in such a fashion that it became wholly unintelligible. Couched in its original shape after the manner

of the prophet Isaiah, whom the divines maintained 'had used such a manner of speaking,' the document on its final presentation to Mary proved merely bewildering, and she turned away from it, remarking only that 'here are manie faire words, but I cannot tell what the hearts meane.' Thus, indignantly adds the worthy Calderwood, were the 'brethren turned into flatterers and dissemblers.'

In judging of Lethington's debates with Knox, it cannot be borne too steadily in mind that the relation of these conflicts has been left entirely in the hands of one of the combatants. It would be unfair to accuse the great apostle of the Reformation of any deliberate intention to distort or suppress facts, but, believing as he did that the mantle of the Hebrew prophets had descended upon him, it was not to be expected that his spiritual arrogance would permit of any admission of defeat. The victory which he obtained over Maitland in regard to the question of acquiescence in the mass—to cite but a single instance—was certainly one of a most Pyrrhic description. To the believer in the verbal infallibility of Holy Writ, the vanquishing of Paul and James along with Lethington must surely have seemed an astounding triumph. So far as it was possible to avenge the insults offered to his mistress, the Secretary shrank from no effort. Upon one occasion only did Knox bring himself within reach of the jurisdiction of the ordinary law, and, idol of the Edinburgh populace as he was, Maitland pushed matters against him to the uttermost length that the safety of the Court warranted.

As to the part played by Lethington in the murder of Rizzio, it is still to a considerable extent shrouded in mystery. That he should have resented the encroachments of a Savoyard musician upon his own political domain was inevitable. The restoration of the Earl of Moray—then an exile—was a matter upon which he had avowedly set his heart, and the only way to it lay through the sacrifice of one whom all at Court regarded in the light of a low-born, foreign, and Papist upstart. Rizzio was undoubtedly leading the Queen away from his pet project of the English alliance and into political relations of which every Protestant disapproved.

The extent and nature of Rizzio's ascendancy over Mary has never been absolutely defined. Vehemently as her apologists have resented the aspersion, they were certainly currently held to be something more than Platonic. Darnley undoubtedly

disbelieved in their innocence. When Henry IV. of France remarked of James the First's claims to sagacity that the 'only resemblance which he possessed to Solomon consisted in his being the son of David who played upon the harp,' he merely gave expression to what at least was a widely disseminated suspicion. In our own day, Mr. Swinburne, with habitual energy of expression, has explained the character of James VI. by the light of this unedifying supposition, and Maitland could not have been otherwise than aware that scandal, whether justly or unjustly, was busy with the reputation of the Queen.

Viewed from every standpoint, the Italian was a danger to all that the Secretary valued, and it must be frankly admitted that it is more than likely that he took a hand in the disposal of this impediment to his plans. There is practically only one construction to be placed upon the passage in his correspondence with Cecil, where he speaks of the necessity of 'chopping at the root,' and all the indirect evidence that can be garnered points in the same direction.

Of the clumsy butchery in the Queen's apartments at Holyrood, Maitland, it may safely be assumed, knew nothing. At the time of its perpetration he was in another portion of the palace among the Queen's partisans, and a shambles was in no way likely to be a thing of his organizing. The conspiracy had, in all probability, passed into the hands of the extremists, and was carried through without the knowledge of the milder or more statesmanlike section.

That Mary suspected Maitland of complicity in the murder of her favourite, seems clear from the discredit into which he fell throughout the period that immediately followed the Holyrood tragedy. Ere long, however, he was reinstated in the full enjoyment of his office, and, to all appearance, in the confidence of his sovereign.

After a prolonged betrothal, Lethington wedded in January, 1567, the 'flower of the Queen's Maries'—Mary Fleming. It has been generally assumed that his matrimonial relations must be taken into account in judging the later phases of Maitland's political conduct, but it is difficult to trace throughout them any evidence of wifely interference. The Flemings of Cumbernauld had ever been closely allied with the house of Lennox, and it was anticipated that, in the words of Randolph—the English ambassador—'he will bear much with the

Lennox Stuarts for the love he bears to Mary Fleming.' So far, however, from this turning out to be the case, Maitland is found not long after his nuptials engaged up to the hilt in the intrigues for the removal of Darnley. Mary herself has affirmed that at the Craigmillar conference he suggested the murder of her husband, though she omitted at the same time to point out that this was only done in tentative fashion, and followed as a result of her own declaration that a divorce was an impossibility. In view of the Secretary's further assurance that Moray would 'look through his fingers thereto, and will behold our doings saying nothing to the same,' it seems perfectly evident that the Queen could not be ignorant of what was intended. Failing divorce, there was no other alternative, and of that Mary must have been fully aware.

The truth was that, in modern parlance, Darnley was a hopeless Degenerate, and all Scotland longed to get rid of him. No prejudice was in these days entertained as to means, and so far as Maitland acted as the original mover in the matter he was only, as a practised orator, the mouth-piece of both the Court parties. Of responsibility for the manner of the deed, he was at least innocent, and there exists no recorded instance of any European politician who, during the various crises of the Reformation, shrunk from the employment of murder upon either moral or religious grounds.

The connection of Maitland with Bothwell can hardly be viewed from any other light than that of impairing the credit for super-subtlety in statecraft, which the Secretary possessed in the estimation of the whole diplomatic world. The defects of that 'glorious, rash and hazardous' personage seem obvious enough, and in addition he resented bitterly the grant to Maitland of the abbey-lands of Haddington that the Queen had conferred upon her minister. Even upon Lethington itself, he was reputed to cast covetous eyes, and, alike in their interests and their temperament, the two men were from the first singularly opposed.

The probability is that Maitland failed until too late to fathom the depths of the Queen's infatuation for Bothwell. Even after the murder of Darnley he conducted the correspondence on Mary's behalf, and did his utmost to throw dust in the eyes of Europe regarding its real character.

He refused, however, to subscribe the Ainslie bond, and by that time had doubtless realised the extent of Bothwell's

influence over Mary and the true nature of his designs. Incurring, by this declinature and his general attitude, the animosity of the would-be husband of his sovereign, the position of Maitland became one of extreme danger. Seized along with Mary at the abduction of Almond Bridge, he was carried off along with her and Sir James Melville to Dunbar Castle, where Bothwell was upon the point of taking his life. It seems to have been only by the intervention of Mary, who flung herself in front of Lethington, that this amiable intention was frustrated. After such an experience, it can hardly be deemed surprising that Maitland should have abandoned the Queen to the fate she courted, and fled to the Lords.

After the surrender at Carberry Hill, Lethington was the first man whom the Queen asked for, and this certainly goes far to prove that her confidence in him remained unshaken by whatever had previously occurred.

The intractability of Mary in regard to the abandonment of Bothwell, placed her well-wishers in a position of extreme difficulty. With the chief nobles, the populace, and the preachers in the mood they were, imprisonment seemed the wisest course in the Queen's own interests, and it was for the sake of securing her personal safety that Maitland advocated it. No other choice indeed was open to him. In his own words, used to Craig when describing the memorable interview held with Mary in her High Street lodging, 'I myself made the offer to her that, if she would abandon my Lord Bothwell, she should have as thankful obedience as ever she had since she came to Scotland. But no ways would she consent to leave my Lord Bothwell.'

During the confinement of the Queen in Loch Leven, the behaviour of Maitland was somewhat ambiguous. There is a general concurrence of testimony, including that of Du Croc, the French ambassador, that he sent her a gold ornament with the emblem of the mouse delivering the lion taken in the nets enamelled upon it, as a hint of the means by which her escape might be most easily accomplished. Buchanan maintained that 'he tarried with the Regent only to keep a colour of honesty,' and Calderwood gives equally strong expression to the same view.

None the less at the Battle of Langside, Lethington was found fighting among the enemies of Mary. It is equally certain, however, that he was regarded with the profoundest

mistrust by everyone round about him. Equivocal as his attitude appears, there was no disloyalty to his mistress involved in it. Suspecting the Hamiltons, and considering that the time was not 'ripe' for a restoration, he had probably arrived at the conclusion that he could render more effectual service to the Marian cause amid the ranks of its foes than among its pretended friends.

Passing under the nickname of the 'necessary evil,' Maitland continued to be a sore thorn in the flesh of Moray and his friends. He was taken as a Commissioner to York, 'not because they wanted him, but because they were afraid to leave him behind.' Prior to the assembling of the Conference, he fully justified whatever misgivings might have been felt towards him by sending on to the Queen private copies of the charges against her, made by Mary Fleming. He was in communication with his captive mistress throughout its entire progress, and when despatched to the subsequent conclave at Westminster, he was accompanied by Mr. James Macgill of Rankeillour, whose mission it was 'not to assist but to watch over him.' As Skelton justly says, 'all Scotland knew that Maitland was Mary's friend.' Yet had he come bull-headed into the open, as his modern literary assailants apparently consider that he should, it would have been impossible for him to extricate Mary from the snares that encompassed her in the fashion that he most desired.

The project of the Norfolk marriage was entirely the handiwork of Maitland, and, notwithstanding its disastrous termination, the scheme—granted a share of good fortune—was one admirably designed to retrieve the fallen fortunes of the Queen.

