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To  
HECTOR FORBES OF CULLODEN  
This work is (by kind permission)  
gratefully dedicated.



To

EVAN M. BARRON

in grateful remembrance of very  
material assistance in the preparation  
of the first volume, and of kindly  
help in the production of the  
second.









JOHN FORBES, FOURTH OF CULLODEN.

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~~6979W~~

[Cullooden Papers]

# MORE CULLODEN PAPERS

EDITED BY  
DUNCAN WARRAND, M.A., F.S.A.

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VOL. II. 1704 to 1725.

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## PREFACE.

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Professor Rait, in his introduction to the first volume, while drawing attention to some of the more valuable papers then under review, has stated that "The series will form a valuable source of Scottish history of the 17th and 18th centuries" This kindly comment and the reception which has been accorded to the documents (1626-1704) which have already appeared encourage the editor to publish a second volume dealing with the period 1704 to 1725.

As he ventured to point out in the foreword, the courtesy of the proprietors of the "Inverness Courier" has made possible the printing of a larger number of papers (access to which has been so generously given) than publishers or societies might have cared to undertake. This is the answer to such criticism as has been or may be directed against the form in which the volumes appear. Re-printing from newspaper type seemed the only possible way to make the whole series available in book form to the public.

The period to be embraced by the second volume was at first intended to end with the appointment of Duncan Forbes to the office of Lord Advocate, but, in view of 1925 being the bicentenary of the Glasgow Riots, it was thought desirable to include the documents in connection therewith. These, though appealing perhaps to a somewhat limited circle, appear to be of interest to students of the period. Considerable space has been given to papers which concern local politics in the hope that some fragments of knowledge may be added to the predominating subject of the early eighteenth century.

In conclusion, the editor's most grateful thanks are due to all those who have assisted in the preparation of this volume.



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## MORE CULLODEN PAPERS.

### IV. From 1704 to 1725.



THE death of Duncan Forbes, third of Culloden, marks a new era in the series, corresponding to the Union of Scotland and England, and the gradual development of the Highlands. He was succeeded in the estates of Culloden and Ferintosh by his elder son, John Forbes, "Bumper John," and in that of Bunchrew by his younger son, Duncan Forbes, afterwards Lord President of the Court of Session.

#### (1) EARLY LETTERS 1704—1707.

The correspondence of the brothers predominates in the first years of Queen Anne, though there are a few other letters of some interest. An invitation (dated 6th November 1704) appears from Hugh Rose of Kilravock entreating "the favour of your presence here Tuesday the fourteenth instant be ten o'clock fornoon to accompany the corps of my wife [presumably his third wife, Magdalen, daughter of George Cuthbert of Castlehill] from this place [Kilravock] to the place of her interment in the chappell of Geddes."

The two earliest letters from Duncan Forbes (at the age of nineteen), are dated from Edinburgh 17th November and 27th December 1704, when John Forbes was in the north.

Dear Brother,

I was yesterday with Mr David [his uncle, afterwards Sir David Forbes] who says that according to the desire of your letter he has provided a writting chambre for me, and is very positive anent my going to one, as also for going

to Mr Spotswood's [John Spottiswood] Colledges of Law, and you know, that he having once taken it in his head, and asserting it to be necessair, I cannot contend, so that if you do not resolve to coutermand it in plain tearms, I must submit, and you must remit here, five guineas for Spotswood, and a hunder merks for the Latran, [writing desk, probably here equivalent to a writer's chambers] in the mean time I think it a duty to advertice you that one Sommervill is expecting money which you promised him at the tearm, there is no news this post else you should have your share of them

I am your most affectionat and  
dutifull Brother

Dun. Forbes.

Dear Brother

. . . . .  
So much for business, now all the news I can glen, lo That the Brave Boy [The old Chevalier] is very ill as is said of a consumption to that degree that most Physitians have given him over, 2do That there is no other forrein news, 3tio That the house of Commons have voted that our act of Security does not hinder their trade, and that in opposition to the Lords, upon which the Lords kicked out the Bill, against occasionall conformity, which the Commons carried on with so much zeall, and have moreover petitioned the Queen to fortifie Hull, Tinmouth, Berwick, Newcastle, and Carlile, to send some troups down for the defence of the Kingdom, and to arm the 4 northern shyres, and withall have impowered Her to treat a perpetual Union with us; now as to the Ship which I told you of by my last, there is a detachment of the privy Counsell, consisting of 6 members, sent over to Brunteland, to liver the Ship, that they may see what proofes the[y] have against the Captain,

for his alleadged murder, what they discover I shall tell you, as soon as possible, now I have no more to say but that I am

Your most affectionat Brother  
Dun. Forbes

The "Captain" mentioned in the last sentence is Captain Thomas Green, an Englishman, whose conviction for piracy and murder on the high seas took place in 1705.

The next two letters also refer to this subject; both are dated in April 1705.

Dear Brother,

Yesterday I received a dateless letter of yours by Mr Baillie wherein you complain of not having heard from me for sex weeks together, which makes one conclude that severals of my letters to you have miscarried. I have not been a fortnight at once since I came here unwrittē to you. The last of yours was March 6th, which came too leat to hinder Andrew Skeen from sending that wine which you by that countermanded, for before I received your letter he had sent off some dozens of bottles, together with the nailes you wrot about, which Peter told him of. A week or two agoe I took a hundred merks from Andrew Skeen to pay for my writting chamber, what penny worth I have I'll tell you when God willing we meet, I was when I came here resolved to follow the advice you gave me, viz to spend as litle as I can here in order to spaire something till I cōme to a place where spending will be more necessary, and I continue so still but you may think it otherwise when I tell you I have bought sex or seven pounds worth of books here and am resolved to buy more. Yet this is soon reconciled when you know that I have them here by the half cheaper than they are bought in Holland.

I gave you last ane account of Green's tryall and Doom which makes such a stirr in this place. Since the sentence one George Haines makes a declaration in which he says there was a ship taken upon that Coast at that time etc. but that he was not aboard himself, Afterwards seeing that this Confession did not procure him a Remission, he made a second one upon some assurances of life in which he confesses that he was aboard the time of the action but did not know what men they were that was taken or what was done with them, but this not being full enough, he upon the sight of a remission made a third one, in which he tells of the mens being murdered, some being cut in pieces by hatchets and others tied back to back and thrown overboard. This story would tell weal enough if he had told it all at first or if he had done it without hope of remission, but now he hes got his remission for this fine story. Another of the crew seing his neighbour freed from death by such a noble tale hes made an ample confession also and is in a fair way to a remission too. On Tuesday last came a letter from Argyle by the Queen's order to the Privy Counsell desyring them to delay execution till the Queen should see the process Upon which the Counsell took him up roundly, telling him he took too much on him to order them.

The rest of the letter is badly mutilated, but it appears that Argyle was "ill spoken of and they alledge there hes been gold in the play."

Dear Brother

. . . . .  
The news of the Town is the discovery of the oath of piracy taken as is alledged by Capt. Green and his crew which Geo. Haines ane of the crew that hes con-

fessed says to have been thus. That Capt. Green and the rest of the crew were let blood (by Samuell Wilcocks surgeon mate of the ship) in a bowl, that there several bloods, together with a little claret wyne were mixed and they made to sit on there knees, that they were made to eat a litle bread with this liquer, and in this fashion take a sacramentall oath of secrecy in the horridest tearmes that could be devised. Upon this discovery Haines and Wilcocks were confronted before the advocate where the one alledged and the other denied most pointedly. Its alledged also that there is a watch found that Capt. Green had given to a miss of his in town with T. D. the first letters of Capt. Drummonds name engraven on it, what truth is in this I know not, I ad no more but that I am

Your most affectionate Brother

Dun. Forbes

Argyll's effort did not save Green, whose execution seriously affected the reputation of the Scottish Government (see W. L. Matheson, "Scotland and the Union.")

More than thirty years afterwards, when defending his country from the attack made upon its independence at the time of the Porteous Riot bill, Forbes referred to the case of Green. "I was so struck with the horror of the fact that I put myself in deep mourning and with the danger of my life attended the innocent but unfortunate men to the scaffold where they died with the most affecting protestations of their innocence. I did not stop here for I carried the head of Captain Greene to the grave; and in a few months after, letters came from the captain for whose murder, and from the very ship for whose capture, the unfortunate persons suffered, informing their friends that they were all safe."

Duncan Forbes was in Edinburgh in May 1705, but in January 1706 wrote a short letter from Leyden, in Holland, where he had gone to finish his education. Another letter from there, dated 12th March 1706, tells John Forbes "the reason why I spend my money so cleverly is because (as I believe I have formerly said) instead of buying books as others doe when they goe away, I choose to buy them in the beginning, as expecting to make as much use of them in that time that I dedicate to study here as in any part of the rest of my time."

In September 1707 he was making preparations to return to Scotland, and "notwithstanding of the great expence I have made hitherto, I shall want to clear me of Holland about four hundred guelders for linnens some books and petty debts." The greater part of the above correspondence has already appeared in J. Hill Burton's "Lives of Lord Lovat and Duncan Forbes."





(2) FRAGMENTS CONCERNING THE  
UNION AND OTHER MATTERS.

1706—1707.

Opinions in Scotland were acutely divided on this question. Writing 20th September 1706 to Culloden, Sir David Forbes states:—

I heard nothing else of the union parliament or publick bussines but that on 3rd of the nixt moneth the parliament sits and that ther are great hopes that the unione will goe on notwithstanding all the opositione may be made by some great folk out of love to their countrey.

The following somewhat mysterious letter sent also to Culloden is from Robert Munro, younger of Foulis, and is dated from Foulis 8th October 1706. The reference to William, Lord Strathnaver, and [Alexander] Grant seems to point to some military commission, as each was colonel of a regiment at that date; Grant of his own and Lord Strathnaver of Colonel Pocock's regiment of Scots Foot.

Dear Cousen

I desyred to have seen you at McLeod's [Norman Macleod of Macleod] buriall but I was so unweel I was not able to goe. I haid seen you this week if I were certain of your dyet of goeing to the parliament. The desygn of this is to shew you that I have considered of what passed twixt you and me comming from Invernes to your own house and since the Duke of Argyle is now in Scotland, and that I doubt not but you keep the samen corrispondence with him your father kept with him, it will be easy for you to accomplish it. I'm hopefull Strathnaver or Grant either that haith a vacancy will not stand much in your road, I doe own being in that imployment

in Scotland is but very mean yet as you said the last day it might draw on a greater thing. I leave this wholly to your own managment since I will not solist any other upon this head, if you doe not desygn south before twelve aclock thursday nixt I'l (if you think it necessar) wait on you that morning, with my service to your Lady is all at the tyme from

Dear Cousen

Your very humble Servant

Robert Munro

So far as John Forbes is concerned there does not seem to be any further reference to this matter. He was then (and till 1707) one of the members for Nairnshire, and took a keen if gloomy interest in the Union. The following is to his wife, Jean, daughter of Sir Robert Gordon of Gordons-toun.

Edr the 15th December 1706

My dearest Lyffe

Last post I had your seventh letter, which I think was meant only for a Covert to Mr Stewarts, since tho in it you mention the receipt of two of my letters, you make me no other answer, then that you understand me weel enough, by which answer I clierly see you have not understood me. But if you keep health, and be not too much priest ridden, its the less matter: I have sent you a gown and some gloves, such as you called for, tho' nothing be now wore by any people of fashion but silks, Ther are no muffs or tippets woren in this place, some wear a strip of velvet be way of cravet or tippet, but for the most part they use silk handcurchieffs about ther necks, when in dress, and gaas cravatts with their night cloaths [dressing gowns], I know not how your gown may please you, ther being no choyse off

such stuffes now in town, but my dear if I got money you shall be better pro-  
vyded.

. . . . .

I choyse to send McGrigor with your Cloaths, rather then waite ane other occasion, firstly lest you might want them too long, and nixt to bring me a particular accompt how you are, and what is a doeing about the town. As for our newes I perswade my self, my last two letters have satisfied your grieving.

. . . . .

The Union goes on a pace, and evry vote carried by a vast majority, for my part, I see nothing now but inevitable ruin, with regard to church or state.

. . . . .

I had occasion last day [sic] to discourse with a wast country minister who told me of a very strange effect of the union on ther country people, to witt that it hath made both [letter mutilated] and people Jacobits to that degree, that in ther Sinods, and Presb [letter mutilated] openly reasoned, that it were better for church and state to bring ho[me the] Prince of Wales, than goe into this Union, as now proposed, and [the]r reason is, tho King James should prove worse than any tyrant [yet] he is still but a man, and lasts but for a tyme, but the Union [wr]eathes on our necks a perpetuall yock of prelacy and slavery, without any hope of recovery. What this may turn to the Lord only knowes; all I have yet spokk with on this subject ar greatly in the dark about it, and expects nothing but ruin by it except the courtiers. I ad no more, you know the hand.

Pray fail not to give my love to my mother and tell her my brother is weel for I heard from him last week and answered his bill for 300 guelders, he is still at Lyden but I think he will be

shortly at the Hague. I have seen severalls that ar come over with the last fleet who left him in very good health and gives him as ample a commendation as my heart can desyre for which I desyre to bliss God.

The last letter in this connection is from William (Ross), twelfth Lord Ross, to Culloden.

Dear Sir

Our good friend Quensbery seems to fal apace and we delivered from his yoke. I long to hear ye are in good health. I doubt not ye are still firm to our resolutions in the north. Al my friends in England are glad to hear I have so many good ones in the north and assur me al ther joyns with me shal have al the servic in ther pouer. I am sorry Kilraick [Hugh Rose of Kilravock] does not joyn us cordially, pray let me hear from you what he resolves; if he wold joyn my interest I wold be able to doe him servic, but if he will not, pray let me know hou we shal secur Nairnshire, for ye told me at Invernes ye could doe it. The stronger we make our selvs the mor we can advanc our interest, if Kilraick will not joyn us writ whom ye think most proper to stand for Nairn, for Brodie [James Brodie of Brodie] assured me of al his freinds for mine. I wold gladly have you stand for Invernes district, for I will get [letter torn] for my brother [Charles Ross, afterwards of Balnagowan]. We will get Nairn toun and Forr[es] and I am confident Invernes toun may be made [letter torn]. I may mistake so I desir ful information from you and your advic in every thing. I can tell you surly we will have a great party in England to stand by us and they will sho us that this our union will greatly be for al our interest. Pray let me know if ye will be heir this winter.

---

I should be glad to see you and tell you  
whats not proper to be writ, however  
writ fully to me of al concerns with you  
and give me your advice and depend on  
it ye shall never find a firmer freind than  
Dear Sir

Your most faithfull humble servant

Rosse

Edinburgh December 9, 1707.

Since writing Sir David Forbes informs  
me ye are troubled about your excis  
[Ferintosh]; and if I can serve you, frely  
command me.

John Forbes, unfortunately for this cor-  
respondence, did not sit in parliament again  
till 1713.



(3) TWO LETTERS FROM MARLBOROUGH'S ARMY 1709.

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There appear to be no letters in existence for the year 1708, but several for 1709, including one from Duncan Forbes to his brother, dated from Edinburgh 2nd June, the only entertaining part of which has already been printed in J. Hill Burton's "Lives of Lord Lovat and Duncan Forbes." The date, however, should be as above stated, and not 1702, and the lady whom the young advocate consulted as to "ryding cloathes and under petticoat" was "the Lady Burgy," Mrs Dunbar. His aunt, Naomy Forbes, had married Robert Dunbar of Burgie.

A letter of 29th July (old style) 1709 written to Culloden is from his brother-in-law, Captain Robert Urquhart of Burdsyards, then in the Royal Scots Fusiliers. It contains in the postscript a curious account of William Duff of Braco whose death brought a large fortune to his uncle, William Duff of Dipple, father of the first Earl of Fife.