The gaining-over of Kirkcaldy of Grange was another triumph of persuasion on the part of Lethington which very nearly turned the balances in the final struggle between the parties of the Queen and her infant son. Even prior to his arrest by Moray and liberation by Grange, he was admitted on all hands to be the life and soul of the Marian cause. His house was, therefore, says Knox, 'called the school and himself the schoolmaster.'

Semi-paralysed in body but undaunted in spirit, it was as much by the infection of Maitland's determination as by Kirkcaldy's military skill that the standard of Mary was kept floating over the walls of Edinburgh Castle for the years

which it did. The confidence inspired among the adherents of the Queen by their 'Greit God the Secretar' failed only in the very end when the English cannon was shattering the fortifications of their last stronghold, and Huntly, despairing of success, had come to terms with Morton.

The death of Lethington a few weeks after the surrender was entirely attributable to the disease from which he was suffering. He had been dying by inches long before the capitulation of the castle, and the theory of his quitting the world in the Roman fashion rests upon no foundation except that of scandal. Yet, so notoriously was he the mainstay of the defence, that had it been protracted any longer the garrison would have hanged him over the ramparts.

In the end, the 'crafty head and the fell tongue' of which Randolph stood so much in dread seems to have done little for its owner, but it was the impossibilities of Mary's character that brought to ruin the career of her Secretary. Though she herself doubtless preferred the blind fidelity of a Seton or a Fleming, Maitland was incomparably the best friend that she ever possessed. Loyalty ran in his very blood, but to save the Queen from the consequences of her disastrous impulses was a task beyond his or anyone else's powers. The only smooth passage in Mary's tempest-tossed life was achieved under Lethington's guidance, but, with the advent of Rizzio and subsequently that of Bothwell, it was converted into a monotonous tragedy. The infatuation for the Byronic moss-trooper Earl was the first stage in the downward slope leading to Fotheringay, and from that point the culmination was inevitable.

In treating of Maitland it is impossible to ignore the attitude recently adopted by Mr. Andrew Lang towards certain phases of his career. In his hands, indeed, the Mystery of Mary Stuart becomes infinitely less of an enigma than the Mystery of William Maitland of Lethington. Mr. Lang generally contrives to put a sinister construction upon even the simplest proceedings of the Secretary, and his main contention, that Maitland was driven into support of the Queen's cause through fear of unknown relations to which she held the key, seems singularly untenable. Such disclosures as lay within the compass of her knowledge could have related only to the Darnley murder, and of that he was never accused by any of the Confederate Lords 'so long as he was a pillar

to maintain their unjust authority, nor would he ever have been.'

The charge against Lethington of vamping-up the 'Casket Letters' is not new, and such force as attaches to it is derived merely from its re-statement by so distinguished an authority as Mr. Lang. He is in entire disagreement on the subject with Mr. Henderson, who has dealt with it in so conclusive a fashion that it is impossible to enter upon further adverse discussion of this contention without a recapitulation of his arguments. According to Mr. Lang, 'whoever held the pen of the forgers, Lethington must have directed the scheme.' In this connection, it would be peculiarly interesting to know the circumstances attending the discovery of this most ingenious of all the members of his tribe, as to many minds the strongest argument in favour of the genuineness of the 'Casket Letters' lies in the incredibility of anyone existing at that period in Scotland being capable of such an achievement as their forgery.

The gist of Mr. Lang's indictment of Lethington is summed up in the narrative of Claude Nau, Mary's Secretary. It was not published until after the death of Maitland, and he had no opportunity of refuting it. To what extent the manuscript embodies the opinions of Mary, or the distortions of Nau, is virtually the point at issue. Notwithstanding Mr. Lang's acceptance of the former version, it must be borne in mind that whatever view may be held of Maitland's attitude towards Mary, no doubt whatever can exist of her betrayal by Nau. Though in her Testament, the Queen laid it down that Nau was to have the pension formerly bequeathed to him if he could be proved innocent, she certainly held uncompromisingly that he was the cause of her death. Nau—to employ her own words—'had many peculiarities, likings, and intentions that I cannot mention in public, but which I much regret, for he does me great injustice.' In none, there is every reason to believe, did he do her greater injustice than in regard to Maitland.

THOMAS DUNCAN.

Mr. Lang and the Casket Letters

MR. LANG'S disposement of my examination of his Casket Letter theory is somewhat peculiar. His *Morning Post* promise was that, if convinced I was right, he would announce his conversion to my opinions. We are now told why that announcement has not appeared, and never will appear there, and why another announcement has appeared in the pages of this *Review*. In one way matters have turned out as he seemed to expect; in another they have not. After he had, so he states, in solemn silence refuted me, he proceeded to convert himself to an important portion of my conclusions. He proved, to his own satisfaction, that while my arguments were wrong, my conclusions were correct, and that while his arguments were pretty immaculate, his conclusions were wrong. As I understand, he refuted me and tore up his reply, *before he had converted himself*.

Mr. Lang, without any kind of announcement, might have refuted me privately. If, as in the *Morning Post*, he lets it be known publicly that should he find himself able to demolish my arguments he will probably do so privately, then his pose assumes a certain singularity; and if again he announces that he has written a reply to me 'point by point,' and unanswerable, but private and confidential, then he need not be taken at his own valuation. 'Simple allegation' is, in the words of Byron, 'no proof'; and historical allegation, unbacked by reasons, is worth nobody's attention. Had Mr. Lang, while announcing his conversion to a portion of my opinions, wholly ignored my argument, then I should have ignored both his announcement and his assertions. It is because of his mingled avoidance and recognition of my argument that I venture to express an opinion both on his main and most interesting announcement, and on the categorical affirmations and casual and perfunctory references to my argument, with which that announcement is bedecked.

Mr. Lang's discovery—that notwithstanding his specious arguments to the contrary, no part of Letter II. is based on Crawford—is all the more notable in that, unlike the majority of sinners, he can claim the, as he proudly puts it, 'glory' of his own conversion. As for his soft impeachment that I had aspirations towards that happy achievement, I beg humbly to deprecate and even disown it. His arguments, which were so plausible that they deceived himself—those remarkable arguments I did hope that I might, 'under providence,' and with patient toil, be able to refute: the possibility of converting the author of them never occurred to me in my most blessed dreams. Why? Simply because, while the arguments seemed to be less convincing than strange and subtle, their strangeness and subtlety I regarded as mainly an indication of his passionate predilection for his own pet 'blood-thirsty' theory. His prodigious efforts on behalf of that wonderful theory did not, in my case, tend to produce conviction, and therefore they merely multiplied my wonder: surprise at their ingenious cleverness never ceased to be blended with amazement—amazement that he should spend such stupendous skill and toil in, unconsciously, seeking to erect such a 'towering pyramid of impossibilities.' To all of this Mr. Lang now tells us that he, 'point by point,' replied—replied so effectively that he actually *tore up his reply*, and tore it up not only once, but, it would seem, twice: once before he had made his great discovery, and again, when resurrected in a 'draft for this article.'

Now those paper-rending performances of Mr. Lang have interested more than they have impressed me. Some of the readers of this *Review* may have thought, could anything be more convincing! And possibly others may have ventured to conclude that nothing could be less so. As for myself, my interest in this form of Mr. Lang's destructiveness arose more from its bearing on his own historical condition than from its bearing on my arguments. And this reminds me that I ought here to remove a misunderstanding that has evidently given Mr. Lang pain. Never for a moment did I doubt either the honesty of his historical convictions, or the sincerity of his historical struggles. No more should I dream of doubting the honesty of his historical convictions than of doubting the honesty of the theological and ecclesiastical convictions of the 'Wee Frees,' who are quite untroubled by mental struggles. No more did I doubt the sincerity of his arguments than the

sincerity of his convictions. Who, for example, can doubt the even passionate sincerity of this [*S.H.R.*, vol. v. p. 6]: 'There is no limit to the crass self-contradictory averments of that crew!' In the *Mystery of Mary Stuart* we behold him in the very throes of his sincere struggles against the sincere, but, as he now admits, wrong, historical prepossessions, which belong to human frailty: as he puts it, it expresses the waverings of his judgment, his balancing of probabilities.

But had this unique book been put forth as a mere psychological revelation it could hardly have produced on many minds the historical effect—the effect against Mary's accusers—that it did; and it ought not to have been dealt with as I endeavoured to deal with it. It is much more than a record of honest doubt. While it expresses very manifest waverings of judgment, etc. it has all the while a very definite, and even remarkable aim. That, as stated in the fourth edition, is to show 'that the methods of her [Mary's] accusers—some of them, if she was guilty, her accomplices—were so clumsy, and *so manifestly perfidious*, that they all but defeat the object of the prosecution.' Here it will be observed that Mr. Lang slumps all Mary's accusers together—Lennox as well as Maitland, Moray as well as Morton, to name but these—as to be proved 'manifestly perfidious.' In what way could this most effectually be done? In what way could it be done with any effect at all, more particularly in the case of Lennox? By seeking to prove that they either tampered with Letter II. or contemplated the production of a 'Blood-thirsty' Forgery. Be it observed, it was absolutely necessary that, in this matter, the simple-minded Lennox—who ingenuously expressed to Moray on June 11th, 1568, his belief in the genuineness of the Letters—should be deemed as bad as the others, for unless he is so regarded, they cannot be deemed as bad as they are assumed to have been. And by what methods does Mr. Lang seek to establish his strong conclusion? 'My book,' he says, 'expresses tediously the waverings of my judgment, my balancing of probabilities.' If, therefore, certain playful similes of mine, borrowed from the military, the forensic, or other arts, have seemed to Mr. Lang to have been too suggestive—more suggestive than I intended—I can only plead the exceptional difficulty I had in expounding clearly the character of a very exceptional book, a book the plausibility of which depended mainly on a skilful blending of dubious certainties

and uncertain doubts, and its hot denunciation largely on speculation.

Mr. Lang is particularly surprised, and even offended, at my inability to make head or tail of his statement in the Preface to *The Mystery*: 'The author's opinion is now more adverse to the complete authenticity of the Casket Letters than it was, for a variety of reasons which appear in the text.' I observed that, unhappily he refrained from stating (1) how much his adverseness now amounted to, (2) how little it formerly amounted to, and (3) when and where he stated how little it amounted to. In answer to this, he now refers us to a statement in his *History of Scotland* (1901): 'I cannot entertain any certain opinion as to the entire or partial authenticity of the Casket Letters.' Now I cannot entertain any certain opinion as to what that means. It is not even clear whether he is uncertain both about the entire and partial authenticity, or only about the entire authenticity. But he goes on: 'I had in 1904 an additional shade of doubt. Mr. Henderson asks how much my adverseness amounts to, with two other equally sagacious queries. What questions! How can I make the quantitative estimate of a shade? Perhaps I may put it thus. In 1901 I would have laid seven to five; in 1904 I would have laid seven to four against the complete authenticity.' Now, I submit that my 'sagacious queries,' as Mr. Lang jocularly terms them, were quite natural and quite fair; and they are more than justified by his explanation. His first edition of *The Mystery* was published before the second volume of the *History*. If between the publication of the first and fourth editions of *The Mystery* he had discovered 'various reasons' for a more adverse opinion against the Letters, it would have been handier had he stated what they were. If they are in the text, they are not easily discernible. Indeed they could hardly be discernible if they are reasons for such a minute shade of adverseness. If then he deemed it incumbent to make special reference to this additional shade of adverseness, he surely ought to have done so in less imposing terms. He might, for example, have put it thus: 'Though the quantitative estimate of a shade is very difficult to make, the author thinks it proper to state that instead of being, as in the first edition, perhaps seven to five, his opinion is now perhaps seven to four against the complete authenticity of the Casket Letters, for reasons which, slight though they unhappily are and must be, he hopes the reader will appreciate,

after he succeeds in the inevitably difficult task of discovering them, in which he cordially wishes him all success.' Had he informed his readers of the change in his opinions, in terms which would have enabled them to discern its insignificant character, I might have been surprised at his taking the trouble to do so; I should not have been puzzled as to what he meant.

Disregarding details—which in such a matter are all-important—Mr. Lang supplies a kind of bald summary, or indefinite indication of the character of his private refutation of certain isolated points of my argument. I shall here mention the first, returning to the others, after a reference to Mr. Lang's conversion of himself. The first has to do with the mechanical task of forging Letter II. Here Mr. Lang replies by, unhappily, evading the point at issue, and refuting an argument I never advanced. In order to show how astonishingly easy it was to imitate Mary's 'large Italian hand,' he took the trouble to publish certain lithographed forged specimens of her handwriting, which, it so happened—quite undesignedly—were particularly easy to forge. This must have greatly impressed many clever people, who could not tell the real specimens from the forged; and amongst those whom it did immensely impress was Mr. Lang himself, who expressed doubt as to whether, even if the original Casket Letters were discovered, we should be able to tell whether they were forged or not. To remove this impression I showed in detail that the mechanical task of forging Letter II. would be exceptionally difficult, and that therefore Mr. Lang's illustrations, instead of being enlightening, were misleading. Mr. Lang now admits the 'hardness,' but who would suppose, from his manner of doing so, that he had published special illustrations to prove the contrary? More than this; what he mainly conveys is that I had argued that therefore Letter II., if forged, could not at Hampton Court have escaped detection. I did nothing of the kind. What I wrote was that 'so far from there being any presumptive evidence against the genuineness of the Casket Letters, on account of the ease with which Mary's hand could be imitated, the presumption, owing to the peculiar character of Letter II., is all the other way.' I never either said or supposed that it was in itself decisive of the whole matter, or that the whole question turned on the difficulty of the forgery. So far from this, I pointed out that, owing to the overwhelming character

of the other evidence, the question of the ease or difficulty of the forgery might be a minor one; and I, in effect, argued that in this case it was so. Thus if this example, specially selected by himself, be a fair specimen of Mr. Lang's method of meeting my argument 'point by point,' it quite fails to indicate the cogent character of his defunct reply.

As regards Mr. Lang's reference to his solution of the supposed internal difficulties of Letter II. I may state: (1) he exaggerated the difficulties, representing them as impossible, which they could not be, since he said later that they depended on a statement of Paris; (2) his discovery, which he was 'not glad to make,' he had almost no faith in, for it depended on a supposition 'which does not seem probable'; and (3) had he regarded it as a discovery, he ought to have mentioned that it would more particularly prove the genuineness of those portions of the letter specially under dispute; but he did not do so; he used it merely as a balanced probability, and as a contribution to his general balancing of probabilities. Having now, however, convinced himself that the whole of Letter II. is genuine, his former possible, if improbable, solution becomes an unqualified discovery; no 'dim sadness' now attaches to its possibilities, and he is not aware that the discovery had 'previously been made.' May I be excused for expressing the modest opinion that Mr. Lang's earlier estimate of his 'discovery' is, possibly, more correct than his later one. I am unable to convince myself either (1) that it is a correct solution, or (2) that another solution is not possible, or (3) that a likely supposition is not that Paris (whose evidence, by the way, was not before the English commissioners) told a lie, for the absence of Bothwell from Edinburgh best accounts for Mary's lack of an answer, as indicated in Letter I., which properly should be letter II.

But the matters that specially concern Letter II. are no longer points of vital dispute between me and Mr. Lang; for he is now convinced of its complete genuineness. On this point he has 'attained to that certainty in which Mr. Henderson abounds.' He did previously abound in a kind of certainty—the certainty of uncertainty. He now abounds in my kind; but he has not been infected by mine; his is a quite spontaneous outbreak. While, however, it is evident that Mr. Lang has been convinced of his errors by new arguments of his own, I should have liked had he gratified us by giving some inkling

as to the state of the odds, just before, or immediately after, he *tore up his reply*. Had I really produced no impression on him either way? Perhaps he did not himself know; but I infer that he was now so—unconsciously or not—convinced of the unauthenticity, that he, rashly, resolved to dare all hazards, and make a quite different kind of experiment. He tells us that he did not make the comparison between Crawford's statements and Letter II. so carefully before. Why did he not? There must have been a cause; but I see no evidence that he did not. His remarks in *The Mystery* (pp. 253-8) indicate a very minute comparison. He, then, noted as much as he notes now; but he noted it with a quite opposite result. He also, on this point, abounded as much in certainty as he does now. He had very little doubt that Crawford told the truth; and if that were so, he was certain that Letter II. was borrowed from Crawford, or, if not, then the Lords employed in Crawford a deliberately perjured witness, who took his facts stupidly, because verbally, from Letter II. In his converted state he is certain that Letter II. is not borrowed from Crawford, and he is at the same time convinced that in Crawford we have not a deliberately perjured witness. His former impossibilities have become not merely a possibility but a certainty. It seems advisable to press this point, for a special reason. Some may say that it detracts from the value of his new arguments. I do not: on the contrary I think it enhances their value; for the rooting out of old opinions is a very difficult process.

I who, otherwise, had convinced myself that Letter II. is genuine, may, or may not, be biassed in favour of Mr. Lang's special arguments, but I venture to give my opinion on them for what it is worth. I agree that the most cogent of them are the two on which he lays special stress: the one concerning the affair of Cunningham, and the one concerning Darnley's references to the English ship. Those two arguments are put in a very convincing way. But are they, in themselves, absolutely convincing; and are they either the only convincing, or the most convincing arguments in favour of the complete authenticity of Letter II.? I neither think that they are the only convincing, nor the most convincing, nor, in themselves—at least on Mr. Lang's conditions—perfectly convincing. They would be more convincing on my terms, for I think it impossible that Crawford or Lennox, or both, could, *knowingly*, be concerned

in concocting the forgery. But Mr. Lang has to contend with more than a probability of an opposite character; and I, for my part, am not prepared to maintain that the wickedly clever Maitland of Mr. Lang's imagination, could not, with the direct help of Lennox, or Crawford, or both, have done what Mr. Lang now deems impossible. Besides, the soundness or value of that kind of internal evidence which depends not on facts but on opinion, is very difficult to estimate. If the balance of the external evidence seems to be against it, then we cannot be so certain of its soundness; and this was Mr. Lang's case. He now politely appropriates a condensed remark of mine as a true, if undetailed, definition of the combined force of the arguments; but his politeness resembles that of the courteous highwayman: he has not the slightest right to these external arguments: he must earn external arguments for himself!