From the Duke of  
Marilborowghs Camp  
att Orshie  
jully 29 old st:  
1709

Dear Brother

You know that Turrie hais ben in our hands near Three Weeks agoe, and the loss verie unconsiderabil on our syd espetially amongst the British for of the whole sceven Batalions concerned in the sige ther were only killed 2 Captains and five wounded two subalternis wounded five sergeantts killed and 15 wounded 99 privat men killed and 271 wounded, its trowe the Foranders lost a great deal more but considering what a stronge

place itt is the loss is not to be rackoned on, haid they haid shuch (sic) a Geareson as Lisle wese, I min as numerus, itt haid cost us deere and taken up our hands for the most of thiss camppyne. Poor Peter Campbell is on of the wounded but is not in anie danger, the sitiedell holds out still, itt is soe stronge by vast numbers of minis that we must cearie on against it by saping, which is the securest way, though itt takes most time. The arimie marched from Turrnie on Teuseday to thiss place and leaft a cumpitent number for the sige of the sitedeall. Wee are pritie near the French arimie who have intrinshed themselves toe the eyes and have a river called the Scarp betwixt them and us. Untill the sitiedeall be in our hands wee can not thinke of attackeing them and even then as they have intrinshed themselves and haveing advantage of the river and the ground itt will be a kitill pise of work. The publick leatters gives a more partickular accompt of small skirmishes and goes shuner as I understand than privat leatters that I'm unwilling to give you the truble of paying, your frinds are well, I'm resolved to writ once a tuo weeks, the Duke of Argyll is att the sige, Grant is there with him, he wese verie ill for sum time but is now intirely recovered. Strathnaver is here, his Regimentt is at Lisle. Poor Francie Killock and Peter Charingtoun were taken prisoners goeing from the arimie to Lisle a few days agoe by a partie of French Hussaris, sum of ours cam up in the time and relived Charingtoun but he recived a wound and is lyke toe lowse his hand, the other wese cearried of. I writt sumtimes to Col- lonell Grant who will tell you what ac counts he geats of frinds as you may doe him since I writ not to both by the same post. You can not miss to have newise of sum considerabill undertakeing shun

after the sitedeall falls, if I'm safe I scertainly shall put you to the expence of paying for a leatter as shun as I know [w]how of our frinds are safe and [w] how not. Pray you offer my humble dutie to your Mother, your Lady, whose scevilities I hope never to forgeat, the Geager and Tibie with all our other frinds, I am

Dear Colloden

Your most affectionat and most  
humble servant

Rob. Urquhart

The Laird of Bracko did us the honour of a visit whill wee lay before Turrnie, he cam from Holland with his pockeman-till on his shulder without aither horse or scervant, ane old coat not worth a shilling ife put to the rowpe, he visited the trinshis and sum of his frinds partickularly, Glasaugh [Abercrombie] edvised him to goe toe Lisle and put himselfe in shuch equipage as a gentill-man ought toe be in or leave the arimie and raither than be att the chairges of a new coat he returned to Holland. His Lady [presumably Helen Taylor] wese with him for a week he hais scent her back toe Scotland [some words are hero omitted] He belives her to be noe good woman but ownis his meriage; make your awin use of thiss. I derset this toe Mr Inness [John Innes, writer in Edinburgh] ceare and I hope you'll not scrupill the postage, for if you'll but tavor me with a few lynes, contained it not more than to acquaint me of the well being of our frinds with a great deall of satisfaction I'd recive it. Adieu. The French and wee are in sight of other soe you can not miss to have news in a verie short time.

Urquhart was right as to forthcoming news. On 11th September 1709 was fought the battle of Malplaquet, when the Allies, though victorious, suffered even more than



the French. The following letter was written just after that event, the date being old style:—

Dear Brother

I wrot toe Collonell Grant the day after the Batall and desaired him toe send you my leatter that you might know a litill how matters went amongst us here I must owin that God Almightye hais ben in a singular maner kind toe me for our Regtt as they comonly use on the lyke occasions suffered more then anie of the British, wee have sceventen officehirs killed and wounded and a houndreth and sceventen privat men our Collonell wese killed, our major and the three furst Captains wounded, the two youngest Captains, poor Androw Munrow one of them, killed and seven subalterins wounded most of which can not recover. Wee scertainly dingt the French not in a fair field but out of the strongest of Trinshis and most advantageus ground that ever ane animie were attacked in, Our Vicktorie is dire bought, neither att Hosestat [Blenheim] nor Ramalie suffered our poor Countremen soe much—two of our Regtts in the Duch scervice are quyt demoleshed Tilliebarden killed Collonell Swintown killed and except poor Farquher and Brodie who are wounded not two more Captains alaive, Collonell Hubron killed and his Lieutt Collonell, poor Fransis Ross of Achlosen dead of his wounds that he recived attending the Duke of Argyll. The lists of the dead and wounded will be your leanth befor thiss reach you these things goeing by expresis and our leatters waiting the ordinarie posts soe I shall say the less, Robert Farquher is ill wounded Collonell Cranstown killed, you'l see that our Countriemen [of the local regiments] never yet struck a stroke, wee are toe besigo Monse and I bilive Strathnavers and Grants Regtts will be brought out of

there gearresons toe begin there hands with that undertakeing. Blised be God my skin wese not tuched though my cloaths got sum scarts, I hope youll give my humble scervice toe all my frinds, I chirish myselfe wt the hopis of seeing you att London the begining of the winter for its scertain that the Master of Ross can not renew his pitition aganst Killraock because non can pitition but he who is qualified to sit and noe nobilmans eldest son can sue, emediatly as the parliatt meets a new writ must be out for Nairn I hope youll show my frinds that God hais taken ceare of me in spyt of my enemies I offer my kind scervice toe all ours and I ever am

Dear Brother

Your most affectionat Brother  
and humble scervant

Rob. Urquhart

Scept. 3d Old St  
1709

I hop you'll not gruge toe recive the postage as ane artickell of Mr Innes his accompts since by derring for him he'll take care they doe not ly at Edr where I find my North Countrie leatters comonly doe Adieu



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(4) SIDELIGHTS ON LOCAL POLITICS,  
1709-1710.

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With reference to the last part of Urquhart's letter above quoted, and in order to understand the documents to follow a brief explanation must be attempted of the political situation prevailing at a time when the franchise was limited to those whose rental was of the value of £400 scots, briefly the greater and lesser barons.

The last parliament of Scotland virtually came to an end on 25th March 1707, but was continued in the first British parliament by 45 of its members. The list included Alexander Grant, younger of Grant, one of the members for the shire of Inverness, Hugh Rose of Kilravock, one of the members for the shire of Nairn, and Sir Kenneth Mackenzie of Cromarty, one of the members for that shire.

Other Mackenzies had sat in the Union parliament. Sir Kenneth Mackenzie of Gairloch and Sir Kenneth Mackenzie of Scatwell were returned for Ross-shire in 1702, and on the death of the former, George Mackenzie of Inchcoulter, was elected in 1704. This, however, was only after an equal contest between George Munro of Newmore and Simon Mackenzie of Allangrange, and after David Ross of Balnagown had withdrawn. Fortrose was represented by John Mackenzie of Assint, and latterly by Roderick Mackenzie of Prestonhall. Even in Sutherland Roderick Mackenzie, brother german to the laird of Ardross, and secretary to the Indian and African Companies, had been elected for Dornoch, though his commission was withdrawn in June 1703.

The first British parliament came to an end in 1708, and immediately there arose throughout Scotland a keen and sometimes bitter struggle for securing constituencies

Some indication of the methods adopted may be gleaned from the wealth of petitions in respect of disputed elections. Sir Harry Innes of Innes petitioned (25th November 1708) against Captain Robert Urquhart (the writer of the last letter) who had been returned for the shire of Elgin, and Sir James Mackenzie of Royston petitioned (26th November 1708) against Lord Strathnaver who had been chosen for the group of burghs, Tain, Dingwall, Dornoch, Wick and Kirkwall. As it was decided that the eldest sons of peers were ineligible to sit in the House of Commons, this petition was successful so far as it went, though the member returned (5th May 1709) for this constituency was Robert Douglas, afterwards eleventh Earl of Morton. The Mackenzies therefore were little in evidence, and so far as the shire of Ross (their stronghold) was concerned the opposing members were Hugh Rose, younger of Kilravock and the Master of Ross (George Ross), and it should be borne in mind that Lord Ross was then hoping to succeed to the estates of Balnagown, which actually happened on the death in 1712 of David Ross, the last of his family.

On 26th June 1708 Kilravock, younger, was returned for Ross-shire by the help of the Mackenzies and, as it was subsequently alleged, by the unfair assistance given by his father, then Sheriff of Ross. On the same day he was also returned for Nairnshire, among the subscribers being John Forbes of Culloden ("Kilravock," Spalding Club). Parliament met on 8th July 1708, and on 25th November following, a petition was read from the "Hon. George Ross, Esquire," narrating that he and Hugh Rose had both stood for Ross-shire, and that there had been undue influence exercised at the election. The petition was ordered to be heard on 3rd March 1708/9, but on 5th March the House refused to hear any more causes that session, except one con-

cerning an English constituency. ("Journal of the House of Commons.") As parliament was adjourned from 21st April till 15th November no further opportunity presented itself till 16th November 1709, when the petition was again read and adjourned till the following Monday, and again adjourned till 3rd December, when it was referred to the committee of privileges and elections for report on 20th January 1710.

John Forbes of Culloden was at this time in an unfortunate position. He appears to have been involved in considerable difficulties over his excise in Ferintosh, wherein the influence of Lord Ross might be very helpful, and yet, having been a member for Nairnshire from his father's death in 1704 till the Union, he was anxious to enter parliament again. The constituencies wherein his chances lay were (1) Invernessshire (already represented by Alexander Grant, younger of Grant); (2) the Inverness group of burghs, for which Alexander Duff of Drummair had been returned; (3) Nairnshire, absorbed by the Kilravock influence and incidentally of lesser importance, in that by arrangement at the Union it had one member alternately with the shire of Cromarty; and (4) Ross-shire. As the Master of Ross (not Rothes) could no longer be a candidate, the family had found a new one in Lieutenant-General Charles Ross, his uncle, who was ready so soon as Hugh Rose should be unseated.

Writing on 2nd December 1709 to John Innes, Culloden stated

I truly cannot see through it, that I should resyne my pretensions (however weak) to Generall Ross; pray what could the world think, and say of me, or with what confidence could ever I look ane honest man in the face, after acting that villanous pairt, (I mean double dealling to call it no worss) which I my self so much condemn in others; besyds Kilravock is so far ingadged to the Macken-

zies, that tho I were in Japan, he could never retrait, and tho we both were so base, the Mackenzies are now so on ther guard, that they will never let Ross carrie it; so that I think in any case a man should not do ill that good may come of it, and therfor tho my intrest should suffer, yea sink by it, I am determined, through Gods strength to maintain my integrity to the last gasp.

Now, dear John, if you consider what is alreddie done and alreddie wrote, and putt it in ballance with great mens promises (which are so generally brock) and yet the only conditions this affair of myne is now capable of, you'll perhaps not condemn me so much for my honesty in refuseing, had they been offered, as you would condemn (and on very good grounds) if I were kneave enough to em-brass them, when offered.

Kilravock is gone from this for London some dayes agoe and I know he will stand sure, therefore put Burdyards [Robert Urquhart] in mynd of what I wrote him last, for the sooner the writts come down for Narn the better.

. . . . .

At closeing of this lyne I had occasion to peruse yours to me and finds it was you put the question to Burdyards whither it were better for me to hazard Killravocks measurs in my affaire then tymously resyne my pretensions to General Ross, I therfor desyre to know if you had any reson for putting that question funder then what you wrotte me formerly, for my part I know no new measurs of Killravocks nor have I the least doubt of him, nor can I guess whey Burdyards hes any doubt in the matter since I know Grant stands for me, therfor I intreat you lett me have your thoughts fully on this head, that at least I may be on my Guard; my reason for pressing your being full and particular in this





MARY ROSE, WIFE OF DUNCAN FORBES, FIFTH OF CULLODEN  
(LORD PRESIDENT.)



matter is because in both yours you insinuate, that tho' Killravock stood ferme, you know not whither it would be most my interest to be a member or not.

A few days later (13th December 1709) Culloden wrote to his brother at Edinburgh—

I have now three of yours, for which I give you hartly thanks, because of the good news you write. If it please God to extricate me out of my present difficulties, I hope he will maintain on my spirite the lasting impressions of his goodness, and make me plainly see and believe that vaine is the help of man.

As to the matter of the elections, of which you so diffidently write, I am pretty easie, and assures you I meet with no great disappointment.

I had a line or two from John Inness, which did a little surpryse me. It was about that election too, wherein he intimates that I should yeild what pretensions I had to Generall Ross, I have wrote to him to know his meaning, for I truly cannot understand it, but on thing I most say is, that I think he does not know me weell, for I bless God tho I be no steatsman I profess honesty and shall maintean it whilst I live.

. . . . .  
All your freends are weel, your mother and wyffe are gone for Inness, pray fail not to lett me know at whose perswasion John Inness made me the proposall he wrote of for I am sure it could not come of him self.

References to the wife of Duncan Forbes are rare. She was Mary, daughter of Hugh Rose of Kilravock, by his first wife Margaret, daughter of Sir Hugh Campbell of Calder and his wife, Lady Henrietta Stewart, daughter of James, fourth Earl of Moray.

Their married life was short as she died not long after the birth of their only child, John Forbes, afterwards sixth laird of Culloden.

On 28th January, 8 Anne (that is 28th January 1709/10) the original petition of the Master of Ross was finally dealt with. The petitioner's counsel set forth that Hugh Rose senior, sheriff of Ross, father of the sitting member, had been guilty of irregularities in not complying with the act of 1681 in respect of the time between the return and the meeting of parliament, which was to be at least twelve days, and a writ of date 26th April 7 Anne (1708) for the summoning of parliament (8th July) was produced. As the return of the sheriff appeared to bear date at Fortrose 26th June 1708 it was urged that the time had not been sufficient. Moreover the place was irregular because Tain and not Fortrose was the head burgh of the shire. It was therefore resolved that there ought to have been 12 days exclusive between the day of election and the day appointed by the writ of summons for the meeting of parliament, that Hugh Rose had not been elected, and that the speaker should issue warrant for a new writ. ("Journal of the House of Commons.") Thus after all this time the election was upset and perhaps with justice, if one may judge from the severe rebuke administered to Kilravock by the Synod of Ross at the hands of the Reverend J. Fraser of Alness ("Kilravock" Spalding Club.)

The following letter from Alexander Grant, younger of Grant, to Culloden, and the answer (a copy of which is on the back) were written soon after Hugh Rose had been unseated:—

London January the 31. 1709/10

Sir

I know Capt Urquhart writes you frequently and did not omit acquainting you with what happened here upon the tryall

of the Ross election; the determination of this you'll find in the votes of the 28th instant. I hope you will be convinced that your friends here did all in their power to prevent a new election, and with no design more sincerely than to have done you service, now that there is no room left for further hopes this way at this tyme I hope you will be assisting to keep up the same interest we formerly stood upon, that so both your friends and you may have some probability of coming in next parliament, for if you can keep Ross-shire from falling into the hands of those who now endeavour to engross it, that so Kilraick may be chosen there, there will be I hope a little or no difficulty of doing all things necessary for accommodating you and others of us now in, at next elections, and if we should divide I cannot see how it will forward either of our design, even supposing they were different. So I hope you will use your interest with your friends in that shire, if they will not joyn, that they do no harm by appearing against those who I'm confident will appear for you when your business calls for it. I cannot pretend that those of your friends here are capable of getting your business done, but I will venture to say, that we may almost assure you that you shall receive no harm before you have an opportunity to be here in a condition to serve your self. Seaforth and Cromartie seem to inclyn that [Rose of] Clava should stand; I own I don't think it his interest. The reason they give is that all who joyned last, would not be for any called McKenzie. What may be in this I shant determine since I know little of the shire, so must leave that to you

I had some thoughts of seeing you this spring but am afraid it will not be practicable for me, but if possible I will tho

my stay should be the shorter. Pray make my compliments to your Lady, for I am very much her humble servant, I hope you have the news and votes, for I send them every post to the shiref Depute for the use of the gentlemen of the shire I am sincerely

Dr Sir

Your most faithfull and humble servant

A. Grant

Answer to the above.

Sir

Last post I was honourd with yours off the last january, and am most sensible off what trouble and pains you have been att from first to last, about the Ross election, for which I most hartily thank you, and can assure you that I have such a true notion of that affair in all its circumstances as can not eassily be forgott.

As to what you advise keeping up the same interest as formerly, the Mackinzies themselves spoiled that demonstration for this tyme, not having made so much as one new Barron, so that Generall Ross will undoubtedly be the returned member, and if Killravock joyn the Generall at this tyme, which the McKynzies greatly fear, I doe not think his son can expect to be chose for the future. However at your de[re]ction] I shall use my weak endeavours.

The last letter on the subject is from Robert Urquhart.

To the Laird of Culloden  
near Inverness by Edinburgh  
North Britain.

Dear Brother

There hais ben sum transactions here with respect to that Election of Ross that truely hindered me to writ all thiss time Kilraock persueding me that he wese to goe of everie week since that affaire wese

over here, I thought it would be my safest way to writ fully with him, but now I find he will hardly be there geanst the Election, and after I have thought and better thought I thinke you have noe call to mend it, but leave your frinds to themselves, only thiss I'd have you doe, if you find your frinds Newmore and Kindess [George Munro and David Ross of Kindeace, brothers-in-law to Culloden] resolve to be for Lieutt-Generall Ross, I'd have them till the Generalls frinds that there scerving him is on condition they procure the Generalls frindshipe to you in your partickular, but thiss must be soe dun as the other partie shall not know of it. I doe really belive Grant will effectually aseist you, and his father-in-law [John Smith, sometime Speaker of the House of Commons and Chancellor of the Exchequer] is on of the men in Britain that hais most to say with the Tresurer. That partie are not frindly to Mr Ross for which reson I'd have you not att all to be seen in ane intrest with his frinds, only if you could have the frindship of both it were desaireabill: thiss is my advice and I must say is the best you can make of it. My Lord Seafeld hais promised to doe you all the scervice he can and, whatever you may thinke, your business hais ben more on my mind then ever aniething of my owin wese, and haid my life and fortoun ben att stake I could doe noe more. I give your Lady and you my best wishes and I am

Your most affectionat  
Brother and humble scervant

Rob. Urquhart

London Feb. 23, 1709/10

My wife gives your Lady and you her humble service. I shall writ nixt post if aniething new aster, though truely I can not have ane other thought as to the particukular.

That General Ross was finally returned for Ross-shire appears from a petition dated 29th March 1710, presented by Sir James Mackenzie of Royston. Parliament was dissolved 21st September following, and General Ross was again returned to the new Parliament, which met 25th November 1710; and on 5th December Sir Kenneth Mackenzie (of Grandvale and Cromartie) presented another unsuccessful petition.



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(5) SOME FAMILY LETTERS, 1710-1712.

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Mrs Forbes of Culloden (daughter of Sir Robert Gordon of Gordonstoun) seems to have been particular in the matter of dress. A commission in this respect to Duncan Forbes has already been mentioned, and there is another letter to him (at Edinburgh) from his brother, dated 17th November 1710, in which he writes:—

You may remember att parting that my wyffe was to give you ane memorandum which take as follows, viz, a velvat hood, two sute of plain head cloathes, without which she cannot go out being in mourning, and ruffles conforme, with half a dozen of gloves of a good large syse, for all I ever bought her yet were useless as to her because of ther litle-ness, these things I expect you'll send by this same post, and by so doeing oblidge both your sister-in-law and your affect Brother Jo. Forbes

I thank you for my newes, when my gardner is reddie let him be sent per first post and also his spade with him since I am afraid he cannot work with those in use.

So fastidious a writer as Burt ("Letters from a gentleman in the north of Scotland") states of Culloden that "There are good gardens belonging to it, and a noble planted avenue of great length that leads to the house, and a plantation of trees about it." This attention to horticulture and forestry appears to have been no new thing in the family, there being in existence a contemporary copy of Evelyn's "Sylva" with the signature in it of John Forbes, second of Culloden.

Bunchrew, the other house of note mentioned by Burt, with its romantic wood "the best spot for cock shooting that ever I knew" belonged to Duncan Forbes, and

was then occupied by the Dowager Mrs Forbes (Mary Innes.) Her letters are well worth printing not only because of their own interest, but as examples of the literary style of ladies of her time. She signs always with her maiden name. The following are all written from Bunchrew:—

Bon. 16 nov. 1711

My dear Duncan

I had yrs of the 8 tuesdays night and was summwhat easd by knowing that yr brother and you hade got safe ther, my helth was non of the best when you left me and my sinfull godprovoeking anxscietie both for yr souls; and bodis; nither is no hes been werie helpful to me for that part of it; and I culd from my hart wish that you tyuck a litill better hid to both; I was much surpraised as well as grived to fynd that you jurnaid from Innes upon the Sabath, its nou a consitheraball tym sins I observed you put not that wallou upon that day yu yrself sumtymys did as well as you kneue that others whos futsteps oght to bee yr paterin in will doing did; this is and hes been a wounding to me; and a werie sensibel on; I can not forber to regrate this to you; therfor take a luck back and consither that the ende of sin must bee sorow; its but a weri litill when I shall bee beyont the troubills and sorous of tym and that litill shall be imployd in pleding that god wold give you such discoverie of himself and what he hes don for you; as may ingadg yr soull in a constent and clos dependence upon him; and then you will garde agenist evrie thing that can be provocking to him or hurtfull ither to soull or bodie, but I quait saying mor in this way; and shall onlie tell you the chaild is blist be his name in helth, the pox is still about us but hes not yet come our lenth, I hop god will be kinde to the chaild, I am as will as I can be; thers



no neus in this parte of the world, Ill expect to know what is come of yr brothers busines, may marcy go with you both and may sin bee doon away that mars sum of our confidencis; but thers mercie with him that he may bee feard, and forgivnes; the best neus for poor sinners that ever was hard tell of; I am in all condition yr sorouful but most affectionatt mother Ma. Innes.

Let me knou if you have chainged yr wear yr rid uestcoat I men and what you have got on in its sted, you kneu my thoughts annent yr chaing [letter torn] and as oftin as we was on that subject; you as will know I pretend to no pouer with you therfor shall urge you with no neu aduais, god mak you wais.

if you know anie thing hou the let busines of the rabill will go aquantt me when you writ for its gennerillie talked that thes peopell are exsiding big in ther expectations.

Bon 7 des[ember] 1711

My dear Duncan

I have hade not yrs sins myn to you, nor indeed is my wretting at all nesiser but becaus you desair it being ther is nothing here about thats wourth the whaill, indeed if ther be anie thing wourth the whaill, wher you are you meet grat huckster of it, However to know that you ar will is aneneug [enough] and still welcom news to me tho you leve evrie thing els behinde, I am myself liv- ing blist be his name and the chaild is in helth and my best compenie may he be blist of god to you, Mr Thomas and his poupells is making radie for Aberdin if one petters [Peter's] ship wer dispatched and himself come from that unlucke parte of the world, I wonder much hou yr brothers business hes been brought to no conclusion I am much affraid it will not land will and that his peoples con-

stent breuing; and ther keeping so exact gurnelis [journals] of it is on sum unluckie project, it hes been my thoughts of a long tym that it hade been his best to have it ended on waie or other before this tym; may the mersiefull rid his dificulties but I had forbear till I her mor, in the men tym I am content you allow yr self sum tym in telling me what hes broght Innes son [grandson of the writer] up under whos care he is and what hee is doing. I am told but of let of his suthgoing and that on Mr Backle [? Barclay] to be his governur that hes set up this 2 last yeers for teatshing the sivell law and that he is to have 20 pounds a year, I am also told he is ane aqantence of yrs and in grat estim with you, others calis him a man of parts but badly principeld, what may be of all this I can not tel therefo I desair you may inform me particularlie both what he is and who recommended him together with yr opinion of him and his fittnes for that trust is put upon him, but posetivelie let me know what he profesis as to principels for I am exsidingly anxius about that lad, I can say no mor exsept to commit you aneue to gods blissing and mannedgment and I am in all condition yr sorouful but most affectionatt mother whill

Ma Innes

Freserdall [Alexander Mackenzie] an i my ladie Lovatt tuck ther jurne south this day the one for the parlement the other to prestinhall till that I men the parlement be over they ment to have been at Coll[oden] the first night but yr sister-in-law was not in good helth and I wish it bee not misconstructured, however I am easie becaus he is not the eldest bairn. [None of the children of Jear Gordon wife of John Forbes of Culloden survived]

Bon 25 Januar 1712

My dear Duncan

You will know my saillence all this whaill prosids not from want of thought of or conserin about you, that is not nor can be my falt whill the lord allous me a thought of onnie thing; litill to say from this place of my being, but werie brokin for the most parte, the belife I have that the telling you so culd affurde you no great satisfaction, made me forbear, but I tell you yre wreting frequentlie is werie satisfying and I give you thanks for so doing, yr brothers helth and yrs and yr happienesis evrie way souls as well as bodys or rather that last principellie wold be the grettest of my comforts in tym but I own my fears for both hes been hevic on me nor ame I eabil to thinke of libertis you have takin with out a sensibll conserin, snares and tentations ar no fyouer now then when you apperd furst upon the stedg of the world, they ar rather on the grouing hand, may the lord help you to see them to bee so, and to garde agenest them, tym was when you fund a need of prair and watshfulnes or at lest you said so, manie things will be agravations against you if you make light of all the pains god hes been at with you furst and late, may he make them effect-uall for his names glorie sake and you made in sum remarkabill maner for him and his glorie lett others do what they will; nou as to my self I am much after on [like] as you left me still on fut or at lest for the most parte, the chaild is blest bee his name werie will and my best compenie, Mr Thomas hes been almost deade of ane asma but is recovered and tyuck jurnay for Aberdin tyusday last with the children I wish this wather herm him not, poor petter [Peter] is still in assin [Assynt], I am glade to her by yr last that you have yor hops of yr brothers business, I cud have wishd he hade not

put us in hops of his north cuming in desember, however if his business bee ended it makes amends for all, tho I persuad my self, it will be his dear bought business end how it will; our neusis here ar as bad as needs be but there is grat joy and much uplifting amongst the genneralitie, our hailand clans hes hade frequent metting all this winter and both far and near met; tyusday was eghtdays ther was a genneral meeting and werie throng at glengeris [Glengarry] hous and in sum fyoudays he went south whether hee hes appeered in publick or not you know best; as to the Kilmoor Rabill know this tyusday wadinsday and thursday; they I mean the shirrive of Ross K—[Kilravock], the presbetrie, Moorton [Sir Thomas Calder] and his friends Brodie [of Brodie] Whanthill [Brodie of Whitehill], Aghnagarn [James Fraser] etc etc on the other hand all the McKenzies My lord Mcleoud alon exseptit wer convind at Chondrie [Chanonry] the conclusion is the whoil churchis of Ross is to bee plantid pesablie by the presbetrie and till then ther is supplies to bee sent them and all ar to here and concur in ther beeing planted spidellie; Mr Grant gets pesibill posesion and thirtie pounds for his damedges, Moorton is to gett als much and 6 of his prinsipill persecuters such as he shall condeshend upon are to stand 8 sundrie days in the jous in chendrie [Chanonry] with peper hats on their heds with their [illegible] writtn on them and to bee fed with bred and water onlie for that tyme, this Aghnagarin told me; I am afraid I have wiried you with this long relation and I am sur I have myself therfor I leve of and bege the blising of god to bee yr allouence and continuous yr soroufull but most affectionat mother whill  
Ma. Innes,





SIR DAVID FORBES OF NEWHALL, SON OF JOHN FORBES,  
SECOND OF CULLODEN.

I bles the lord from my heart for my brother[-in-law] Sir David's recoverie [Sir David Forbes of Newhall] and I give him and his Ladie [Catherine, sister of Sir John Clerk of Penicuik] my affectionat servis I am glad of Moortons good luck but his bringing his ladie [Christian, daughter of Sir John Scott of Ancrum] north is what I understand not. I intret you let me know what yr nevey Robin is doing and how you are pleasd with him forget not to send by Clarke sins the post that gos out now [sic] to caus by a weluet cape for the chaild as anie frend chus it for a chaild of tuo years old.

Neare to miss the post hes made me skers know what I have writin, I wish you may.

In a letter from Culloden to his wife, dated from Edinburgh 1st February 1712, he tells her that—

If ther he any Ranish [Rhenish] wyne to be hade, I shall mynd you, and lykewise the coall you mention. I have sent your gardiner all the gardine seeds he wrote for att least as many as are needful for any gentleman, for I desyne to serve non but our famely, therfor tell your man soe, and if he give us not som mor contentment for the great expense I am at, then Sandie gave formerly Ile soon wearie. . . . Lett him be carefull and kept bussie att his work.

There are no other letters in the collection till 21st November 1712 when John Innes wrote to Culloden some account of the well-known duel between the Duke of Hamilton and Lord Mohun, adding concerning the Duke "I assure you he has more friends at present than ever he had while alive."

## (6) CHIEFLY POLITICAL, 1713-1714.

The year 1713 contains much history. A letter of 10th April perhaps from Dr John Clerk to Duncan Forbes makes mention of "PEACE, the QUEEN'S PEACE, OXFORDS PEACE, a general Peace. . . . signed att Utreght." Then from Scotland's point of view came the threatened imposition of the malt duty of 6d a bushel (from which it had been exempt during the war), and this without reference to the fact that Scottish malt commanded a greatly inferior price. The Union came near to being dissolved so far as the House of Lords was concerned. The following letter from Duncan Forbes dated at Edinburgh 11th June 1713 and addressed to his brother at Culloden shows very clearly their own attitude in regard to this. With many the outcry against the malt tax was but a means to an end.

Dear Brother

. . . . .  
 For news know that My Ld Seafield did according as he was appointed, move in the House of Lords for leave to bring in a bill for the dissolution of the Union. The Whiggs had promised to stand by our members in that matter providing that a clause were conserted to be inserted in the act for the dissolution of the Union, whereby the succession should be secured, but our people were so rash as to make the overture before they had commenced with the Whiggs upon that security, by which means the Whiggs were necessitate to propose a delay untill such time as they could gett assurance from our people of that satisfaction they expected. This want of a full understanding being understood by the treasurer, he proposed to go on to the motion instantly, and the



Question after a considerable struggle put, proceed or delay, it carried proceed by four votes, thereafter the question was put whether, leave should be given to bring in the Bill mentioned, or not, and it carried in the negative, by a vast majority, all the Whiggs voting against it because it was proposed out of Concert before they had time to prepare it. Upon Friday last the Malt tax bill got a 2d reading and after a very long debate the Question being put whether it should be committed or no, it carried commit, Yeas 52 & 19 proxies, Noes 51 & 18 proxies, so that the difference is but two votes, and its hoped that they may be redred at the 3d reading because at that vote the Earl of Hume [Home] was absent and of the Whiggs, the D of Grafton, and the Earl of Whar-ton who had two proxies in his pocket. People are surprised that the D of Athol should suffer the treasurer to have his proxie to be used against Scotland.

. . . . .

On 8th August 1713 parliament was dissolved and in the new one summoned for 12th November 1713 John Forbes of Culloden was returned (29th September) for the shire of Nairn. "It's believed," wrote his brother, 12th November, "that the Parliament will not sit before the end of January, and that is confirmed in some measure by the last adjournment till the twelft of December. . . . . Its rumoured by the Whiggs here that they are not much stronger in this Parliament than in the last, but they pretend that with the Hanover and Trade Tories will be able to make Sir Thomas Hanmer speaker and by that means not only defend the settlement but likeways examine some stepps with relation to the Treaty of Commerce, nor is it at all doubted but Sir Thomas if he be sett up with the assist-

ance of the Whiggs will be able to carry it against any man opposed to him by the Ministry." Culloden was still in the north when he received letters from his brother dated 18th December 1713 and 14th January 1714 to the effect that

The private news is that there are addresses designd by the Whiggs representing their danger from the encrease of popery, the taking into pay and arming the popish Highland clans, this matter will be carried on as soon as the Great men in England are acquainted with it, and will as is reported make people side themselves. In the mean time these Highlanders who have come hither on expectation of their remittance have gott nothing yett.

. . . . .

The principall subjects of whispers are, that when the Queen's ailment appeared dangerous, ane express was immediately dispatched to Harwich to stop the Dutch packet boat, which thereby was retarded 38 hours, and that in that time 3 expresses past to the Continent by the way of Dover and Calais. That the Ministry have made themselves master of the broad scall and transported it to Windsor, notwithstanding that they gave out her Majesties having a design to come to St Jameses, and that there is a remission passing the sealls for the Duke of Berwick.

. . . . .

Captain Robert Munro, younger of Foulis, wrote two days later from London (16th January 1713/4) in concern for the Queen's state of health and "the great armament is making at Brest." He was then member for the Tain group of burghs which he continued to represent for many years.

Letters of 21st and 28th January 1714 from Duncan Forbes refer to an episode during the Queens illness when

the T — r [Treasurer, Robert Harley, Earl of Oxford] had the curiosity to look into the nomination of Managers for the succession during the time betwixt the Queen's death and their accession to the Throne, which nomination was deposited sealed in the Chancellour's hand not to be opened before the Queen's demise under the pain of treason, this makes a great deal of noise, and the more that they say the T — r owns it.

. . . . .  
We have had a foolish report here [Edinburgh] as if the Whiggs in this place had laid a design of mobbing the Torys and pulling down their meeting houses on the 30 of January, but as idle as this clatter seems to be some of our rulers, such as the Chancelor have taken notice of it and ordered the Magistrates to use precautions, not that they believe that there is anything in it but meerly that by the notice they take of it, the Generality may suspect and ane odium by that means fall on the Whiggs.

What gave occasion to the hatching of this fable was that the Squadron [country party] have all been in town this while byegone, and that there is a greater demand for arms of all sorts by people of all kinds than has been known of a good many years. The reason for arming is plain but how soon their will be use for that or what the issue of that may be God knows.

. . . . .  
There is only one letter from Culloden of this period dated from London 22nd May 1714 and addressed to his wife, though he had written to her "once every week since we parted."