With some of Mr. Lang's other new arguments—of less moment—I do not quite agree: they are indecisive; they might be used either way. If Crawford's 'original points' do not, as Mr. Lang originally sought to show, almost necessarily point to forgery, they, in themselves, and, apart from other evidence, point rather to forgery than authenticity; and, again, they may be explained, not as Mr. Lang explains them, but simply by the desire of Crawford and Lennox to put Darnley's case in the best possible light. This might even explain the better expression for 'familiar with zow'; but here Mr. Lang has failed to note the stronger internal proof that 'familiar with zow' is a French idiom. Other French idioms, in the Crawford portion of the Letter and not in Crawford, are cited by me in *Casket Letters* (pp. 77-8). Other internal proofs are also referred to there (pp. 76-7). Some do not quite meet the later arguments; one or two are not altogether cogent; but among the majority that are, is, 'other conversations with Darnley in regard even to matters not mentioned by Crawford.'

Mr. Lang is now convinced that *the differences, not the verbal resemblances between Crawford and Letter II., are the important matter.* This is quite in the teeth of his previous conviction. Formerly he elaborated the coincidences: they were the extraordinary thing; now he elaborates the differences: they are the main conclusive matter. But is this not again to be 'pleased too much,' though pleased to quite a different tune? Were they, then, groundless—those old objections on which he and others laid such tremendous stress, those objections which

seemed so fatally to bar the way against the acceptance of Letter II.? Have those verbal coincidences vanished, or have they all but vanished, at the touch of this new alchemy of Mr. Lang? Not at all. They never were quite so extraordinary as it was sought to make out; but they are still, palpably, there; though they can be transformed—not by Mr. Lang's alchemy, but, as I sought to show, by the alchemy of the Draft Deposition—into one of the strongest proofs of the complete authenticity—a more reliable proof than that now elaborated by Mr. Lang, for it has to do with definite facts, not with mere opinion.

Whether Lennox had lost Crawford's notes is not a vital question; but I think he had lost them. He had, of course, no notes of Crawford's conversation with Mary, and none of his conversation with Darnley about his going to Craigmillar. Originally the Deposition (see Appendix C of my *Mary Queen of Scots*) was in three divisions, the middle one being, 'The words which the King spake unto me at hys departinge for the of Glasco' (*sic*). Moray's List of the Papers handed in (Goodall II. 88) does not favour Mr. Lang's supposition that Lennox preserved his notes. The whole Deposition, originally in three divisions, is referred to as 'the declaration of Thomas Crawford, alsua spokin by his awin mouth and writtin with his hand'; he is not represented as getting any of it from Lennox. The notes of Lennox, if he had them, ought to have been handed in separately, from the other two declarations of Crawford.

Mr. Lang's theory about the original autograph text of the notes being retained by the Lords is quite untenable; for only one document is mentioned as handed in, and it must have been that in two divisions. Crawford must have copied the final text as representing what he remembered. Or does Mr. Lang mean actually to suggest that the copy handed in was earlier than the draft (Appendix C)! This impossibility he must mean, if he is to retain belief in his theory.

As for the supposition that Lennox, on June 11th, 1568, should have written for notes which he had already in his possession, Mr. Lang says, 'it is an error of Mr. Henderson's.' Mr. Lang might easily have misunderstood me, but I was here pointing out (*Casket Letters*, p. xxvi) the contradictory character of Mr. Philippson's hypothesis. The substance of what Lennox wrote is stated by me on p. 85.

My old belief as to Wood not showing the letters to Lennox was a mere probability, and there was not then quite the same evidence available; in the new circumstances I at once recognised the cogency of Mr. Lang's statement, backed up by an additional proof of my own (see Appendix D). But this conclusion is more needful for Mr. Lang than for me. I can afford to do without it; he cannot (see *Mary Queen of Scots*, p. 642). And this brings me to the question of the evidence for the 'Blood-thirsty' Forgery.

In 'a not unsportsman-like spirit' Mr. Lang has told us much. But what about the 'Blood-thirsty' Forgery? Why leave us in the dark about this? If he has ceased to believe in its possibility, why not say so? If he still thinks it possible, why not say so? Or if he be merely wishful to show that *I* did not dispose of its possibility, why not say so? Its existence cannot now affect the authenticity of Letter II., but then how does the authenticity of Letter II. affect this startling creation of Mr. Lang's historic fancy? Is he still consoled by this fond day-dream? Or does it now live only in his memory, and is he merely wishful to excuse himself for ever having entertained it? This, for whatever reasons, he leaves us to discover.

Only the possibility of this theory stood—placed there by Mr. Lang—between the acceptance of the full authenticity of Letter II. Wherever it now is, it does not stand there; but for Mr. Lang, the possibility is, whatever he may think, in a sense—if not absolutely—as important as ever; for without it he can hardly but admit the general cogency of my argument. This argument, he says, was 'long and intricate'; but it was so, simply because it had to pursue the intricate windings of his own 'waverings': or, as it might be otherwise put, I had to expose the trail of his red herring. The question, in itself, is a simple one; it seemed not to be so, merely because, in the course of his 'waverings,' Mr. Lang had amassed a large collection of what he supposed were probabilities. These I sought to show were impossibilities; and I further maintained that when massed together they formed a towering pyramid which no human intellect could scale. To all this Mr. Lang now affirms he replied in his 'draft for this article.' He tells us only vaguely how he did it, but so far as I can gather, it was by putting all the accusers of Mary into one boat, and —after adding to them the Lords of the Articles, the members of the Scottish Parliament, and a large percentage of the Scottish

public—shipping them off, figuratively, to Botany Bay, whereas their destination, clearly, ought to have been a quite different sort of settlement.

My impression from this strange procedure of Mr. Lang, as well as from his deeds of derring-do in behalf of an imaginary 'First Indictment,' is that he has still a strong trust in the theory of the 'Blood-thirsty' Forgery; but 'you never can tell'—until you are told by Mr. Lang. That my change in the heading of the document caused him alarm I deeply regret, but in the case of history it is not quite safe to imitate the habit of the too sentimentally-curious lady novel-reader. As he very soon discovered—when he took the proper means to do so—I had no intention of seeking to convince by a mere heading. I was, in fact, only giving Mr. Lang 'tit for tat.' He was absolutely convinced—he said it could 'easily be proved'—that the document was prepared for an English Court of Justice; and, because there could be no English Court of Justice before Lennox saw Wood, he was absolutely confident that it was prepared after that event. His whole argument depended, and depends, upon his heading this document, 'The First Indictment.' Part of my reply was to point out that a Bill of Supplication against Mary was presented by Lennox and his wife shortly after Mary's arrival in England, and that this disposed of Mr. Lang's argument that the document could not have been prepared before Lennox saw Wood. Since also, as I showed, his theory was self-contradictory, he was, on his own terms, bound to accept my conclusion; but, nevertheless, absolute confidence in the Supplication theory was not so necessary to me as absolute confidence in the Indictment theory was to him.

Mr. Lang now affirms: 'Nothing [than my argument] could be of less consequence' to his argument. Could, then, the document not have been a draft for the Bill of Supplication? 'No,' says Mr. Lang: 'It is not a Bill of Supplication, there is no such document in the Lennox MSS.' Is it then the First Indictment? 'No,' I might reply: 'There is no such document in the Lennox MSS.' But, says Mr. Lang, the document 'is a bungling, self-contradictory, and perhaps mutilated history of the relations between Mary and Darnley:' therefore it could not have been a draft for the Bill of Supplication; it must have been prepared for an English Court of Justice! 'I insist,' so, in effect, he addresses the poor document, 'I insist that you are, or ought to be, an indictment, prepared for an

English Court of Justice after your stupid and crassly self-contradictory author saw Wood.' But though, figuratively, he proceeds to shake and belabour and abuse it, and to twist it this way and that, the stubborn, wicked thing refuses to be what it is not.

Mr. Lang now admits a 'confusion' of his in regard to this document, and vaguely attributes the confusion to a vague remembrance of an 'earlier document' [actually another 'Indictment'!] not now to be found. But there are no signs in *The Mystery* (pp. 182-190) that this was the character of his 'confusion'; and my exposure of the 'confusion'—that is contradiction—did not depend upon his having imagined the existence of another document (see *Mary Queen of Scots*, p. 645). It is as applicable to what he affirms of this document now, as it is to what he affirmed then.

Affirming that Lennox must have known the confessions of Powrie, Tala and Bowton, Mr. Lang's comment is: 'There is no limit to the crass self-contradictory averments of that crew!' 'That crew' must here be supposed to be self-contradictory in order to save Mr. Lang from being proved to be so; but there is not a shadow of evidence that Lennox knew of these confessions before he saw Wood. The presumption is the other way. After Moray accepted the regency, Lennox ceased to have official connection with Scotland; and not only so: since Moray and his associates did not wish to bring Mary to trial in Scotland, they would avoid sending evidence of her guilt to Lennox. The self-contradiction is thus merely a creation of Mr. Lang's imagination: the absence from the document of information in these confessions only proves that the document cannot be what Mr. Lang supposes it to be.