And for ought I can judge ther is att this tyme, no newes to be depended on. The w[hi]gs still give out the d of C [Duke of Cambridge, afterwards George II.] will come, the Te[ri]jes are positive he will not, for my part I am afraid he will not, on the other hand it's not doubted but the pretender will make ane attempt this summer, so the memoriall delivered to the Queen last week from Hanover bears, as I'm told for that very reason it is, that Hanover presses, by his memoriall that the d of Cam. should be received in England, and intertained as the presumptive air of the Crown, as judging it the best measure, if not the only on, that can most effectually secure her Majesties person and Government against the desynes of the pretender and all his abettors; what answer has been given to this memoriall I know not, but it was this gave ground as I belive to that storic of Cam: his coming, and I am told that my lord Pagett went for Hanover last week with ane answer to this memoriall. Some I mean the w[hi]gs say, to invite over the d of C, others say and I'm affeard not without good grounds to stop his coming, as a thing the Queen cannot bear, and I am the more apt to belive this, that last week, when ther was ane estimate of what pay was due to the forain troups debated in the house, particularly the troups of Hanover, might be taken under consideration, and a preference given them, to the other troups, to testifie our respect to that prince, the Court greatly opposed it, and plainly told they ought rather to be punished as disserters, and enemies to the Queen then payed, for having disobeyed the duke of Ormond's orders att the cessation of armes, this with severall other steps of this nature which dayly occur and are too tedious to write, makes me

belive that Cambrige will not come if the Court can hinder him, and if he offer it without consent, and if the pr—r comes, as noe doubt he will, the nation most infallibly be involved in a civill warr, unless God in his mercie prevent it. This is all the newes I can learn.

. . . . .

The malt tax is past, but wee of north Britan are possible not to pay it, and if I can belive the Jeyes of our countrie, that are in my Lord Tre—rs good graces It's not desyred that north Brittain should pay, But tyme must try this. Ther is nothting stays me hier now, as I wrote formerly, but to know whither C will come or not, and how soon I am rightly informed shall accordingly take my measures either to stay and see him if he comes soon, or if not leave this place how soon possible. . . . .



(7) JACOBITE AND OTHER RUMOURS,  
1714.

Queen Anne died 1st August 1714, when Culloden was in the north, probably in Edinburgh on his way home. The following is from Captain Robert Munro, younger of Foulis.

London 14th August 1714

Dear Cousen

I have yours of the 7th and as that was your 2d which I received so this is my 3d to you, your last I read to Mr Walpole and Mr Stanhop who both are of my oppinion that your presence here is not very necessare at present especially since they and all your other friends here expect to have you in the nixt Parliement which certainly will be called when the King arrives here, which will be in 3 weeks or a moneth at furthest. Mr Craggs [James Craggs, elder or younger] with whom I supped last neight at Gen : Cadogans gives you his service, my Lord Townsend enquired very keindly for you, all of them expect you in the nixt Parliement, we feed ourselves here with a notion that the Torrys in Scotland will not give us any trubel because of the oaths but I that know them don't beleive it, I hope whenever you goe North you'l applay yourself to manage your district of Burrows as weel as the shyre of Invernes, if you have occation to meet with or writt to any that hes interest in my Burroughs improve the opportunity for me, I have nothing here of moment to acquaint you with only that there never was such a struggle in England about Elections as will be at this tyme the Torrys to keep their power, others (at least) to share it with them. This day the house of Commons voted an

addition of one per cent on the blank in the present lottery to encourage people to put in to it, ther being yet but £500,000 subscribed. The seven regiments are arrived from Flanders, 4 are ordered for Scotland viz Hills, Webbs, Orrerys and Suttons, 2 for Portsmouth viz the two Batalions Royall and the 7th for Berwick and Tinmouth. You shall hear weekly from me, my humble duty to yourselfe boath the Lady Cullodens and all my other friends being

Your afft cousen and faithfull servant

Robert Munro

A week later, 21st August, he wrote that the date of the King's arrival was not fixed, and that he would wait in London till then. In the north there was an expectation of the coming of the old Chevalier who issued his declaration on 29th August 1714 ("Culloden Papers" XL. and XLI.)

On 4th September an anonymous letter was written to Culloden which would appear to be from one of the Campbells of Shawfield, perhaps John Campbell, sometime provost of Edinburgh. The arms on the seal are, gyronny of eight within a bordure engrailed charged with eight crescents; crest, two oars of a galley in saltire and motto [T]erra [ma]riqu[e] f[ide].

To John Forbes of Culloden Esquire  
att Culloden  
Edinburgh 4th Sepr 1714

Dear Sir

I have your favours of 21st past by Castlehill, who came here the 1st, for which I return you thanks. The account you sent me and some others I had from your countrey I transmitted to the J—ce G—I last post. I don't know what judgement to make of the pretender's friends about you, were they

men that act on solid grounds, they must know its knocking their heads against a wall to rise, their hopes of succour from France or Ireland are foolish, the power of France as he is stated cannot support them, because he hes no fleet can keep the sea against ours and the Dutch; however I wish the Government woud send such a number of troops to the countrey as woud overaw those fools and prevent their ruining themselves, and I hope they will do it.

We have no manner of news from London, only that all things go smooth, and the king is expected there, at furthest next week.

Cunningham went for London 14 days ago, as is Tweddale, Hadington and Buchan. Rothes thinks to go next week.

As any thing occurs here I'll be sure to write, and will expect you'll oblige me with what happens among your highland enemies which I'll endeavour to make a right use of, for the service of the interest

Adieu

One event which happened among the "highland enemies" was the manuer of proclaiming the king at Inverness, where opinion was sufficiently divided as to which king was to be toasted. In "Culloden Papers" (CCCLXIX.) is an account of the sheriff-depute and his clerk coming to the cross "when all the honest people in town were at church att the weekly sermon." Some of the magistrates mocked at this, and later in the day, when the Whigs were making preparations in honour of King George, they were set upon, their bonfires scattered and their houses almost burnt. Moreover, it was alleged that the magistrates had avowedly drunk the health of King James and confusion to his enemies. As a result of this the following letter was written from Edinburgh, 14th September



1714, evidently to Culloden, by Thomas Kennedy of Dunure, then Lord Advocate, during the temporary eclipse of Sir David Dalrymple.

Sir

The occasion of my writing to you at this time is that the Lords Justices have received Information by several Letters that the Magistrates of Inverness and some others did in treasonable manner shew themselves disaffected towards his Majesty and his Government about the time of proclaiming His Majesty at Inverness, whereupon they have ordered me to cause particular Inquiry to be made concerning the proceedings of the Magistrats or others at that time. And seeing this cannot well be done, but upon the place, I knew of none so proper to Intrust this matter to as yourself, and the Laird of Kilraock [Hugh Rose], the Laird of Brodie [George Brodie], the Laird of Bishopmiln [Alexander Dunbar], George Munro of Culcairn Shirref dept of Ross, and the Laird of Kinmylies [David Polson], as being persons well effected for his Majesties Government, and who I question not, will proceed with all zeal for His Majesties Service. I have likewise wrote to the other five Gentlemen, and it will be necessar as soon as this comes to your hands, you do appoint a meeting at Inverness, any two of you making a quorum, And there make enquiry as to the proper persons, who can give Information of the whole manner of the Magistrats behaviour, or any other person upon the forsaid occasion, and cite them before you, and examine them upon Oath, and transmitt their dispositions with all possible expedition, to me, because I am ordered to send them immediately to the Lords Justices, for doing of all this shall be your warrand.

The Lords Justices have likewise received Information by two letters of which I have sent you Coppies [not found], that some persons of note have lately come to the Highlands, and therefore I must desire of you likewise that you will make all the search you can possibly as to the truth of this matter, and whatever accounts you can procure that you will send them to me, which I am ordered to transmitt to the Lords Justices. I am

Sir your faithfull humble Servant

Tho: Kennedy

The particulars as to the Magistrats of Inverness are contained in the inclosed double of a letter which is, it seems, the same as was laid before the Justices, and will be a rulo for interrogating the witnesses.

There is a more human letter from Edinburgh of 16th September, written by R. Gordon to Culloden, in which he says—

I'd have done myself the honour to have writ to you ere now, but I was at a loss what apology to make, capable to excuse my presuming to interrupt your innocent usefull pleasures in your harmless retreat from publick cares, after so long a cessation of domestick joys. . . . the first copy of C—th's memoirs [George Lockhart of Carnwath] ever was sold in Scotland (and that too but about an hour ago) which I herewith send you, will I'm hopefull prevaill with you to pardon this trouble, but if that won't do it, take it in another shape, Sir, and impute it to a violent fit of spleen, contracted by breathing in this confounded abandon'd forlorn hole. . . . we ar dayly amused with storyes of invasions and highlandmen, and tuesday last there was a ship with an hundred stand of arms and 500 weight of powder brought in to Leith

harbour, but whither she belongs to Whigs or Torryes is not yet known. . . . my humble duty to your Lady and honest Duncan [his brother]. . . .

Duncan Forbes on his return to Edinburgh gave the following information in a letter of 4th November 1714.

A story which makes a great deal of noise here is that the Dukes of Marlborough and Argyle are at daggers drawing in so much that Dormers letter says Argyle has got the better and that Marlborough has retired into the Country, the cause of the discord is reported variously, some say that it arose upon a competition betwixt D[octo]r Garth and D[octo]r Oliphant (partyed by the respective Dukes) for the Post of Kings Physitian. Others will have it that the Duke of Marlborough complained of the D. of Argyle for having led the P arambling about the Town before the P[rin]c[e]ss came over, this complaint being made to the K. so incensed the Prince that he is implacable with the auther of it and to this they impute Marleboroughs supposed disgrace, but Argyle's friends here say the story is all a lye and pretend to have advise from London that these two Dukes are the very best friends to one another at Court.

How soon Grant comes down I shall do as you desire me. I can learn nothing of Fraserdale's designs or expectations.

. . . . .

Again on 16 November

Dear Brother

There are no news save what you have in the prints talked of, which will shorten naturally a letter that I have pretty little time at present to write,

What the town talks of now is that My Lord Polwarth has demitted his place in the session to his brother Sir Andrew [Hume, Lord Kinmerghame] who this day entered upon Tryalls for the first time, and its said that Polwarth will be made secretary to the prince, or have Dundonald's Regiment of Horse Guards.

Politicians conjecture that the parliament will not be soon dissolved or at least not a new one chosen, because the Court would willingly as they say wait till this extraordinary ferment that appears in England anent the danger of the Church, spread by Bullingbrook, Sacheverall and such other gentry, be laid, what methods will be fallen on for that effect are not condescended on, but its apparent it was raised by the hasty and universall thrusting Torys out of places to be filled by Whiggs, if the steadynes of the Ministry in their measures overcome these emotions all will be weel, and certainly firmer than in the hands of a moatly [sic] Court, but as things stand at present the Torys seem very confident, and leaves no stone unturned to embroil things in England and to perswade us in Scotland of the strength of their party there.

That I have not heard from you these two posts is neither kind nor as good as your word.

McGriger spoke to me about spades which not being ready I have given orders to make against next post. Excuse me at my Mothers hands once more for not writing.

Dun: Forbes.

## (8) THE GENERAL ELECTION OF 1715.

The last parliament had existed from 12th November 1713 to 5th January 1714/5, and John Forbes of Culloden sat for the shire of Nairn. He was now to seek election for the shire of Inverness in opposition to Alexander Mackenzie of Fraserdale, the former representative. In right of his wife, Amelia, Lady Lovat, Mackenzie held the estates of Lovat till attainted after the Rising of 1715, and his wife continued to hold the title till 1730, when it was formally adjudged to Simon Fraser of Beaufort, who, however, was known meantime as Lord Lovat. Though he obtained a gift for life of the escheat of Fraserdale, he did not actually get full possession of the estates till 1733, after paying compensation. This consummation of Simon's ambition (or a part of it) was largely due to the influence of the two brothers of Culloden, and, apart from any personal feeling in the matter, the barons of the Aird were extremely useful in turning the scale at elections. As the Frasers had practically disowned Mackenzie for their chief, it was necessary to assist Simon by every means possible in return for the votes which he virtually controlled at this election of 1715.

The other most influential supporter Culloden had was Alexander Grant of Grant, who had been member for the shire of Elgin, and was now seeking re-election there.

In other neighbouring constituencies, the Inverness burghs (Inverness, Fortrose, Nairn, and Forres) were represented by William Stewart, remembrancer of the Exchequer, who was standing again and was opposed by Colonel Alexander Mackenzie. The Elgin burghs (Elgin, Kintore, Banff, Cullen, and Inverurie) had in the previous parliament returned James Murray, second

son of David, Viscount of Stormont, whose candidature for the ensuing parliament does not seem to have been opposed, at all events at first, though John Campbell of Mamore appears to have come forward later.

In Ross-shire, General Charles Ross stood again, his family having in the meantime succeeded to Balnagown; and in the burghs (Wick, Dornoch, Tain and Dingwall) Captain Robert Munro, younger of Foulis, was seeking re-election. In the shire of Cromarty, whose turn it was to have a representative instead of Nairn, Hugh Rose, younger of Kilravock, and Captain Alexander Urquhart of Newhall were rivals.

On 20th November 1714 Alexander Grant of Grant wrote [to Culloden] from London that he had sent down the warrant for his being made sheriff of Inverness, and that he would himself follow in a few days.

Mr Stewart comes along and I must beg your assistance and intrest for him in the toune of Inverness which I am told is at present blockaded by the Clan Kenzie. I hope the list of the Justices of peace will please you, I have put in your Brother [Duncan Forbes], Muirtune, [Sir Thomas Calder of Muirtoun (Moray)], Chives [Scheviz of Muirtoun (Inverness)] and severall others.

On the same day Captain Robert Munro, younger of Foulis, wrote also from London—

Dear Cousen

Your last to me of the 30th past was answered last week by the E. of Ilay who wrott to you in answer to your and Kilravock's conjunct letter to the D. of Argyle in relation to Lovat and his brother [presumably John Fraser.]. My Ld tells me that he acquainted you likewise that your Brother Duncan is made Shireff Depute of Edinburgh. Grant's commission as Shireff Principal of Invernes went from this last thursday to pass

the seals. The lords of the treasury upon a memoriall from Sir Wm Gordon [of Dalpholly, baronet, M.P. for Sutherland] and me examined the papers laying in the treasury relating to Sandy Gordons affair and after full examination last munday came to an unanimous resolution that the articles on which he was turned out were vexatious and malicious and gave a warrand immedeatly to repone him so that once more he is Collector at Invernes, there is nothing yet done for

Your cousen and faithfull humble sert.

Robert Munro

I had almost forgot to tell you that it is requested of you by some great men in the Ministry that you should goe east to Morray on receipt of this and try if it is possible (by Sir Hary Innes and Bishopmiln [Alexander Dunbar] or any other hes influence with Thunderton [Archibald Dunbar]) to oppose James Morray in his Borrows for it is by Elgin he'l carry it, for the E. of Finlator has promised the D. of Montrose and Roxburgh to give his touns to any man will oppose Morray, on receiveing your answer if you think it practicable all measures you'l propose shall be followed.

The appointment of Duncan Forbes as sheriff-depute of Edinburgh, mentioned in the above letter, is of some interest, and does not seem to be generally recognised by his biographers.

In "Culloden Papers" (XLII.) appears a letter from Lovat to Culloden, dated 24th November 1714, requesting him "to join with my other friends betwixt Spy and Nesse to sign the adresse the Court requires, in order to give me by remission," and in the matter of votes if "I was at home, the litle pityfull Barons of the Aird durst not refuse you." The "Culloden

Papers" [CCCLXX.] also give an illuminating list of those who signed the address on behalf of Simon Fraser.

On 26th November Culloden asks his brother about

the storie of the mob that hes been att London, which rages so much amongst us, our jacobites will have it consist of no less than a hunder thousand, who they say will oblige the king to alter the ministrie, whether he will or not, they also are very confident that the next parliament will be more torie than this, and a thousand other things to this purpose they boldly assert, pray lett me have your thoughts whence all ther confidence of late aryses for I cannot understand it, unless it be to keep lyfe in the partie, but be that as it will, its lyke to have some influence on our elections, because tho they be as bussie as bees carrying on the desynes, yett we are stupid and secure. I wonder that non hes wrote to Kill[ravock] anent Will Stewart's election, pray lett me know how the elections are lyke to goe in the south, we have ane other idle storie heir that Argyle and the Squadrone are att daggers draweing, toping other in the Elections but I cannot belive it, ane accoempt of these things with what other stories ar passing will be very oblidging to your mother (who is as curious as ever) as also to yours

Jo: Forbes

From Captain Robert Munro, younger of Foulis, to Culloden, dated from London 4th December 1714—

Dear Cousen

. . . . .  
This day Brigadeer Grant, his brother Capt. George [Grant], and Will Stuart the candidate for your Buorrows set out for Scotland with whom you'l have his Grace of Argyl's commands. I long to



know what can be done with Elgine for the E. of Finlaters burrows of Bamfe and Cullen are secure against Mr Morray. Our Scots great men don't own that they differ about the employments but this I know that all the affairs for Scotland go on but slowly, however when once the places are given they I hope will all agree in opposing the torrys, Mr Stanhop's commission is a secret. I read this day a pairt of your letter to Mr Walpole and then took occasion to ask him about it, but he told me it was not communicated to the Cabinet Council. . . . Mr Stanhopes instructions were given him in the King's closet. . . . all of your acquaintance here that I know ask for you by the name of honest Forbes. . .

I'm dear cousen yours

Robert Munro

It is said the Parliament will be dissolved the 10th but if it should not be franking will end of course the 20th, it being 40 days after the last prorogation.

From Duncan Forbes at Edinburgh to his brother at Culloden, dated 9th December 1714—

Dear Brother

Not to quarrel you for Laziness because its a Disease you can not help I think without offence I may make it a sort of Merite that I write when there are no manner of News.

The Torrys still brest as formerly and some poor spirited Whiggs are still afraid tho for my own part I cannot help being of opinion that there is no danger, relying entirely on the prudence of the present Ministry who never would have made a Revolution in posts so offensive to a party if they had not been pretty weel assured of making their pull good the ensuing Elections.

Little lyes are very frequently buzzed about in this town, it was whispered the

other day that my Lord Ilay had come hither incognito, upon no other ground than that Collenell Midletoun and another Gentleman were seen alighting from their horses at the post house.

It was reported that Will Stewart was gone north by this place in great haste to forward his election. The News took so effectually that Collonell Mackenzie mounted be two a clock next morning for Inverness and his friends now laugh at him when they understand that Will Stewart is not out of London for ought they know.

It was said and believed that Grant was past likeways but the contrary now appears, the Tale however had this effect that Fraserdale is to set out tomorrow by the Cairn Road which should stirr you up to Diligence.

There is yet no certain news of Dissolution of the parliament, when it comes you shall be acquainted.

The Commissioners of the Customs refuse to repon Collector Gordon notwithstanding the Warrant from the Treasury untill he answer to some new accusations laid against him, some people suppose but on what grounds I know not that my Ld Argyle has a hand in this being promised by the Town of Inverness their vote for Will Stewart if he can continue their Collector but I can scarce think it.

Mrs Munro and others your friends express great desire for some of your Ferintosh, of the edition which used to be dedicated to Sir David, therefore it would be kind if you did order 4 or 5 gallons of it to be made and sent to me, to be distributed as you will

Dun: Forbes

From Captain Robert Munro, younger of Foulis, to Culloden, dated at London 11th December 1714.

My dear Cousen

I have nothing of moment to acquaint you with only that great struggle is made over all the Country for Elections, we long to have your thoughts of the district of Elgine for the E. of Finlator is firme to his promise, when you see Grant he will informe you fully about Lord Lovat's circumstances In the mean tyme it is necessarie that all his friends keep his circumstances privat, I hope to be with you about the beginning of January about which tyme we'll joyn our unitted Forces for our poor friend Lovat's service, In the mean tyme secrecy is necessarie, this is my 2d since I heard from you, there is nothing yet done in my affair; I'm just going to wait of the E. of Sutherland with whom I'm to supe, his Lordship gives you his service as does

Your Cousen and Servant

Robert Munro

From Duncan Forbes to his brother, dated at Edinburgh 17th December 1714, "6 a'clock at night."—

Dear Brother

After writing what goes by the post youl understand that I met with Brigadier Grant who arrived within this hour from London. I had time to ask him no more questions than just when he is to meet with you and he says he'll keep his appointment with you Saturday come eight days at Ballindalloch; this meeting I know you will not disappoint; in the meantime I shall discourse him fully and have perswaded him to take the oaths tomorrow before the Lords, it being the only time within the yule vacance in which it was possible for him to qualify himself as sheriff, without which he could not officiat. In acquainting you of this youl commend my diligence.

Dun: Forbes

From Captain Robert Munro, younger of Foulis to Culloden, dated 18th December 1714. This letter is badly torn.

[ . . . . . ] I can informe with nothing from this place of moment but what you have in the prints; I long to hear from you, haveing accepted of a commission to be Capt. of a 3d independent company in Coll. D. Mackenzie's roome. I would leave this place were it not for the unaccountable support given Mr Erskine against my Brother Sandy Gordon, the opposition as it is strange so it is very great and if Sir Wm. Gordon and I had not justice on our side I would dispair of success, however I hope it may be determined nixt week at which tyme I'll leave this place, one [John] Campbel of Carrike is my first Lieut. and young Culdithel [Alexander Fraser] my second Lieut. Fanabs, Grants, and my company are to consist but of 41 men a peice untill the Parliement meets. Duncan Mackenzies company is given to Lt. Coll [ . . . . . ]

"Sandy Gordon," who has been mentioned before, was Alexander Gordon of Ardoch (now Poyntzfield) who had married Ann, daughter of Sir Robert Munro of Foulis and sister of the writer of the letter (A. Mackenzie, "History of the Munros.")

A long letter from Culloden to his brother, dated 18th December 1714, is given in "Culloden Papers" (XLIII.) He was sanguine about his own election and of Stewart's, though the latter would have to give his vote as a barron to young Kilravock in the shire of Cromarty, and help him in other ways. It was rumoured that Montrose had written in favour of Colonel Mackenzie, but this he did not believe. Glendaruel had been in the country meddling with the elections and making mischief. "I think if he were right served he

should get a halter." Kilravock (who was sheriff of Ross) desired the writs for that shire to be sent at the earliest moment either to himself or to Culloden—"you may easily guess our meaning, if you think on Channerie."

On 25th December Captain Robert Munro wrote again from London that

Since the receipt of your letter which I showed to some great men endeavors are using at Edinburgh with Thunder-ton yet this must not make you give over using all the interest you can with him. I can hardly believe that Glengerry and the Capt. of Clan Ranald will qualifie for Sir Dod. McDonald hes promised me not to medle.

A week later (31st December 1714) Duncan Forbes wrote that "upon information that Beaufort, alias Lovat, is at London and intends to come down, Fraserdale has been at the Justice Clerk, requiring an extract of the process and sentence against him. How far Argyle is privy to his comming I know not" ("Culloden Papers" XLIV.) On the same day Culloden wrote thanking his brother for sending his clothes, his black clothes left in Edinburgh, which he had required on the information of Brodie's death ("Culloden Papers" XLIII); and also for the "retours of Moniack and Drumcardine," presumably in his own interests in connection with the vote of Fraser of Strichen.

As to Will: Stewart's affair, I hope it will doe, but still on condition that Kill [ravock] carries Cromartieshyre. Ther is very strange forking for those Borrowes, which I cannot commite to paper, because the thing is not yet rype; I am told that it is by Stewart's means that Collector Gordon is not reponed, If so I am truly sorrie for it, and I assure you it will doe his election no good, and you may tell him so much, for if I am not

much mistaken, if Kill: and he can but agree, his bussines might be done

As to my Election I know not weell what to say, much depends on MacIntosh [Lachlan Mackintosh of Mackintosh] he is not yett engagded, nor is it possible to make him for me unless ther can be a lyne of complement to him obtained from Argyle or Ilay in my favours. If this can be gott it will secure my Election, and his own Lady [Anne Duff, daughter of Alexander Duff of Drummair] and friends tells me ther is no other way to carrie him, and I truely think, if Marn and the other partie are writeing circular letters in favours of ther friends (for McIntosh showed me the letter he gott), I think Argyle and Ilay should not scrouple to write in favour of ther friends, but doe in this as you think fitt. If Will: Stewart expects any kyndness from Killravock lett him procure a lyne from Argyle to Sir Keneth [Mackenzie of Grandvale and Cromarty] in favours of Kill: valeat quantum valere potest, It will so far exoner Stewart, that Kill: cannot weell deny him, but if this is not done, I know not how matters will land

I wish you and your other comrades especially John Kennedie, General Whiteman [Wightman], and John Paterson many good new years and I am

Yours

Jo: Forbes

Coll: the last December 1714

Pray fail not to take care of the writes for Inverness Ross and Murray how soon they come down, and lett them be sent by express to Brigadier Grant or me, I was att Castle Grant and Ballindalloch all last week, and we kept our tryst so exactly that we lighted att the place appointed within less than a quar-

ter of ane hour of other, and I assure while together your health was not neglected.

Deliver the inclosed as directed.

On 14th January 1715 Culloden wrote again to his brother:—

Dear Brother

I wish you had forwarded my letter to Foulis, but since you have not, please deliver it carefully when he arrives. I hear Mr Stewart is at Sanchar, and will be hear in a few dayes, when he comes shall doe him all the Civility and Service I can, tho I heartily wish he had taken other measures, for securing the vote of Inverness, then by opposing of Gordon, and that for Reasons I cannot now communicate.

As to our Elections, I know not what to say, if Fraserdeall, Sir Don[ald Mac-Donald], Royston [Sir James Mackenzie], and Delvine [John Mackenzie] comes north, they will be too many for us, but if they come not, Fraserdeall needs not trouble himself. The Newes leatly come from France of the Pretenders being hier, before the fifteenth of February, hes so pulled up our Tories, that I be-ginn to dispair of McIntosh, but if I can lay stress on his word, he will not be against me; amongst other certain newes, the place of landing is to be at, or near to the Bounds, or at Spey's mouth, whichever of the two places are thought most convenient, I will not advance this for Gospell, but this I dare advance as a truth, that had the Government, ( I mean those concern'd in it) sent north some Troups, that were call'd for (and seasonably call'd for) in due tyme, it would easilie prevent and quell all the thoughts of disturbance, either with respect to Jacobititisseme or Elections, that could be amongst us, but since places and posts are so much

necessair, as that they cannot notice other thing, I pray such measures may not prove ther ruine, for I can assure you that self seeking people cannot prosper; this note is of your mothers by which you may see that I have honestly Communicated all I had from you.

As to the Election of our Borrowes, I have just now pairted with Coll. Alex. Mackenzie, who was desyring my vote in Inverness, as he call'd it, you know my interest so weel there, that I need not trouble you with my answer, but he says he is sure of that borrow, and only desyred my friendship for Nairn and Forres, wher he was sure my interest was very great. My answer to this you may easily judge of, from all which I can hardly subsume anything, but that if when your friends are in place, they doe allow themselves to be so imposed on in their friends (by ther neglecting to support them) they may as weel imploy you as hangman to destroy them by virtue of your new preferment as expect any good service of them.

I shall be glad to hear how my Lord Ilay (who is certainly by this tyme with you) received my last despatch. As I communicate my news I expect you will yours. Peter will see you in a little tyme, and will tell you how many tymes we all wished you and your honest comrades John Kenedy and James Paterson many good New Years, Yours

Jo: Forbes

Coll: 14th of January 1715

I forgot to tell you that Col. Alex. McKenzie cam to this house to sollicite me, please impute the blots in this letter [they are many] to wyne drunk with him.

A week later (21st January) he informed his brother that he had been all that week at Inverness with "Grant, Stewart, and Coll [Colonel] Grant," and that there was



very strong opposition on the part of the Mackenzies. Fraserdale had that night come to town and

as I wrote you formerly the hyland cheiftans are to qualife to serve him and are doing all they can in the town against Stewart. I wonder much the government does not take notice of them, for it is because we doe nothing, that they doe something. I have no hopes of McIntosh unless Argyle or Ilay writes to him.

The answer to this, dated from Edinburgh 27th January 1715, is as follows:—

Dear Brother

Your line is very short but mine must be shorter since the post goes just now off. Your garden seeds I cannot send because you was not pleased to transmitt the list of them.

I can scarce perswade my self that your highland clans will come in to take the formula against you, tho if they did I believe it would be the worse for your competitor in a house of Commons which no body now doubts will be Whigg, as Fowlis who is new with you will confirm. There will now be no time for procuring any Letter from Ilay or Argyle which might have been done from London, to McIntosh, because I fancy your Election may be over before this reaches you at least before any letter could be transmitted to you from Ilay who is not expected here till the middle of the next week, but how soon he comes if there is no probability that your work is done I shall procure if I can what you demand. That Grant will be hearty in your cause I am perswaded, and if you follow the measures that were formerly concerted I cannot see how you can fail of being returned.

I need not tell you that tuesday last I sent of ane Express to Grant with the writts of Inverness-shire and Ross. I see there

is ane Express come south for Baillie Clerk from Col: Mackenzie, and I am endeavouring what I can to perswade our provost to go north to counter him

Dun. Forbes

Meanwhile Culloden had written (28th January) to his brother ("Culloden Papers" CVIII., where the date should be 1715 not 1725) that "we have the strongest struggle about elections in this countrie, all over, was ever heard of, especially anent our borrows; so that I cannot yett say that Stewart is secure," and that "I cannot tell what to make of McIntosh. If Argyle wrote to him, I am told it might doe weell."

By 5th February the time of election was drawing near, and Forbes was still anxious, though Stewart was sure now of Inverness. The following correspondence continues the story—

Dear Brother

Your express with the writtes is not yett come, which makes me belive, that he is intercepted by the way, in order to keep up the writts till February is ended.

Fraserdale affects strongly that my hyland neighbours will come down, which makes it necessary that McIntosh be wrote to, Stewart will carrie his Election, for Coll: McKynzie and he have agreed, so that he hes now no Competition, Capt Urquhart of Newhall stands for Cromarty Shyre, and as I am told, will carrie it, Dalphellie will stand for Sutherland, so that I am affraid Colouell Jack Campbell [younger of Mamore] will be out this parliat, unless Argyle provydes for him else wher, I doe own that Grant is very hearty for me. I cannot weell be returned, unless Simon had his remission and were in this Countrie at the tyme of Elections, you may easily gess my meaning, deliver the inclosed to Peter, and faill not to send by McGrigor gardine seeds conforme to the inclosed

list, my wyffe bids me tell you that she  
wants some shoes and gloves, our Mother  
and all with her is weell I am yours

Jo. Forbes.

Coll: 5th February 1715

From Duncan Forbes to his brother,  
dated at Edinburgh 7th February 1715.

Dear Brother

The post who came but on a saturday  
surprises me with his departure this  
morning so that I have time only to tell  
you that my Lord Ilay is expected down  
here today or tomorrow at furthest and  
when he comes I shall acquaint him of  
your desire that he should write to Mc-  
Intosh, if it be thought the letter can  
come in time which I now doubt of, be-  
cause I perswade my self the writts which  
I sent north by a councill post the very  
day they arrived here must be come to  
your hand long agoe and I presume you  
would judge it expedient to proceed with  
all convenient haste.

I forgot to tell you formerly that by  
the late British act which was brought in  
by Mr Lockart of Carnwath it is directed  
that in all time coming the days of Elec-  
tion for Counties shall be three full days  
after the Sabath on which the intimations  
are made at the Church doors. Where-  
for if they be not made already you must  
have regard to this, if they are, there is  
no help for it but to put a good counten-  
ance on the matter.

By the publick news you'l see vast al-  
terations in the English members chosen  
but will perhaps not know how to spell  
them. Now for your Edification and Con-  
solation I acquaint you that the skilled  
People here declare the Whiggs have it  
hitherto by the odds of the proportion  
that is betwixt 5 and 2 in 7, that is more  
than two to one. I am in haste Dun.  
Forbes.

Excuse me to my Mother.

From Duncan Forbes to his brother,  
dated at Edinburgh 10th February 1715.

Dear Brother

It did concern me not a little to hear that the writts which I had despatched north had not come to hand but I am relieved a little by Peters telling me that as he came throw at Elgin he heard the Councell post with them had arrived at Castle Grant, the express had no letters from me to you since I designed he should have gone no further than Grants, and that I take to have been the reason why you heard no sooner about them.

I'me glad and so will you be when by the prints you see that Brigadeer Grant has gotten the Government of Sheerness Castle.

Lord Ilay has been detained at London by a Squeenzy longer than he expected but its said he left that place Sunday last and is lookt for here tomorrows night, when he comes if I can jage it may reach you in time I shall procure a letter as you desired.

Montrose, Marr and in short almost all our Nobles expect Argyle and Ilay are here, but I do not here that Marr purposes to form a list contrary to the Court only he pretends to be one of the 16, which people suppose will be refused him

I'm very glad at Will Stewarts success and the rather that its believed you had a hand in it.

This day Gen: Ross is gone north in order to his Elections. You know how he stands; upon what account it was I do not know but he did me the honour (tho unknown) to invite me to a bout of drunkenness where you was a toast.

This day comes on the Election of Stirlingshire as also of Perth, Fife and

Angus, shires how the three first will go is hard to determine. . . . .

I cannot mind your memorandum till next post.

Excuse me to my mother

Dun: Forbes

From Culloden to his brother (undated).

Dear Brother

Your express with the writts came not to this countrie till last night, tho the writts for the northern shyres past hier Satterday last. This I hope will make you cautious whom you imploy to carrie any thing of moment for the future, for I doe assure you Brigadier Grant and I were never so anxious in our lyffes as for the want of those writts, and all by that rascalls Slouth you imploy'd. I doubt not but you'll take care of him, when he returns.