Further, Mr. Lang affirms that this document is 'rich in reports and sayings derived from Mary's servants.' *It is not* (see *Mary Queen of Scots*, pp. 658-9). Most of Mr. Lang's supposed 'servants'' reports must have been merely those of Darnley. Even that about what was said at Jedburgh might have been Darnley's; and in any case, since it was 'openly spoken,' Lennox could very well have heard of it before he left Scotland.

Finally, Mr. Lang says: 'We even possess a document from Scotland containing some answers to Lennox's requests for servants' reports,' and after giving samples he concludes with the categorical assertion: 'So Oo. 7. 47. f. 17. b is subsequent to

June 11, when he asked for the reports.' Now it may be asked, are any of the 'answers,' which this paper contains, embodied in the 'First Indictment?' *None whatever.* This I can vouch for, as I possess a copy of the paper: and therefore the paper tends not to establish Mr. Lang's conclusion, but an exactly opposite one; it tends to show that the 'document' was prepared *before*, not *after* Lennox received the 'paper.'

Lately it has been not unusual to belittle the Casket Letter controversy as a mere side issue—as concerned rather with an antiquarian puzzle than a vital historical problem. Even Professor Hume Brown, in his *History of Scotland* (II. 131), expresses himself thus: 'Whether Mary wrote the Casket Letters, therefore, can hardly be considered a historical question.' On the contrary, is there a question more vitally historical, so far, at least, as history has to do with historic personalities? More than this: is there in the Scottish history of the sixteenth century a much more momentous event than that lucky, or unlucky, find in the squalid garret of the Potterrow? The artificial mists of dubiety that, in the course of centuries, gradually gathered round the authenticity of the Letters, have prevented many from realizing the enormous political effect produced not in Scotland merely, but in Europe, by their discovery. Whatever the doubts of the pamphleteers, who were not behind the scenes, we may be sure that in the sixteenth century, no doubt of their authenticity was entertained by the chief European politicians—including even the Pope himself. The Guises evidently had none, nor the French sovereign and ministers, nor Elizabeth and Cecil, nor Mary's accusers, nor her defenders, nor herself. The discovery broke for a time Mary's own spirit; it paralysed the efforts of her friends both in Scotland and abroad; it was a very Godsend to her enemies; it tied the political hands of France; it immensely strengthened the hands of Elizabeth; it foiled the policy of Rome; it gave a new impetus to the Scottish Reformation; it remained a suspended sword over Mary's own head; it induced her to consent to her own deposition; it practically sealed her fate both in Scotland and England.

But here I confine myself to the bearing of the question on the conduct of her accusers. Professor Hume Brown is, for example, persuaded of the truly brotherly conduct of Moray towards his sister. But this, whether otherwise maintainable or not, cannot be maintained so long as there rests on him the dark shadow of a possible connection with such a base political

forgery against her. Again, to the late Sir John Skelton belongs, so I humbly think, the credit of being the first adequately to appreciate the character, abilities and motives of Maitland; but this spirited attempt to draw a consistent portrait of that notable man ended in lamentable failure, because of Sir John's belief in the forgery of the Letters. Mr. Lang again, unlike the two historians now mentioned, has not failed to recognise the vital bearing of the question on the character of Mary's accusers. To give a semblance of credibility to his theories, he had to depict the Maitland of Sir John Skelton's admiration as perhaps the meanest political villain in all history. Is he still of opinion that Maitland—for the one forgery, if not for the other—was the object of Mary's direst hate? Or what now is his opinion of Maitland? To render sufficiently plausible his version of the tragedy, he had to crowd his piece with villains, to jumble their motives together, and to double-dye them in hues too deeply and monotonously dark. Should he get quit of his remaining theory, he may be able to discover that some of the supposed villains—as Lennox and Maitland—were, in their conduct towards Mary, no villains at all, and that none of the others were quite so black as he has sought to paint them.

T. F. Henderson.

[*The Editor has received the following note from Mr. Andrew Lang: 'I have to thank Mr. Henderson for his assurance that he did not doubt "the sincerity of my historical convictions." I quoted, in my recent article, those passages of his which, to myself, appeared to impeach my honesty; to attribute to me the purpose of misleading my readers. To reply in detail to Mr. Henderson's long paper would demand more space than I like to ask from "The Scottish Historical Review."'* *Ed. S.H.R.*]

The Market Cross of Aberdeen

THE market cross of Aberdeen, the finest and best preserved of all the seventeenth century market crosses of Scotland, occupies a site in the Castlegate of the city on which a market cross has stood since, at least, the days of Robert the Bruce. Like other towns—Elgin, for example, at the present day—Aberdeen once had two crosses. One was the 'fish cross,' in the east end of the Castlegate, round which the fisher folk displayed their wares until the removal of the fish cross in 1742. The other, situated at the western end of the spacious market place, was known as the 'flesh cross,' from the circumstance that the booths of fleshers stood near it for many years in times when flesh meat was allowed to be sold on only certain days of the week.

The present market cross dates from the year 1686. About the previous crosses very little is known with certainty, apart from the fact that at the Reformation the 'crucifix' on the market cross of Aberdeen was so much a stone of offence to the zealous Reformers that they 'dang it doun,' as they did also the sacred symbol on the market cross of Old Aberdeen. But while little is known of those earlier crosses themselves, we know them as the centre of many notable events in local and national history.

The celebrations most familiarly associated with our earlier market crosses were the rejoicings on the occasions of a royal visit, royal birthdays, coronations, and such like. We are often told how, on such occasions, as William Dunbar tells of a visit of Queen Margaret to Aberdeen in 1511, that

'The Croce aboundantlie ran wyne.'

It was a form of celebration that subsisted for a very long period of time, and it is curious that when the present cross of Aberdeen was moved from its former to its present site in 1842, a pipe was found running up the centre column, from

which it was supposed wine flowed on some occasions of the kind.

The supply of wine, however, that ran on such occasions was not quite so plentiful as is popularly supposed. No doubt, at the coronation of Charles II., when the whole country made extravagantly merry, no less than 'twa punsheoners of wyne, with spycerie in great aboundance,' was dealt out at the market cross of Aberdeen. But that seems to have been exceptional. On the birth of a prince to James VI., the amount of wine distributed at the cross was five gallons, and when a royal Duke was made a burgess of the town in 1594, the only expense incurred was £4 Scots 'for a galon of wyne spent at the croce.' It was often the case that only a very limited number of persons partook of the wine that flowed at the market cross. Thus, amid the great popular rejoicings that took place in Aberdeen at the absolving of the Earls of Huntly and Errol, after their rebellion in 1595, only eighteen persons drank of the wine at the market cross, who followed the practice, still indulged in sometimes, of breaking their glasses when they had finished.

The market cross, as the centre of burghal life, was naturally often the scene of punishments when it was desired to make a public example of any specially gross offender, or any specially heinous offence. In 1563 two Flemings were ordered by the Magistrates of Aberdeen to be taken to the market cross and have their right hands struck off, for cutting the cable of a ship in the harbour and stealing the 'cutt'; but the punishment was remitted by the Town Council on the culprits appearing at the cross and bringing the cut cable with them, and by holding up their right hand and giving praise to God and thanks to the Council for the favour that had been shown them.

Twenty years later, two persons convicted of adultery were sentenced to be bound and exposed at the market cross for three hours, thereafter to be burned with a hot iron on the cheeks and banished from the town. In 1617 a person was pilloried at the cross and banished from the town for insulting one of the baillies; and in 1640 a female, for unbecoming behaviour, was sentenced to be scourged at the cross, to be drawn in a cart through the streets, bearing a paper crown on her head, the bellman going before proclaiming her offence, and her banishment from the town.

Proclamation at the market cross was at one time held to

be an essential element in the promulgation of a new law. Indeed, we find the Scots Parliament in 1581 solemnly discussing the question of how far the public were bound to observe Acts of Parliament unless they had been proclaimed at the market crosses of the chief burghs throughout the country. And in order to remove all doubt, an Act was passed that in future all statutes should be proclaimed at the cross of Edinburgh only, which publication was held to be 'als valiabill and sufficient' as if the publication had been made at the market crosses of all the shires within the realm.

Notwithstanding this Act of 1581, practically all national proclamations continued to be made at the market cross of Aberdeen—and in the other larger towns as well. One of the most singular was made only two years afterwards, 1583, when the national authorities were taking alarm at the use being made of the new printing press for the issue of anonymous political squibs in the form of ballads and other publications. Proclamation was made of an Act of the Privy Council that 'Na prenter sall presume or tak upoun hand to prent any buikis, ballettis, sangis, rymes, or tragedeis, ather in Latine or Inglis tounge, unto the tyme the same be sene, vewit, and examinat be wise and discreit personis depute thairto.'

One of the earliest proclamations of which there is a record in Aberdeen has some resemblance to the Act anent undesirable aliens of a few years ago. It was in 1348, and embodied an Act of Parliament then passed prohibiting Flemings—mariners excepted—from resorting to Scotch towns for business purposes and so depriving Scotch merchants of legitimate trade in Flanders. The original proclamation is one of numerous ancient documents still preserved in the charter room of the Aberdeen Town House, with its seal in white wax still entire.