My Election depends so much on Mc Intosh that by advice of Will: Stewart I run you this express, to tell you that a line to McIntosh from Ilay or Argyle is absolutely necessary, otherways I must be the petitioner, which you know is expensive. Ther is tyme enough to procure a letter (which you may calculate for the honest gentleman's meridian, because you know him). If Ilay or Argyle are with you, ther is no difficulty, but if they are not yett come, you may keep the bearer, waiting them, provyded alwayes he may be hier the twenty third instant, for my Election is to be on the 24th and cannot be sooner; this is all I have to trouble you with. It much concerns me, so I hope you'll be att pains in the matter, because I am

Your

Jo: Forbes

The inclosed is from Mr Stewart to the same purpose with myne

From Culloden to his brother, dated from Culloden 18th February 1715.

Dear Brother

I have yours of the 10th February, and I hope ere this can reach you, you have dispatch'd my express, with the olive branch I wrote for in his pockett, for as I wrote you formerly the faite of my Election depends very much on Mackintosh: if he is passive, it may doe weell, but if he is active for me (which I doubt not the letter desyred, if rightly calculate, will make him), it will infallibly make my Election sure, and if my Friends reffuses to write in my favours, after what I have been acting for them, to themselves be it said. Will: Stewart hes carried his Election nemine contradicente, Capt. Urquhart of Newhall hes carried Cromarty the same way, so that Killravock's pipe is out, for this bout; Grangehill and Thunderton are the double delegates chosen for Elgine, but who will carrie it I cannot tell, it's said that Grangehill hes laid out a hunder and fifty guineas ther to have him self chose delegate, upon which Thunderton hes taken a protest, Sir Will: Gordon carries Sutherland, Capt. Monro the northern Borrows, but I know nothing of Caithness, only they tell me that Sir Robert Gordon [of Gordounstoun] and Sir James Sinclar [of Dunbeath] are att daggers drawing, but for what I know not, nor have I gott the particulars of the storie. Fraserdalle makes a great bustle hier, against his clan, because they disown him for ther chieff. I wonder much I had no accompt of the address I sent you, to be transmitted to Ilay; if those people are diserted now, better they had never been spock off; and I can safely say, Argyle cannot hope such ane other fether out of his cape, were Simon in this Countrie, we would not be brow betten, by

the Jacobites, on every hand, as we now are, nor half the trouble that now is in our Elections. We look for the pretender with every fair wind, and lett me tell you this, If he does come, ther will be bloody bricks, and your steatsmen, who might very safely have kept the peace of the Countrie (if they sent but a few troups tymously to it) will perhapes find to their cost att last, tho we most be the first sufferers, that by their neglect they have raised a devill that they can not so easilly lay: I wish with all my heart you would speak a litle of this to our great folks, since I am very sure, it would be for the intrest of the Goverment that we had forces hier, till once it were weell settled, whether a pretender comes or not. I have no more to trouble you with only mynd my gardine seeds. If the express sent you returns not before the twenty fourth instant it can doe me no good, our mother and all Friends are weell and I am

Yours

Jo: Forbes

I wonder much the Captions against Brigadier Grant are not suspended, for they have messengers att Elgine and Inverness waiting him.

This belief in Jacobite intentions was equally shared by Sir Robert Munro of Foulis ("Culloden Papers" XLVI. where the signature should be "R" not "J. B.") who warned his grand-nephew, Culloden, that if he were elected and had to go up to parliament "as I hope you will, you will recommend to some trustie faithfull friend to take care of your House of Coulodden."

The following letter from Grant of Grant, dated 21st February 1715 from Castle Grant, is of peculiar interest with respect to the methods then prevailing at elections:—

Dear Sir

I had yours this morning at Balnadaloch & am extreamly pleased with the Earle of Ilays letter, it is both Mr Stewarts advice & myn that Kilraick should gett the other to be sent to E. of Cromarty. You have heard no doubt that everything was peaceable & quiet at Elgin, I was alarmed when within three miles of the touno with the accounts of two fellows that were stole out of toun the night before, what became of them is as yett uncertain, but it put me on my guard lest I should have been servd with the same sauce. I shall be at your house on Wedinsdays night. I wish Kinmylies [David Polson] wuld be early with us on Thursday to concert matters before we goe to touno. I'll endeavor to dine that day at Dalcross [Mackintosh of Mackintosh], and try if he can be brought along, if that fails we must have him to stay out, I will have some friends with me to goe into touno, there shall be also a score or two of lads at Inverness, so that if any attempt is made, it will be dear bought. I writ the inclosed to Kinmylies [then Sheriff-Depute of Inverness] which I must beg of you to forward, that if you and he think it proper he may ask a guard of the Magistrates or call [? some] of the Shires men either of which is most convenient.

My brother George goes to morrow morning for Rothimurchus, I hope Glenmoristone will be at hand that he may come in cace of need. I make no doubt that you will have or will take care that [Robertson of] Inches be taken up, you may mind that you answered for it that he should not be present; as for Fyars [Fraser of Foyers] rather than want him the debt must be payd, but I'm told tho you don't mention anything of it that [Cuthbert of] Castlehill has taken ser-



vice from the ennemy. If you'r shure of this pray cause Gilb[ert] Gordon writ to my friend [Grant of] Delrachny who will be weddinsdays night at Castlehill, and if he's gone off Delrachny has engag'd to me to steall his uncle, this is the way that sharpers are to be used so ther's nothing for it but the solution, and I hope you'l very soon see that I'll goe any lenth that can be thought proper for carrying our designs. I have this day sent Brodies brother down and writ to my cousine to be with us and to bring his parchments along with him. I must lave any thing els to your self and believe me still Dr Sir your own

A. Grant

On 24th February 1715 John Forbes of Culloden was duly returned for the shire of Inverness, and so sat in the first septennial parliament, there being no general election till 1722.

As the names occur from time to time in subsequent documents it may be well to recapitulate the other members now returned for the constituencies chiefly concerned:—Captain Robert Munro, younger of Foulis, for the burghs of Tain, Dingwall, Wick, Dornoch, and Kirkwall; Captain Alexander Urquhart of Newhall for the shire of Cromarty; General Charles Ross for the shire of Ross; William Stewart for the burghs of Inverness, Nairn, Forres, and Fortrose; Alexander Grant of Grant for the shire of Elgin; and James Murray for the burghs of Elgin, Banff, Cullen, Kintore and Inverurie, though he was unseated 7th April 1715, and the election amended in favour of John Campbell of Mamore. Sutherland returned Sir William Gordon of Dalpholly; Caithness, Sir Robert Gordon of Gordonstoun; and Banff, Alexander Abercrombie of Glassaugh.

From Edinburgh Duncan Forbes wrote on 25th February 1715:—

The Tories are much out of countenance for the success of their election and wait only with concern to see what course the Whiggs who will certainly have a great majority in the parliament resolve to take.

The Duke of Argyle came down hither tuesdays night last, had he arrived sooner I would have procured a letter from him as I did from Hlay but I hope what you have gotten has done your business.

The Duke carries down with him the Princes proxy for electing the 16 peers, but its thought there will be little occasion for it since if our Whiggs count right they will outnumber the other gentry by 17 voices.

The competition for representing this town runs betwixt Provost Warrander and Baillie Campbell Skipnes who has carried it by 4 votes but the other says he intends to petition.

The last letter concerning this important election is "Culloden Papers" XLVII., written by Culloden from Castle Grant on his way south, 4th March 1715. He was frank in his opinion of Argyle, and thought he should have been advised to bestow his favours better than on such as could never be hearty for the present government, "for if His Grace be supporting Carnworth, Mr Murray, and such people as these, in the Elections, as is confidently storied here, I must beg leave to say, it is a proof to me that there are differences amongst you which I most heartily regreate. I wish to God they would remember that a House divided against itself cannot stand."

(9) BEFORE THE RISING OF 1715.

John Forbes of Culloden, as stated, was returned as member of parliament for the shire of Inverness on 24th February, and two days after his arrival in London he wrote the following to his wife, 19th March 1715:—

My dear Love,

I came safe to this place, the 17th instant by ten a'clock forenoon, and by two a'clock the honourable Mr. Compton, a very honest man, and a stench whig, was chose our Speaker, without any opposition, I leave you to judge if the Brigadier and I did not make quick Dispatch.

I have alraddie seen the King, the prince, the princess, and all the great folks, who have received me very kyndly, the Whigs have certainly a great majority this parliament, I pray God direct them right, I am told that the late ministrie will certainly be impeached before this parliament, I'm very sure they weel deserve it, but this tyme most try. As for any memorands I shall not trouble you with it this post, because I am yet in a hurrie, not having gott Lodgings, your Brother [Sir Robert Gordon of Gordonstoun] is very weell after his Journie and I am very sure will carrie his election, so that for James Sinclair [Sir James Sinclair of Dunbeath], he's come ane Appryle erand in march, we desyno to lodge together, but the town is so throng that we have difficulty to find a convenient on, you may direct for me as you did last year, mynd me to my mother and to Marrie, let me know what our hyland nighbours are doing, pray mynd your yeats, let them be weell mended and weell lockt every night.

I also desyre you may be carefull of my arms and ammunition which I left in

the gallerie, and let not Sanders Leslie be shouting it at the wind, I doubt not but you will give the gardner all in cour- adgement, that his work be not stopt, this is all that occurs at present to my lyfe

Your

Jo: Forbes

The parliament meets munday nixt ten a'clock.

From Culloden at London to his brother at Edinburgh, 22nd March 1715:—

Sir Robert Gordon gives you his ser- vice and intreats that before you goe north you'll please order for his use and myne a hogshead of the best wyne you can choose, pray lett it be weel botled and att the drinking wee shall not ne- glect your health. You'll take care that it be shipt as that we may evade the duty.

He refers to this wine in another letter to his brother, dated 2nd April 1715:—

wyne is truely so bad and so very dear in this place that we are forc'd to have this recourse and therefore its hopt you'll be att pains about it. The prints will tell you that Bullinbrook is rann for it. Its thought Oxfoord and the rest of the curst crew will follow him if they are not allready gone, for Oxfoord hes not yett come to town neither does any know wher he is. Its talkt this day that D[uke] Shrewsbury is out of place and that the Marquis of Dortchester [soon after Duke of Kingston(-on-Hull)] hes got it, he is a very honest man yea so honest that tho [the Earl of] Marr be his son in law he will find no favour from him unless he alters his measures. . . .

Duncan Forbes may be presumed to have been as good a judge of wine as his brother. The letter to follow is referred to by Hill Burton in his "Lives of Lord Lovat and Duncan Forbes," page 295, and a quotation given from it, together with Dr Clark's postscript; and it was the author's opinion that "the repeated use of the word 'physical' seems to have reference to a society so called," probably a very select and philosophical wine-club. In "Major Fraser's Manuscript" (edited by Lieut.-Col. Alexander Ferguson) there is given (Appendix II.) a long letter from Duncan Forbes to John McFarlane, dated from Inverness, 8th April 1715. Mr McFarlane appears to have been law agent to Lovat among others, and his wife (presumably the "Phyza") became famous not long after in connection with "The Tragedy of Steele's Close," described (Appendix III.) in "Major Fraser's Manuscript," and in Sir Walter Scott's "Peveril of the Peak" (notes to chapter V.) Having, it appears, been grossly insulted by a certain John Cayley or Cailie, one of the commissioners of customs, in her own house, she shot him dead with one of her husband's pistols. She does not seem ever to have stood her trial, and was in fact concealed for a time at Swinton House. Some original documents on the subject are to be found among the State Papers (Scotland) in the Public Record Office, dated in October 1716; but do not solve the mystery.

It was a different state of society then, and the following quotation may be given from John Ramsay's "Scotland and Scotsmen" in relation to Duncan Forbes:—

If ever drinking was to be excused, it was in the company of this accomplished man, from whom one was sure to hear something worth while.

And of Dr John Clark, "an excellent classical scholar and critic," he also wrote:—

Notwithstanding the dryness and coldness of his manner nothing could be more delightful and instructive than his conversation, in which he displayed an extensive knowledge of men and books.

To Duncan Forbes advocat  
to the care of the Postmaster of  
Inverness.

Edinburgh April 21, 1715

Dear Duncan

The jokes have been so scanty among us since you left the body disconsolate at your departure, that I believe an universall gessing [going away] has seized both members and auxiliaries, there is indeed now and then a joke lett drop by one or other but the rest being absent all is lost in our thin meetings, for but once and never but once had we a full assembly and that was to commemorate that worthy member, Davie, that elder brother of the Phizes, where members, auxiliaries, honest men and Lords were present to the number of a dozen. We drunk severall bumpers to the Phizes, to the phizza, to the father, to the health of the night, and a drop less than a bumper to yourself, I say a drop less because of your presumption upon the fathership; and wo's me the disrespect was so great to your paternall authority, that the tapp'd hen—a bird as peculiar to you as the Eagle is to father Jupiter,—was not allowed access among us notwithstanding of the earnest intreaties of many of your dutifull sons. I fear if you do not return you will soon lose your children at least find them debauched, for a certain tribe of men called eight-a-clockers, grossly perverting the order of the body and preventing time, slay them at that unseasonable hour from which they've borrowed their name and this from a reall sense of the danger I

think my self obliged to intimat to you that you out of your paternal care and concern for the good of your children may take your own method to rescue them and bring them again to their duty.

But while I'm thus lamenting the miscarriages of others I'm litle thinking how I shall be able to fill this paper in obedience to your commands, for a small meeting we had yesternight has so discomposed me that I find I shall be scarce able to make it out even with the assistance of a large margin and sparse write, and by what I feel this minute I know I've been all most drunk, yet to the scandale of the Society nothing said that I have reason this morning to call to my thoughts, so with very little language I have brought you to my thoughts of this instant of time without haveing prepared what shall succeed them, thus while we enjoy the present moment we can have no prospect of futurity, or otherwise if we endeavour to extend our views beyond the present time, we lose what we presently seem to possess in an uncertain conjecture of what is to come; and both without pleasure, because the one cannot at the same time have the assistance of the other which is necessary to make our satisfaction complete, and thus it must be to make us sensible of our weakness, that we may know we understand but in part and that there is something beyond our present capacity reserved for our knowledge in another life; this is an argument for the immortality of the soul of man that even when clogged with a body it knows there is infinitely more to be known tho' presently hid from its view, that, when freed from the body which confines the knowledge, will be made manifest: for to think otherwise would be inconsistant with the notion we have of God who made all things for his

own Glory, and therefor that his glory may be the more exalted in the invisible things of his creation, we may with certainty conclude, they will sometime be opened to our sight, or which is all one we will be made capable of knowing them, that God may thereby have the greater glory and we be made the more perfectly happy. This I'm sure is true for this instant while my hand goes over the paper I find something within me which I believe is my soul struggling after something the notion of which it can't get at, who like one bound tho' presently he be not able yet strike of his fetters he knows he could run out; and does not this tell me if my body were once dissolved the prisoner within would have a much freer exercise? I know not how I have fallen into this way of thinking when I look back and see how I have begun this foolish letter; but as I said I having no particular subject to write on, this paper bears my thoughts without any other order than what they had when I first conceived them which is the best testimony I can give of the confidence I have in your friendship and in your good nature when you look into the bosom or one where the best entertainment you can get is from its irregularity and wildness: but when I speak of friendship I must lament the death of poor Mr Sinclair which happened about a fortnight ago, he had all the good qualities requisite to make a faithfull friend, he and I possess'd so much of one another that nothing would have parted us but what must separate us all, and his loss will make true friendship still more valuable to me; for I differ from you in what you said in Phiz Aikman's letter [? William Aikman, the portrait painter], that every honest man if he be not a fool cannot want a friend, because friendship in your sense of it is so rarely to be found in any



one of the crowd of acquaintances, that a man both honest and no fool may consume his whole life in making choice of a friend and never fix upon any one proper for the strict union of reall friendship, as you have many a night in Steil's tasted over your hours of sitting without chose-ine one wine: wary and cautious men will not enter without a long tryall into that bond where the cement is so strong that parties cannot be torn asunder without deep wounds on both sides, for amongst the best of men there are very often matters which will not bear another light than that of reall friendship, and these too often are published especially if there be the least indiscretion or imprudence on either side, and this makes it of very great consequence to one to have a right friend as well as a good wife. The Phizza is troubled with a little cold which I hope will be soon over, she is this instant playing on the spinet to Phiz Clerk. She often minds you—you have now Mr Sinolair's place with her—I must not forget to tell you the wrathess is gone but Alas! not for ever but only to Aix la chaple, we all wish her a fair wind without speaking of her return, I have here left room to Phiz Clerk to write a postscript. Pray take care of the young boy your son. Impress your own image upon him and so I conclude

John Mcfarlane

Ringleader of Raccabites

We have enjoyed such a physical peace of mind since we were delivered from thy usurp'd and tyrannical government that its the constant prayer of the body may the month of may last for ever. We have been at no little pains to find out the reason of your appearance (as asironomers do of a comet) and after long and diligent enquiries, we have agreed that as the church militant was to be pester'd

with an antichrist so the body physical was to suffer under some such scourge for the sin of dullness. I have a great many arguments which induce me to believe you are the man (the beast I mean) and I intend to write a dissertation which shall evince it to a demonstration. Adieu J. C.