Before the old cross of Aberdeen was removed, a very interesting and solemn ceremony took place there, which recalled the exploits of the great Montrose. The execution of Montrose took place at the market cross of Edinburgh on 21st May, 1650. He was captured in the end of April, and was ordered by the Estates to be hanged at the cross. Says a contemporary record: 'This sentence wes punctuallie execute upon him at the Mercat Croce of Edinburgh upon Tysday, the 21st day of May, 1650, and he hangit upon ane high gallows, maid for the view of the pepill more than ordinar, with his buikis and declarationnis bund upon his bak. He

hang full thrie houris; thaireftir cut doun, falling upon his face, nane to continance him bot the executioner and his men. His heid, twa leggis, and twa airmes tane frae his body with ane aix, and sent away and affixit at the places appoyntit thairfoir, his body cassin in to ane lytill schoirt kist, and takin to the burrow muir of Edinburgh, and bureyed thair amang malefactouris. His heid was spiket on the Tolbooth.'

About a dozen years after Montrose's death, his son and successor petitioned the Town Council of Aberdeen—as of other places where the Marquis's limbs had been exhibited—to restore for decent interment one of the dismembered limbs of the Marquis, which had been exposed on the Justice Port of the town and afterwards buried in St. Nicholas Churchyard. The Council agreed not only to restore the dismembered limb, but to make some measure of public atonement in the doing of it. Accordingly, guns belonging to the town were brought up to the market cross, and were discharged while a procession of the Town Council and inhabitants of Aberdeen, carrying the recovered limb in a coffin, marched from St. Nicholas Church to the Town House, where the remains lay in semi-state till arrangements were made for their transport to Edinburgh for interment in Holyrood. The town suffered much from Montrose both when he was a Covenanter and when he became a Royalist, but by 1661 popular opinion had given him that martyr's crown which has remained with him ever since.

It was shortly after this, in 1664, that the Town Council of Aberdeen felt the necessity of providing a more imposing market cross. 'Taking to consideratioun,' says the register of their proceedings, 'that notwithstanding this burgh is ane of the most antient royall burghs of this kingdome, the mercat croce thairof, which should be ane ornament thairin is farr inferior to many meaner burghs; therfor ordanes the dean of gild to caus mak up the mercat croce of the said burgh in the west end of the Castellgait with hewin and cut stanes, according to the stane and forme of the mercat croce of the burgh of Edinburgh, and to caus bring home stanes, and to do everie thing thair anent.'

The new cross was not actually begun till 1686, but in that year John Montgomery, of the rural Aberdeenshire parish of Old Rayne, who had, however, formerly been a prominent member of the mason craft in the burgh, contracted with the

Council to provide this fine new cross for the sum of £100 sterling, with £7 14s. additional for the making of a wooden model. It was to be strictly according to the design of the then existing market cross of Edinburgh, 'with chops underneath.'

The only cross that can now compare with the market cross of Aberdeen is the cross of Preston, Haddingtonshire—a county rich in interesting market crosses; but although Preston cross is sixty years older, having been erected in 1617, it lacks the grace of the Aberdeen cross, with its open arcade, and the latter is unique in having sculptured on its octagonal sides, above the arches, portraits of Scottish monarchs, with the royal arms and the arms of the city. From an architectural point of view the cross is not pure, but reflects the mingling of the 'styles' that went on all over the country in the Jacobean period.

Like the Preston cross, as also the ancient and long since demolished market crosses of Edinburgh, Dundee, and Perth, the cross of Aberdeen was built of solid masonry underneath the arches, and 'chops' were located there (it once accommodated the Aberdeen Post Office), from which a needy Town Council drew a modest revenue for a century and a half. In 1842, as already stated, the cross was removed to a more eastward site on the Castlegate, and on its being rebuilt on its present site the arches were left open, and the graceful appearance of the structure was thereby very much enhanced.

This was, it may be said, the second rebuilding of the cross. In 1821 the Magistrates ordered it to be thoroughly cleaned and repaired. After operations were begun, it was found necessary to take down the whole structure, and re-erect it from the foundation. Although great care was taken, the beautifully floriated Corinthian column which rises from the centre of it unfortunately fell, and was broken in three parts. It still stands, however, and the careful mending of 1821 is easily discernible. At that time a singular discovery was made in regard to the unicorn which surmounts the central column. When the cleaning operations began the whole structure was black with the grime of years, and seemed to be made entirely of sandstone, as had been agreed upon, but as the cleaning went on the unicorn began to assume a whitish tint, and it was then found that it was made of pure white statuary marble.

We have already noted some of the punishments that were inflicted at the market cross. The most curious episode of this kind is said to have taken place soon after the new cross of 1686 was erected. It is told of Peter Gibb, father of James Gibb (or Gibbs, as he came to be called), the noted Aberdeen architect, designer of the Churches of St. Mary-le-Strand, St. Martin's-in-the-Fields; the Senate House, Cambridge; Radcliffe Library, Oxford, and other well-known buildings, that, being a Roman Catholic, and something of a wag, he wished to cast some ridicule on his Protestant fellow-townsmen, and so named one of his two terriers Calvin, and the other Luther. The Magistrates are said to have publicly reproved him, and sagaciously ordered the two dogs to be hanged at the market cross.

The public records of Aberdeen contain no reference to this, but they do make mention of an incident which happened at the market cross in 1745. When the Jacobites possessed themselves of Aberdeen in that year, they obtained the keys of the market cross, from which they proclaimed Charles Edward king. Meantime, a party of them had seized Provost Morison, whom they dragged to the cross, but they completely failed to make him drink the health of the new sovereign, and had to be satisfied with pouring the wine down his breast. From the resistance he made, Provost Morison—who was the father of Dr. James Morison, originator of the Strathpeffer Spa—was afterwards known as 'Provost Positive.'

The Aberdeen market cross narrowly escaped complete destruction in the early years of last century, when many, even of the leading citizens, looked upon it merely as an obstruction on the street. Fortunately, it was saved. It is now cherished as perhaps the most interesting of the older structures in the whole neighbourhood. Within the last few months, by order of the Magistrates and Town Council, it has undergone a process of repair and cleaning, and the milk-white unicorn once more keeps guard over the grim portraits of the Scottish kings.

G. M. Fraser.

Henry Ker of Graden

HENRY KER of Graden,[1] perhaps the most picturesque, if one of the least known, figures in the '45, came of a warlike stock. In Border annals the Graden-Kers play, as moss troopers, an important part, and the site of their moated keep is still pointed out at the upper end of the parish of Linton in Teviotdale. Owing to the destruction of their early muniments by the English, let alone the sasines 'lacerate and destroyed by rats,' and the confusion arising from the existence of another Graden in the Merse, also 'owning the rule of Ker,' the family history is hard to unroll; still, enough is known to establish their tenure of lands and a Tower in Teviotdale prior to the Reformation.

In later days, the family politics were strongly Cavalier. Thus, when Montrose was on Tweedside, in the autumn of 1645, we find Andrew Ker of Graden closeted with the Marquis at Kelso, and carrying despatches about the country. After Philiphaugh, he and his retainers turned their nags' heads for Graden Peel, and seven Sundays, in sackcloth, at the door of his Parish Church was the penalty Andrew Ker paid for 'correspondence with excommunicate James Graham.'[2] In the summer of 1648, Ker of Graden joined the army of the Engagement, under Hamilton, crossing the Border as 'Lieutenant Colonell to an English Regiment of Horse.' Along with him rode his two sons, 'Captain Harrie' and 'Coronet Andrew.' Thirty years later 'Captain Harrie' re-appears, a Justice of the Peace for Teviotdale busy suppressing conventicles. In short, what with English marriages, disputed rights of sepulture, and qualms of conscience about taking the

[1] In addition to Church records, private papers, and the MS. Collections at the Public Record Office and British Museum, the writer is mainly indebted to the Graden Forfeited Estate Papers, preserved at the Edinburgh Register House.

[2] Kelso Presb. Reg.

Covenant, the family during many generations had 'murdered sleep' for the civil and ecclesiastical authorities. Towards the dawn of the eighteenth century, they settled down into prosaic law-abiding husbandmen, financially somewhat out at elbows. Under a wadset, Pringle of Crichton claimed the oldest corner of their estate in 1688, when the family settled across the valley at Wester-Hoselaw, which they renamed Place-Graden,[1] and here, about the year 1698 apparently, Henry Ker the Jacobite first saw the sun.

'Born,' to use his own words,[2] 'in the shire of Teviotdale in Scotland,' and having 'had the misfortune to lose his father,' Archibald Ker of Graden, while still a child, Henry was reared under the guardianship of his mother Helenor, a daughter of Sir James St. Clair of Roslin, who 'brought him up a Roman Catholick, and sent him early into the Spanish Service.'