The Physa thanks you for your compliment, for the first half she allows it almost to be true but for the latter part she mightily doubts your sincerity.

From Culloden at London to his wife, dated 23rd April 1715:—

Mr Walpoole has been dangerously ill, but is now blist be God in a fair way of recovery and begins to sitt up, so that he will be in condition I hope to come to the house when we meet. In my last I told you that Oxfoord was in town. I am told he is very merrie and sayes that he does not value what the Secrete Committee can doe, but I am hopefull and have good ground to belive it that he and some others will goe to Tyburn as they very weell deserve. . . . . I understand the sacrament is to be administrate shortly att Inverness, wher I doubt not the Lady Moorton [Grizel, daughter of Sir Robert Innes of Innes] will be, pray give her my service and tell her that if by your attendance on the ordinaries you wrong your health, I will bleam no body but her, therfor I intreat that you doe not overburden your self, for I am sure God does not require it att your hands.

In a letter to his brother (who was still in the north) of 30th April ("Culloden Papers" XLVIII.) he told him that "Whatever be the matter, lett things be so order'd that my House be not surpris'd," and again, 14th May (No. CCCLXXI.) "you may

perseave that tho' Jacobitism is decaying with you, as you think, yett it is prevailing here."

Some letters from the Reverend Robert Baillie, minister at Inverness, are to be found in the "Culloden Papers." The one to follow refers to certain events which happened on the anniversary of the Chevalier's birthday at Inverness, where, later, a Jacobite garison was installed by the help of the Mackintoshes.

Inv. 22 July 1715

Honble Sir,

Nothing material since my last hath happened save that a mighty noise is made in town about an information alleaged to be lodged in the hands of My Lord Justice Clerk against our Magistrates for the behaviour of some in this place upon the 10th of June, for which James Dunbar and I are only blamed, they pretend to have this from a good hand at London, these several weeks past they duly receive a letter from secretary Stuart but I do not think that he would write any such thing, in the meantime they boast of the friendship of Argile, Grant and Mr Secretary to support them in the matter, but I must own that I am [of] opinion that there is no need of so great friendship to support them if any information be given in against them, for I apprehend that it is stuffed with trifling circumstances or falshoods or some things which cannot be proven; in order to be assoylied to prevent a fare tryal, and the thing being once judged it cannot militate afterwards against them; others say that Thomas Robertson hath given in that information to put them in confusion about Michaelmas that he may carry the elections in their absence, but what to make of it I cannot tell. It is talked that they are very much concerned about it, that there were bonfires and drinking about them

and shooting of firelocks and pistols and a great disturbance in the place, that the Magistrates were in town that baillie Barbor saw the bonfires that they continued burning from nine to twelve or after, that no order was given to extinguish them or disperse the crowd who attended all night with noise drinking and shooting etc; they say it can be proven, but I suppose all that will infer nothing and I believe no more can be proven. I was at Culloden this week where I left my Lady in good health but somewhat concerned that she got not a letter of the 9th instant. I endeavoured to persuade her that the very late sitting of the house that night was the cause why she got no letters, wherewith she seemed satisfied. She will write upon hearing from you.

The noise about the pretender continues: if his landing should be in the north, nothing but plunder and desolation is to be expected in this part of the world and as it is honest James Dunbar and I are threatened that our houses shall be made a bonfire or a dunghill for the pretended information we have given now lodged in the hands of the Justice Clerk, but we desire to trust in God.

The countrey is much exposed, it is a great pity that Mr Thomson [Simon, Lord Lovat] is not in the countrey for if he were it would make a mighty alteration. Our Magistrates have been imployed this week in keeping council upon the affair of June 10th and have seen the Earle of Seaforth in form, have sent two couriers to Edinburgh; with the last it is reported that sixty guineas were sent to break the arm if not of a great man at least of a great woman least it should be too heavy upon them.

The remainder of this letter has not been found.

From Culloden at London to his wife,  
dated 30th July 1715:—

My Lyffe

The question hier is not whither the pretender will land or not (for that ther will be a landing every body belives), but the question is where he will land, and tho some are uncertain about the place of his landing, I from all the reasoning I have yett heard, doe belive it will be in Scotland and that pretty near you, if he is not with you before this comes to hand, I wish with all my héart that you have not slighted that former advertisements given you to prevent surpryses. On Thursday last the Court had ane express, that he was to come off in a litle tyme and this day we have had two more, confirming the former with this materiall diff[erence] that he had left Barr [Bar in Lorraine] with desyne to imbarck and was by this tyme aboard, but whither to land in South or North Brittan uncertain, This is all my lyffe I can tell you and I perswade my self you'll easily believe that I cannot be very easie in such a situation of affairs when att such a distance from you, you'll communicat this to Killravock how soon it comes to hand, you'll also take care to order matters so as that you be not surprysed, by keeping some people in the house, and a strict guard on your yeatts, also acquaint Ahnagarn [James Fraser] that he putt my Ferrintosh people on ther guard, since I truely believe if any trouble comes to that countrie I will infallibly have my share, but if that is to be my lott a second tyme, I shall still trust in God, since I am convinced, if I suffer, it will be in a good cause. I will not write to Mr Baillie on that subject, shew him this and take his advice how to save your self and your house the best you can, for if once the money . . . . .

The rest of the letter is missing.

(10) FRAGMENTS CONCERNING THE  
RISING OF 1715.

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Culloden had good cause to warn his wife to be on her guard. Mar raised the standard at Kirkmichael on 6th September 1715, and on 14th September (the day after Mackintosh of Borlum had captured Inverness for the Jacobites), Mackintosh of Mackintosh sent a demand for the release of those of his clan who were tenants on the estate of Culloden, adding in a postscript "If what I demand will not be granted, I hope I'll be excused to be in my duty." But the lady had everything in a state of defence, and was able to send word to Foulis. In a letter from the Lord Advocate of 26th November 1715 (State Papers, Scotland, Public Record Office) there is enclosed a copy of an Inverness document, being a journal of the several steps taken by the well affected clans to regain Inverness. It appears that on Tuesday, 20th September, Seaforth with 40 horse and 300 foot came in to assist Mackintosh of Mackintosh in securing Inverness for the Jacobites and keeping out Captain Robert Munro of Foulis, who designed that day to have gone for the relief of the House of Culloden, and to have secured Inverness against the enemies of the government, but he found it impracticable owing to Seaforth having joined Mackintosh. That the attempts on Culloden were finally abandoned appears to have been due to Seaforth's intervention. (See "The Mackintoshes and Clan Chattan," page 298).

There are unfortunately very few letters remaining in the collections between 6th September 1715 and 4th February 1716, when the Chevalier returned to France. The "Culloden Papers" only give one (LI.) from the Provost and Town Council of Inverness, excusing themselves for being at the mercy of the Jacobites. The few additional papers tell nothing of local events,

but the first is of peculiar interest. It is dated 8th October 1715 and addressed

For Mr Thomson to the care of  
Mr Monroe, periwigmaker,  
at Edinburgh

or

Mr Duncan Forbes Advocat

A covering letter of the same date is addressed:—

For Mr Monroe periwigmaker at his  
House over against Black-Frier  
Winde at Edinburgh

Mr Monroe

Please to find out My Lord Lovat who directed his letters to be sent under your covert and deliver it him immediately if he be at Edinburgh. But if he be gone to Stirling or any other place be sure to send an express after him with it, for its of the greatest consequence that can possibly concerne him I am

Your friend to serve you

James Wellwood.

Dr James Wellwood, the "Dr Wallwood" of "Major Fraser's Manuscript" had rendered material assistance to Lovat in helping to secure a pass for his flight from London to Scotland. Lovat actually travelled as a servant, the pass (which is dated 24th September 1715) having been made out for "John Frazer brother to the Lord Lovat and Mr James Frazer and 2 servants to Edenburgh." (Entry Book, Public Record Office.)

The doctor's letter to "Mr Thomson," which follows, has been heavily sealed with the following coat:—Wellwood quartering a chevron between 3 mullets, impaling, on a fess indented between 3 martlets 3 annulets.

My Lord

I hope this will meet your Lop at Edinburgh, and if it miss you it will be of the worst consequence that can well befall you. In short I have had two letters from my Lord Townshend's Secretary

within this 24 hours and have this night been with his Lop myself, and by his order I am to acquaint you that the King is positive that you return furthwith to this place without appearing at Edinburgh or going any farther. You may depend on't its not out of any dislike of you or want of trust in you but for reasons of State that have not been communicated to me. In the meantime my Lord Townshend has 200 pounds to pay you upon your returne but pray My Lord fail not immediately upon receipt of this line to hasten back. There is one thing among a great many other omissions of your friends which requyrs the greatest haste and which I never knew till this night from my Lord Townshend, and its this, Your Lop with your bail are to answer a recognizance to appear at the Kings Bench the first day of this ensuing terme, which is the 23 of this present moneth. If you appear not exactly on that day your recognizance is forfeited and the 3000 pounds will be levied on your sureties, neither can the Crown interpose on your behalf, but you must in course be outlaw'd here. Yet I must tell your Lop is in no danger in appearing, for your bail will be renewed in court. I need not tell your Lop how necessary it is you send your Brother on to your clan, and how pressingly you are to write to them to joyne for the Kings interest with his other friends in the North. That will be expected of you, and without it it will be impossible for any of your friends to serve you. I need say no more upon this head. You may easily perceive your All lyes upon your returning speedily to this place, where you shall be heartily welcome to my Lord Your Lops most humble and most faithfull servant

James Wellwood

Oct 8. 1715

All my family are intirly your servants.



On the date when the above letter was written Simon, Lord Lovat, was on his way north, nor did he return. Accompanying John Forbes of Culloden by boat from Leith to Fraserburgh the two reached Kiltravock Castle early in November. The subsequent capture of Inverness for the Hanoverian interest, in which Simon had his share, was magnified by his friends into a great achievement; and this episode, with the desertion of the Frasers from the Jacobite cause, vastly assisted him towards the objects he had in view, restoration of the estates and recognition of the title as vested in his person, not to mention a pardon for past offences. It was a great opportunity; his enemy, Fraserdale, though he had written to the government a letter which was in appearance a promise of loyalty, had joined in the Rising, after stating that in case of an insurrection he would place his men under the Duke of Atholl (Letter of 3rd September, State Papers, Scotland, Public Record Office). The feelings of Lovat, in view of his previous dealings with the Atholl family, had the Frasers allowed themselves to be so dealt with, are easily imagined.

At the time when he and Culloden had hastily to leave Fraserburgh they recommended the arms and provisions aboard to Mr Baillies care [Alexander Baillie, town clerk]; for which he was thereafter ill used by my Lord Salton, who at last payed dear for the same; my Lord Salton knowing that Mr Baillie was assisting in dispatching those gentlemen, and in taking care of their provisions and arms. (Major Fraser's Manuscript II., 60.)

It was probably Baillie who furnished the following information.

Endorsed: — Memorandum for the Laird of Culloden as to the persons names and designations who seized his arms at Fraserburgh 1715.

Memorandum of the persons names who seized the guns left by the Lord Lovat and Cullodden at Fraserburgh.

Commanders:—Bailly Crookshank in Peterhead; George Leith servt to the Earle of Erroll; Wm. Ogilvie Errolls Chamberlain; Mr James Dalgairno, Chamberlain to the E. of (sic) Marishall. The Party:—Thomas Arbuthnot, James Robertson, William Ramsay, Alexander Forbes, Robt Smith, Geo: Crookshanks, all inhabitants in the Town of Peterhead with sevell other countrymen, whose names are not knowen.

The letters to follow have no apparent sequence and belong for the most part to Fife. It is not known how they came into the collections, with which they do not appear to have any connection. The writer of the first letter is evidently Harry Maule of Kellie, younger brother of the third and fourth Earls of Panmure. A Mr Harry Crawford appears to have assisted Mackintosh of Borlum to cross the Forth by collecting fishing boats, in October 1715, the crossing being made from Craill and other places in the east of Fife.

Addressed to:—Mr Hendry Crawford  
In Craill

Perth Nover 21st 1715

Sir

We have an Account that two Ships now lying at Burnt Island, the Cargo of the one belongs to your selfe and the other to Mr Wmson. are yet unloaded. The Scots Duties before the Union only, are to be payed for the same. We remit it to you to regulate and exact the Duties accordingly, and to appoint officers to see it carefully done.

It is the Earl of Mar's pleasure for encouragement of all Merchants & Masters to bring their Ships into the Harbours within his power, to publish and Assure them, that the Scots Dutys only Due before the Union, will be exacted for all goods of what kind soever, so Imported

You need be in no apprehension that either Regular troops or Militia will be sent to disturb you, however the Earl of Mar has it under his Consideration what partys will be necessary to be sent to l'ife for the security of the Country, we are

Your most humble Servants

Harie Maule

Pr: Com:

The next document in which Craill was concerned is of a very different nature.

Addressed:—To the Magistrates of the  
Town of Craill

On his Maj. Service

Gentlemen

As I am under orders to oblige all ships and vessels in any of the Harbours along the North Shore in this Firth to come out of the several harbours and goe up to Leith Harbour, I desire you will on the receipt of this summons without loss of time, send out of your harbour or pier of Craill all such ships or vessels that now are or may be there, in order to their going up to Leith, otherwise I am to acquaint you on your not complying with this summons, that all such ships or vessels will be hereafter free prize to the captors. Likewise you may depend on't, that I am to take all opportunities of cannonading your town, I am, Gentlemen

Your humble Servt

J. Steuart

Royal Anne Galley off Craill

Xber the 6th 1715.

Addressed:—To the Much Honoured  
Sir Henry Crawford  
? [at] present in Pearth

Montrose Januarie the 12th 1715/6

Sir

I am favoured with yours of the 9th instant in compliance wherewith I shall endeavour to have the greatest part of my men such as are capable of giving direction on the coast and shall not faile to notifie the same to the King's friends abroad; and shall with abundance of satisfactions lay hold on every occasion wherin I am capable to advance his Majestie's interest. Sir, I offer you the trouble to give my dutyfull respects to Lord Edward Drummond and Dr Abercromie [? Doctor Patrick Abercrombie, brother of Lord Glasfoord] and am with all sincerity Sir

Your most humble servant

John Gairdner

I am to saile the first wind

Address:—To Mr Henry Crawford of  
Crail

To the care of Mr Da. Lesly merchant  
in Anthr.

Grange 17th Januarie 1716

Sir

Im surprised to hear from so many in the Neighbourhood that you should have been so much my enimie, and the more that I'm conscious to my self I never gave you just ground of offence, the loss I've sustained is beyond any Brittish subject has in my Circumstances, besyd the trouble of mynd and body, it amounts to upwards of one hundred and sixtie five pds. sterling by modest computatione in money and goods, besyd the loss of my pidgeon house, but which is worst of all by the highlanders threatening to shoot my wife and thereby frightened her so to that degree that she was forced to flee ells where, to

shelter herself and numerous young family which is said by all unbyassed to be unparalleled barbarity, if it be so you are the fittest to atton by using your interest with his Grace the D. of Mar (with whom I know you have influence) to befriend me, I am intirly ruind with respect to my outward circumstances, I must say my kyndness to King James's friends upon this coast is the principall cause of my ruin, such monstrous ingratitude was never heard of, my forwardness to s̄erve em made me stay when others went to Edinburgh, I'm anxious to know wherin we disoblid you, I know you advyzd to the E. of Mar when you was at Perth that he might demand me more of me (sic), but your fiftie pds bill upon D. Sympson at Kirkaldie which I presume you might have known that it was not in my Custody which had you tymously payd much trouble to me might have been prevented, I leave the premys with the inclosed to your Consideratione, mynd that golden rule, viz., Doe as you wud be done to, I await your return and remain as formerly in hast

Sir Your most humble Servant

Rob. Wemyss

peruse the inclosed.

The next letter has no address.

Court at Scoon 21 Jan 1716

Sir

The Duke of Mar commands me to tell you that he hears, tho not from yourself, that you have sett bouys on the coracle which was contrair to the orders sent you. He desires that you may take very exact landmarks and take off the bouys and march your party immediately back to Dundee and come up here yourself for his Grace has something to talk with you about, both in relation

to that ship and an other affair which  
will admitt of no delay this from

Sir

Your most humble servt.

W. Clephane Adj. Genl.

Addressed:—To the Much Honoured  
Sir Henry Crawford  
att St Andrews

Dear Sir

The bearer hereof George Ireland complains that a party of highlandmen came this day to his house and have taken away a suit of new cloathes and some other things qch he'l inform you of. I fancy they have no orders for doing such things and it makes a great clamour and no reall service at least not answerable to the clamour it makes. If you could procure them back again it would very much oblige

Your most humble servt

Jo: Pattullo

Balhoussie 30th Jan. 1716



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(11) AFTER THE RISING.  
LOCAL LETTERS, MARCH AND APRIL  
1716.