That Lady Graden should select the Spanish army for her son was natural enough, since she had kinsmen in that service, while her youngest brother, Thomas St. Clair, went shortly after to live in the Peninsula, where he had come in for a windfall of doubloons on 'the death of his brother-in-law, Captain Wachup.'[3] Thomas St. Clair was a 'St. Germains bird' and as a Jacobite go-between unequalled. Lockhart of Carnwath commends him, in that capacity, to the old Chevalier at Avignon, as 'the cliverest fellow in Europe. . . . He knows all the ports in most countries, he has wayes peculiar to himself (of which he gave good proofs at Perth, 1715) in going about such errands; he's zealouslie honest and as closs as a stone.'[4]

Oddly enough the name of Ker, about this period, in Spanish diplomatic circles, was almost a household word. In

[1] New, or Place-Graden, had been in the possession of the family since 1528 when Hugh Lord Somerville granted the lands of Wester-Hoselaw, formerly belonging to Mark Ker of Dolphinston, to Andrew Ker of Graden, by charter, the duty being two white roses at the Feast of the Nativity of Saint John-Baptist, if asked.

[2] S. P. Dom., Geo. II. 86.

[3] According to Father Hay, Helenor St. Clair was born on 15th March, 1670, but he is at fault in describing her as 'Lady Gredane in the *Mers*.' Thomas St. Clair, born 4th March, 1676, married Elizabeth, daughter of Captain Wauchope, a brother of Niddrie, vid. *Genealogie of the Sainteclaires of Rosslyn*, p. 165.

[4] *Lockhart Papers*, ii. 390.

the cypher correspondence of Ormond and Cardinal Alberoni for instance, 'Ker's House' spelt Spain, while 'Mr. and Mrs. Ker' were cant names for the King and Queen.

As regards Henry Ker's fifteen years' sojourn in the Peninsula, 'ever since 1722, when a little above twenty years of age, he had been a Captain in the Service of the Crown of Spain. First, in the Regiment of Limerick, as appears from the Register with Counto Doria, Principal of Valentia, and afterwards by order of Don Lucas de Espinola, Director-General of Foot, he was removed in 1728 to the Regiment of Irlanda.'[1] This latter Regiment was founded by Philip III. for those Irish Catholics who emigrated to Spain after the suppression of Tyrone's Rebellion, and a glance at its muster-roll reveals the fact that Henry Ker must already have made the acquaintance of Stapleton, and others, who afterwards served with him in Scotland. On quitting the Spanish Service, Henry Ker came home to till his patrimonial acres in Teviotdale, and in 1738, as 'grandnephew and heir of line to the last Lord Rutherfurd,'[2] he appears in an action for reduction before the Court of Session at Edinburgh. 'Soldiers in peace,' says Herbert, 'are like chimneys in summer,' but, as landlord and country gentleman, Henry Ker found ample vent for his energies, and took an active interest in parochial affairs. Years before, possibly to launch him in life and purchase his first uniform, Walter Douglas, the then parish clergyman, had lent Henry Ker £700 on bond, and in the summer before the 'rising' we find the laird of Graden presiding over a conclave of heritors deep in school fees, pauper doles, and the recovery of two years' stipend, which it was alleged, apparently without foundation, had been annexed by Lord Haining, the patron.

When, and where, Henry Ker joined the Highland army is uncertain. He first comes into view 'two or three miles to the westward of Edinburgh,' the night before the Jacobite entry, 'wearing a white cockade, a broadsword by his side, and a pair of pistols before him as he rode.' Home's[3]

[1] Henry Ker's Memorial and Petition, docketed 4th Oct., 1746.

[2] Through the marriage of his grandfather, Henry Ker of Graden, with Lilias, sister of Robert, 4th Lord Rutherfurd. The marriage contract is dated at Holyrood House, 1. December, 1666. This Henry was no doubt the '*Laird Gredden-Kar*,' who appears as a Juror at the trial of Argyll in December, 1681. vid. *The Scotch Mist Cleared Up*.

[3] *History of Rebellion*, p. 111.

description of Ker of Graden reconnoitring in the meadows below Tranent, on the eve of Prestonpans, is valuable, as the work of an eye-witness: 'He came down from the Highland Army, alone; he was mounted upon a little white poney; and with the greatest deliberation rode between the two armies, looking at the ground on each hand of him. Several shot were fired at him as he went along; when he came to a dry stone dyke that was in his way, he dismounted, and, pulling down a piece of the dyke, led his horse over it. He then returned to Lord George Murray and assured him that it was impossible to get through the morass, and attack the enemy in front, without receiving several fires.'

In England, Henry Ker's most notable exploit was the capture, at a village tavern in Staffordshire, of Captain Weir, Cumberland's 'Principal Spy.' Nominally Colonel Ker's post was that of Aide-de-Camp, and, 'whenever there was a halt anywhere,' he was 'always waiting at the Prince's quarters for orders'; but he played many parts, and had the reputation of being the 'most vigilant and active man in the rebel army.' So active was he, indeed, that his movements are hard to follow. But, whether raising a redoubt on the quay at Alloa, paying his cess to the 'Chevally's Collector' at Jedburgh, scouting towards Wooler to amuse the enemy while the Prince lay at a house belonging to Sunlaws in Kelso, attending to the comfort of the men on march, riding through the fields at Clifton under fire, 'as if it had been a review,' in the drawing-room at Holyrood House or at Culloden, with his sword drawn, 'endeavouring to rally the rebels after they began to run away,'—his services to the expedition were many and varied. O'Sullivan bore the title, but to all practical intents Ker of Graden did the work of Quartermaster-General in the '45.

Schooled as a tactician in one of the first armies of Europe, he had evidently little patience with the clansmen's guerilla mode of warfare. The contempt of the old regular for the militiaman, mingled perhaps with a touch of the racial disdain of the Lowlander for the Celt, leaks out at times, and on one occasion gave umbrage to Lochgarry: 'As to Mr. Ker's writing on this subject he must be but ignorant concerning our clans so I cant see what he can say on that head. . . . All I know about him is that he is very brave,' and Lochgarry adds that 'if the whole aid du camps had minded their

duty on the day o' Falkirk' (as Ker did) 'the affair would have been otherwise.'[1]

Throughout the expedition Henry Ker was 'much in the company of Lord George Murray,' who counted him 'an excellent officer,' and, when blows were imminent, he was almost invariably sent on ahead to reconnoitre, and 'choose the properest ground to come to action.' At Drummossie, his opinion was, we know, overruled, for Lord George quotes Henry Ker as voting with himself against 'the plain muir,' and in favour of the rough ground across the Nairn, which Ker and Brigadier Stapleton had just examined. Only to gratify the Irish party, 'too unhardy to enjoy a hill warfare,' Culloden Moor was chosen.

After attending the fruitless rendezvous at Ruthven in Badenoch, Henry Ker set his face for the Braes of Angus. Three weeks later he was taken, by a party of the King's troops, near Forfar, and lodged in Perth Tolbooth. Here he found a hundred and thirty Jacobite prisoners; among others, Lady Strathallan, Stormonth of Pitscandlie, Sir James Kinloch and his two brothers. The following account of his examination before Sheriff Miller on the 6th of May we found in a small green chest, full of Jacobite and other papers, preserved in the Municipal Archives at Perth: 'Examined if, or not, he did bear arms in the Pretender's eldest son's army, Mr. Ker answered that he refuses everything. The Sheriff having askt him if he is a Protestant, he answered in the negative and says he is Roman Catholick or Popish. Then the Sheriff required Mr. Ker to subscribe what is above written which he refused to do, and what passed between the Sheriff and him is in open court, in presence of several gentlemen of honour.'

Transported to Inverness in the end of May, Henry Ker along with many others was put aboard a Government tender bound for the Thames. If one may credit the accounts[2] given in Jacobite Memoirs, the treatment of the captives, during their three weeks' voyage, was worthy a slave dhow in the Middle Passage, and official reports survive to prove the Government vessels 'very unhealthy, and the prisoners very sickly.' On Saturday, the 21st June, the ships came up the river. Landed doubtless at the cluster of quays beneath Old London Bridge, Henry Ker and his companions were marched,

[1] *Itinerary of Prince Charles Edward Stuart, Scottish History Society*, p. 126.

[2] Vid. *Lyon in Mourning, Scottish History Society*, iii. 157.

through a scowling and curious mob, to the New Gaol, Southwark. This building, in which he spent the next two years, although styled by courtesy the New Gaol, was in reality one of the oldest[1] in London.

A hold of debtors and felons, what with 'dirt, vermin, and Gaol fever,' the Scots officers must have found it a sorry residence. Thirty years later, when Howard[2] visited the place, he found 'no chapel, no infirmary, when sick felons lay on the floor, no bedding, not even straw,' while the prison fare, apart from Nell Gwynn's loaves, consisted of 'three ha'porth of bread a day.' Granted 'pen, ink and paper to draw Petitions,' Henry Ker's first care was to send the following letter[3] to 'Mr. William Ker, writer and town clerk of Kelso.'[4] The forerunner of many similar epistles, duly docketed by the receiver, 'Gradon calling for'—money:

'Southwark, New Gaol ye 24th. of June 1746. D[r] Sir, as I have the misfortune to be involved in the almost general calamity. Money is a thing absolutely necessary here, for which pray send me twenty pound with all diligence. I doe not doubt but creditors have done all for their own security. I presume that they can have no access till affairs be decided here, so that I think that I have access to the current rents which you'll apply no other way but to the support of my sister (who I hope you will not let want) and myself. As I have had a violent fever, my head is very confus'd but

[1] The White Lion Prison, or New Gaol, which stood hard by the Old Marshalsea, immortalised in *Little Dorrit*, originally formed part of the religious house of S. Mary Overies, annexed by Henry VIII. It was pulled down in 1879.

[2] *State of the Prisons*, p. 233.

[3] Forfeited Estate Papers, Edinburgh Register House.

[4] From an old Diet Book it appears that William Ker was Clerk to the Duke of Roxburghe's Baron Baillie Court. In August, 1745, he became Clerk to the Justices of the Peace for Roxburghshire. In that capacity he writes to the Lord Justice Clerk: 'Kelso. 10 o'clock before noone . . . a party of 40 rebels arrived here last night. Six Highlanders arrived this morning with an order from Kilmarnock. . . . We are all here in utmost confusion.' Kilmarnock's letter is dated, at Blackbaronney, 3rd Nov., 1745, and orders the Provost to 'provide billets and provisions for 4000 men, and 1000 horse, tomorrow night. This you are to do at your peril.' William Ker, it may be noted, was still alive in Sir Walter's youth, and may well have furnished him with the prototype of 'Provost Crosbie' in *Redgauntlet*, as his Quaker neighbours, the Waldies of Henderside, undoubtedly suggested 'Joshua Geddes of Mount Sharon.' Vid. Sc. S. P. Geo. II. and Lockhart's *Life*, i. 118.

hope in my next to be more distinct. . . . P.S.—Andrew Moir will give you his brother's address here, to whose care you'll please direct to me. Adieu. H. K.'

The address given was that of 'Mr. Wm. Moor, attourney at law near Wapping Church.' This Wapping attorney, not improbably the 'council' who defended Graden at his trial, was a Scotsman, and brother of Andrew Moir of Otterburn in Teviotdale, who had 'married a daughter of the family of Graden.' Mrs. Jean Ker, the sister referred to in this letter, had been reduced to penury by the 'rising.' From her place of retirement in Edinburgh, on 19th February, she thus writes:[1]

'To Mr. Wilam Ker, Clark in Kelsay. Sir, I received yours yesterday with the 5 pound for which I am veray much obleged to you for I thought to have sen my brother bifor this team. I heard last wick that he was well. As for what pepars you want, send me word, and you shall heve them, for my brother order me to give you what pepars you cal'd for. I wish you were in toun and you would tak eany you heave ockeson for. They are just now out of the hous, for my hous at present is not safe for them. The Puris[2] pays to mi 2 ston of buter and 2 ges. The ges I got, not the buter. They sent me some.'

'Sundry witnesses' from Graden had been 'called to London about the tryal,' and on 26th June, Henry Ker made his first appearance in the Court House on St. Margaret's Hill. At the final trial on 6th November he rested his defence solely on the fact that he was a Spanish officer, and 'Spain being at war with England he could not be guilty of treason in obeying his master, whom he served.' But 'offering no evidence that he was born out of the Kingdom, or pretending that he was so,' his commission moreover having been 'lost, with great part of his baggage, at the battle of Culloden,'[3] the court would not admit this evidence; and having no other, he was found guilty, and condemned to die, on 28th November. The actual death warrant lies before us, a sufficiently gruesome document. Happily, however, Henry Ker

[1] Forfeited Estate Papers, Edinburgh Register House.

[2] George and William Purves were tenants of Place-Graden, and their rent was payable partly in kind, viz. '2 stone of cows butter on 1 November, and 2 fatt geese at Christmas.'

[3] S. P. Dom., Geo. II. 92.

had powerful friends. 'Don Pedro de la Mare, his Catholick Majesty's Ambassador at the Hague,' had already been 'ordered to signifie to the Court of London,' through Mr. Trevor, the British Ambassador, that 'Henry Ker was a Spanish Officer, and hoped he would be treated as a prisoner of war.'

Early in summer the Duke of Roxburghe had written, begging a pardon for Henry Ker, whom he describes as 'a gentleman related to my family.'[1] Fortunately also the case of James Hay, a French officer, reprieved at Carlisle, could be quoted as a legal precedent, with the result that three days before the date of execution a reprieve for two months was granted, and, after some delay, a pardon. The pardon, however, was 'stopped at the Privy Seal,' and Henry Ker lingered on in gaol. No doubt one fruit of that winter in Southwark was 'Colonel Ker of Gradyne, his Account'[2] of Culloden. Better at his sword than his pen, writing in the third person, and occupying himself mainly with military details, the personal note is rarely struck; hence 'Gradyne's Account' may appear to the modern mind rather a dull document. By his own generation, however, it was eagerly devoured. It crept north to Edinburgh. Bishop Keith had a copy, and, down in the Canongate, we find elect dames like the Countess of Dundonald and Lady Mary Cochrane poring over its pages in their closets.

Many letters passed that winter betwixt Henry Ker and the town clerk of Kelso, who kept him in touch with his tenantry. Thus, on 31st January, 1747, the prisoner sends minute instructions regarding the renewal of a lease: 'If you have not Laidlaw's tack desire my sister to send it you, and in writeing the new one take care to insert the clause about the houses which, in compairing his copy and mine, you'll find was overlook'd, in one of them, in the transcribeing.'

Laidlaw was an ancient tenant who for fifty-three years had occupied the now vanished holding of Hoselaw-hill. 'During which time' (so he tells the Barons of Exchequer) 'he had endeavoured to maintain a good character in the worst of times, and remained unshaken in his duty and allegiance to the Government.' Regular in paying his rent to 'Graden

[1] The Duke's letter is unaddressed. It is dated from 'Braywick, July 19, 1746.' Vid. Brit. Mus. Add. MS., No. 32707, f. 435.

[2] Vid. *Lyon in Mourning*, *Scottish History Society*, i. 355.

himself,' as appears from a book of receipts, commencing in 1725, he was slow to swell the Hanoverian Exchequer. After the Forfeiture, it is evident that Graden's old tenants did not take kindly to the new regime, although William Ramsay of Templehall, the Crown Factor, at his first coming, laid out some Government gold, in '*recommending their new master.*' After much bickering and some litigation, several were 'thrust out,' among them William Laidlaw. One act for which posterity will scarce thank the Crown Factor was the taking down of the old Tower[1] of Graden, a nest of mosstroopers since Flodden.

The same summer which saw Henry Ker emerge from Southwark, witnessed the death at Richmond of his famous countryman, James Thomson, the 'Scottish Virgil.' Whether poet and soldier ever met is uncertain. As Thomson's small ancestral estate of Widehope lay upon a spur of the Cheviots, not many miles from Graden Tower, they can hardly have been unknown to each other by name. They had at least one friend in common, since it was to Sir Andrew Mitchell, the Prussian Secretary, Thomson's Executor, that Henry Ker owed his release from Southwark.

The warrant for his removal to the house of William Ward, King's Messenger, bears date 6th April, 1748, and on 10th June he is still 'in the custody of Mr. Ward.' At this point Henry Ker disappears. In an official 'list of rebels pardoned on condition of Transportation for life' his name occurs, indeed, but with this note appended: 'Pardoned on condition of remaining in such *place in England*, as shall be appointed.'[2] Whether the place was never named, or whether the Government winked at his escape, we have been unable to learn. At any rate he got off, oversea, for, when the curtain rises on the last act three years later, we find him back at his old trade, soldiering in sunny Andalusia, the garden and granary of Spain.

Despite Cervantes, who makes San Lucar a den of rogues, Ker of Graden might, by all accounts, have lighted on many a less pleasant spot in which to end his days. San Lucar was a garrison town, the residence, since 1645, of the Captain-

[1] The contract is dated 28th June, 1760, and runs: 'To taking down the old house, and winning out of ye old Tower £2–15s.' By November 24th the work is reported as done.

[2] S. P. Dom., Geo. II., vol. 109.

General of Andalusia. From the battlements of its Moorish Castle he might see daily the glittering spires of Cadiz, the scattered pastures across the river, which furnished the bull-rings of Seville, and the woods of Medina Sidonia, rich in game. One likes to picture the old Jacobite, easily recognisable by 'the flesh mark upon one of his cheeks,' hunting with his brother officers in the coto, at the British Consulate with Mark Pringle,[1] or in garrison, after mess, fighting his battles over again. When conversation flagged round the charcoal brazier, we may be sure the exile's thoughts would often turn to his old neighbours and tenants in Teviotdale, his grey Peel on the dry marches, where

'Cheviot listens to the Northern blast,'

and the little kirk, crowning 'Linton's hallowed mound,' where, under the choir pavement, moulder the bones of many generations of Graden-Kers.

It was decreed, however, that the last of that race should sleep elsewhere, for Henry Ker died at San Lucar, a Lieutenant-Colonel in the Spanish service, on Wednesday, the 22nd of December, 1751.

J. F. Leishman.

[1] Vid. S. P. Dom., Geo. II., for Petition from Mark Pringle to the Duke of Newcastle, dated Edinburgh, 30 September, 1746, begging his Grace to 'use his influence with the King to continue him in the Consulship of Seville and San Lucar.' According to the *Royal Calendar*, he still held that post in 1753.