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As some compensation for the dearth of documents concerning the Rising itself, there are many additional letters for the period immediately succeeding.

The story of the capture of Inverness for the Hanoverian interest is too well known to be repeated. In "The Family of Kilravock" (Spalding Club) it is stated that "the recovery of that town" was "wholly owing to Kilravock," who, in fact, lost his brother, Arthur Rose, in connection therewith. But the honours may perhaps be shared with Culloden, his brother Duncan Forbes; and certainly with Simon, Lord Lovat, whose assistance, however, it was more necessary to praise, seeing that he had yet to win back all that he had lost. But in general the Highlands were thrown into a state of jealousy, wherever a claim could be made. Argyll in a letter of thanks to Culloden for his zeal and service warned him against the pretensions of Lord Sutherland ("Culloden Papers" LII.); Lovat, writing to Duncan Forbes, plainly hinted at his own services (LIII.) and referred to

the order signed by you and the other deputs to meddle with Frazerdale's estate for the King's service. I entreat you send it me; for Phopaky [Alexander Fraser of Phopachy] is afraid to meddle without authority.

The following draft of a petition is characteristic of what had already been done and was being done on his behalf:—

Endorsed:—A panegyric on Lord Lovat, contained in an address of the Lord Lieutenant of the North [John, fifteenth Earl of Sutherland] etc to His Majesty 1716.

Unto the Kings Most Excellent  
Majestie

The humble Address of the Lord Lieutenant of the Shyres of Murray, Nairn, Cromarty, Ross, Sutherland and Caithness, and of the Deputy Lieutenants of these Shyres, and of the Shyre of Inverness together with the other Loyal Gentlemen of these Counties at Inverness assembled for his Majestie's service the 10th of January 1715-16.

Most Gracious Sovereign

Wee could not have testified our joy for the success of Your Majesties Arms against the Rebels by an address of this date, without doing ourselves at the same time the justice to vouch for the conduct and resolution of that nobleman for whom we have so often solicited Your Majesty, Simon Lord Lovat.

No sooner was this brave man aryved in this Country than to the satisfaction as well as to the surprise of every honest man, he put himself at the head of that remnant of his kinsmen, which the late traitrous possessor of his estate could not get debauched; and with them attempted everything that was noble and conduceive to the support of the Government, till upon the fame of his aryval, his people to a man deserted the Rebels and now by his influence and steddie zeal, prove a firm support, to a cause, in which he with us is resolved to live or dye.

To say more of this nobleman's affection and service, would but fatigue Your Majesty, tho we have all the inclination in the world to dwell upon his just merit, and in saying less we could never acquitt our selves of that duty which we owe Your Majesty, in pointing out Your true servants, and to our selves in seeing our engagements for him fulfilled, we are

May it please your Majestie,

Your Majesties most faithfull

Most devoted

Most humble subjects and servants



The following is a somewhat grave indictment against the Magistrates of Inverness for their behaviour since the accession of King George, and also contains other information. Duncan Forbes, who the day before had been "qualified, the Lord knows how, as your Depute," wrote to the Lord Advocate on the subject, 20 March 1716. ("Culloden Papers," LIV.).

To the much honoured  
The Laird of Cullodin  
Invernes 6th March 1716

Much honoured

I mett with Brigadier Grant as he was goeing to horse, but wanted ane convenient opportunitie to delyer him the memoriall I lett you sie, quch I sent after him to Strathspey by my Lord Lovats servant under a covert from myself, a double whereof ye have inclosed, which wt Brigadier Grants assistance & your other friends at Court, I hope you will represent to the ministry, and endeavour to get us liberat of the Yock we have lyen long under, since it is evident yt the pretenders interest will be advanced both heir and heirabouts as long as his friends beares sweay, and if this affair will be examined, should wish my Lord Strathnaver, Lord Lovatt, Foullis brother Culcairn [George Munro] be apointed Judges, to take a previous precognition with closs doares & to make a report & if you pleased to join myself with them, but that neither Kilravock or Kinmylies [David Polson] be employed since ye know ther behaviour at former examinatione, and withall that our Magistrats haill practises be comprehended since King George accession to the thron, and that they be not allowed to be present at the examineing of witnesses since ye know what influence they hade at the last tyme & will make a great deall of Stirr if allowed to be present, all this I recommend to you & that you will be

pleased to advyse me from London what course is to be taken heiranent.

Sir I am sorie to have occasion to lay before you the ill usage King George friends mett with at this place after the Leivtentrie gott the comand, for in the loan of the 500 lbs sterling the toun gave them, tho it was concerted att a Publick Meeting twixt Magistrates gildrie & traides, that the money should be borrowed on the tounes credit & ten burgesses singled out to give securitie therfor, among whom I was on, yet contrarie to sd. Concert, the provest & a few of his Council stented the Inhabitants in ane arbitarie and partiall way laying near thrie fourtes of the burden on the well affected burgesses altho they were the fewer number be farr, and spearing a great manie from paying anie at all, and before they let it be knowen this arbitarie way of stonting, they secured what louse Money could be found in borrowing for paying ther own partes and therby not onlie drained the purses of the Governments friends and exposed them to contempt for want of money, but preserved the money with the enimies & rendered the Loan uneffectuall soe that the fyft therof is as yet unpaid & such as payed ther proportiones thie moneths agoe can get no receipts from the Magistrats or ther Collector or ane Act of Council for ther Securitie, notwithstanding that the Leivtentrie granted them obligatiene for the wholl.

As lykewayes must tell you never were people mor oppressed with quartering (by the Magistrates) of Sojores, not onlie having the Dutch and Swishers (sic) of ane unknown Language put in ther houses to torment them and geting the double of ther proportion, and them of Orreraes [Earl of Orrery's] regiment I mean the fusaliers [Royal Scots Fusiliers] taken to themselves—They have not since michall-

mess Election kept anie Courtes to give us Justice & I suppose they intend not in heast—Sir ye have on the back heireof a list of those fitt to bear charge singled out by the Gentleman ye desyred me to advyse with, twentie on, being the wholl number of our Magistrates and Councill, & sundries may be added unto it.

Sir ye have inclosed a double of ane affidavit I made heir befor two of the Justice of peace In favoure of Angus McBean Kindhylls sone that my Lord Lovat sent yeasterday to Mr [James] Fraser of Kelsey [Chelsea] Colledge, and wrott to him to use his Influence to procure Angus McBeanes Remission, & am perswaded since he is your own relation, my wyfes foster, & pressed out, and gave the intelligence of the enimies motion to send you, for to have that rebellion subdued, that ye will also use your wholl moyan to get his parden and alsoe for Dunmaglass [Farquhar Macgillivray] and young Tordaroach [presumably Robert Shaw].

Sir I must next trouble you about my own affair that is to recover my losses by the Sweds privitiers last spring, qeh I documented by the affidavits sent you befor our Justices of peace, as alsoe to recover me payment of what the McIntoshes pilliaged my house of to the extent of 33lbs or 34 lbs str, betwixt my armes, tent, lead, put-her, & flints taken from me, & I am hopefull ye will procure me speedie payment for both, not doubting but ye will represent my zeall & affection to the Government, and serveing in the Station of Colonell of the towns melitia, on my own expenses, & spent considerable in my house & otherwayes in the cause, Sir I shall again beg of you to recover me payments otherwayes trewlie it will wrong me. I have wrott to the Earle of Sutherland to concurr with you, which I am hopefull he will but onlie depends on

yourself under God, & wishing you a good  
 and saife aryveall at London I remain  
 Loved & dear Sir  
 Your most faithfull most obleidged & verie  
 humble Servt  
 Ja. Dunbar.

Sir I hope ye will mynd Aikenheades  
 health haveing told you by word of  
 mouth the meaneing of it.

Follows the list of those "fitt to bear  
 charge."

Cullodin.  
 Castlehill, yr.  
 Baylie David Fraser  
 Baylie Alexr Fraser  
 Baylie Robert Rose  
 Baylie James McIntosh  
 Wm McIntosh, theasurer  
 Wm. Fraser, mert.  
 James Thomson, mert.  
 James Dunbar, mert.  
 Mr David Scott  
 John Fraser, mert. Achnagairnes  
 brother  
 Jonathin Thomson, mert.  
 John Hossack, mert.  
 Thomas Alves, mert.  
 Thomas Fraser, theasurer  
 Mr James Fraser  
 David Cuthbert of Draikies  
 Angus McIntosh of Oulclachie  
 Gilbert Gordon, mert.  
 George McKilican, mert.  
 David Holme, mert.  
 Wm. McLean, Goldsmith & mert.  
 Duncan Grant, mert.  
 Archibald Geddes, mert.  
 Thomas Lindsay, mert.  
 George Cuthbert of Castlehill  
 Robert Robertson of Shipland  
 Wm. Cuthbert, Castlehills nephew  
 Doctor Cuthbert  
 Doctor Forbes  
 George Forbes, messenger.

The memorial referred to in the above letter appears to be the following, which is in the same handwriting:—

Endorsed:—

Memoriall anent the burgh of Invernes 1716.

Ane Memoriall anent the Magistrates & Toun Councill of Invernes their Practises attour what they were examined upon formerlie.

1mo. The London gazat of the 30th Jun 1713 beares such a Demonstration of bare faced Jacobitism & Dissaffection to the present succession that wer ther no mor to militat against them save what is under ther hand in the adress recorded in the said gazat it is just it should intail ane Incapacitie on them.

2do. Ther Secret encouradgement & evident conceiving at the solemnizing the tenth of June as the pretenders birth day upon the day tyme for manie yeares past is a thing soe notorious that the whole inhabitants are convinced of it, But especiallie the last tenth of June 1715 before the rebellion began, not onlie in ther allowance given to put on bonfyres at severall doares, but on is erected at the market crosse where baylie Barbour [John Barbour of Aldourie] gave his presence without dispersing the mob or requiring them to dissepat that had almost fyred the Toun with ther shouting at houses, hade not Fradrick Fraser glover speidielie extinguished the flame that was begun in John Baillies Shirrif Clerk his house, & the other magistrates wer soe wyse as to keep out of the way, yet ther being together the most part of the night was no secreit, however ther absconding hade this effect when some esseyed to apply to them to supress the Mob & preserve the peace of the toun it gave ane occasion to the mob to insult the more & continue in ther disorders till the nixt day at thrie aclock in the morning.

3tio. Upon the 8th day of Sepr last, applicatione was made to the magistrates & toun councill (when sitting within the tolbooth) by the friendes of the government Inhabitanes of the burgh, that they would consider in what danger the toun was of falling into the hands of the Kings enimies especiallie when the Clanes were in armes, & alarmes coming everie day to the toun, as alsoe they would be pleased to think upon the proper remedie. The application was received seeminglie with a dew regard, yet with a designe onlie to baffle & mock the thing, for when Mr Dunbar merchand proposed that the disaffected captaines of the tounes train bands, such as did not qualife to King George should be turned off, and that the power of commanding the tounes posse should be committed to faithfull & loyall men, it was rejected, & when Collector Stewart proposed that 500 or 1000 men from the Grants, Frasers, Monroes, & Rosses, should be called in to defend the toun from falling into the rebells hands (that were willing to come upone ane invitation) it was ridiculed, qch gave sufficient encouradgement to McIntosh to venture in first with 250 men upon the 13th of that moneth to proclame the pretender, which disloyall step of magistrates & toun councill in refuseing the above proposealls was the occasion of all the confusions & disorders qch afterwards happened by the rebells within the toun of Invernes, and qch is most to be regrated is the death of the Brave Arthur Rose [Kilravock's brother].

4to. Nothing mor talked of than that they invited in & demanded the protection of the Earle of Seaforth altho a papist & in armes against the government to put a garison in the toun of Invernes, qch seems prettie well confirmed, not onlie by my Lord Seaforths message

to Foullis, when he was upon his march with a body of men to raise the seige that the McIntoshes had layed before the Garison of Cullodin, but alsoe ther paying homadge to the Earl at his Castle of Brain [Braham], when in rebellion, to all which may be added ther constant corresponding with him whyll in the north, ther going to meet him when he came to toun & ther readieness both in bellating his men conforting them with provisiones as they wer marching for Perth, & in making the rebells ther burgessess.

5to. Ther electing of the toun councill & magistrates seemes to be null, in regard that the rebells keeping garison ther commanded the toun & hade ane evident influence in the electiones, & partlie by Fraserdells salisting Seaforth to wreat to Sir John McKenzie of Coull ther pretended governor & others within the burgh to use their Influence in making his friends councellers, & partlie baylie Clerk to be provest qch accordinglie succeeded & Sir John of Coull sein goeing to & comeing from ther meeting the tyme of election.

6to. Ther calling, daylie hearing, and paying stipend to Episocpell Jacobit Ministers, who since the 13th of September last the day on which the pretender was proclaimed king, did desist from praying for King George nominatum as the Law required. But to the conterar did pray ambigouslie in ther hearing for the pretender, under the designatione of all Christian kings and princes, on of which ministers went to Marrs Camp by a pass from the provest, and a short whyll after his return upon the surrender of the toun to Brigadier Grant, Lord Lovatt, Kilravock & Cullodins men, he fled away. Ther other minister stayed in toun, but upon my Lord Sutherlands requireing him to pray for king George

according to law, he left off preaching in the publick meeting house & they never left him untill he left the meeting house.

7to. Ther delyvering up of the tol-booth Steiple armes & ammunition therein, to sir John McKenzie pretended Governor. In soe farr as they refused to Cashier Alexr Mclean the first Captaine of ther train bands (that seased the same) that hade the power continued in his hands of commanding ther Guards.

8to. Ther sending out of Toun under silence of night horse Loades of provisions to the rebells before anie garison was satled in Invernes by the enimie, ther threatening to make the Whigs bagadge men to Marrs Camp, & that such as would not stand be Sir John the Governor (after ther was a garison put ther) behooved to leave the toun, and when some burgesses complained of ther being disarmed by the McIntoshes wer answered that they deserved it as suspected perones to ther Native King J—s.

9to. When ther came ane alarm to the toun that the pretended governor and a Partie of his Garison that wer a skouting was lyke to be made prisoners by the garison of Cullodin and demanding help of the burgess from the magistrates, some wer for beating the drumes others to put the burgessess in armes, and when it was oposed by King George friends severalls went in armes to his assistance & coneived at by the magistrates & when the touns militia was erected by the Leivtenantcie they insulted sundrie of their Captaines.

10. Ther neither dispossessing Sir John of Coull the pretended governor or straitning him for provisions when his garison was reduced to a Hundred men or attempting to retake the steiple or touns armes tho required by the Leivtenantcie under sevear penalties, as



also ther refuseing help to Lord Lovatt whenn he hade blocked up the west syd of the Garison.

The "Culloden Papers" give letters (which should be read with those that follow) containing considerable information with regard to the proceedings at Inverness and the neighbourhood after the military occupation had commenced. Major-Gen. Joseph Wightman, who had been commander-in-chief in Scotland in 1712 was known to many people in the north, but Lieutenant-General William Cadogan, afterwards Earl Cadogan, who held the command from February to May 1716, can at first have had few acquaintances. Of Lieutenant-General George Carpenter, afterwards Lord Carpenter, who succeeded Cadogan, Duncan Forbes in a letter to his brother states that he

is gone north: if he reaches you be civil to him; he is almost a christian and wants to be stript but of a litle timourousness, to be entirely one.

Cadogan and Wightman are frequently mentioned in the letters of the Reverend Robert Baillie and John Hossack, the two principal correspondents concerning local affairs of the time.

Writing on 27th March 1716 the latter tells Duncan Forbes—

I hear Cadogan, upon reports that were made him of unwarrantable protections given by Brigadier Grant has forbid Wightman to have any regard to them, but I hear Genl. Wightman spoke respectfully of the Brigadier. . . . when these protections were talkt of. Munday morning the Dutch and Swisse are to march hence to joyn Genl. Cadogan at Riven in Badenoch, theres a man of war aryved in Cromarty for the prisoners that are here and a sloop in our harbour with artillery etc for the camp.

The Reverend Robert Baillie's letters, however, addressed evidently to Duncan

Forbes and not to Culloden ("Culloden Papers" LV., LVII., LXVI.) are far more detailed. Writing on 30th March (LVII.) he gives information in addition to that which appears in the printed letter.

Peats were very scarce, and he also states

Yesterday I went in company with a great many to the funerals of Calder [Sir Hugh Campbell of Cawdor] where the entertainment was sumptuous

And again

None more intimate with the commander in chief than Termit [Alexander Mackintosh] and T. Robinson [? Robertson] by which means the Col[onel James] Dun[bar of the Town's Militia] hath lost the good effects he expected from a feast he made for the said commander: it was truly plentyfull and without extravagancy might for a diet have served half a regiment.

On 6th April he tells Duncan Forbes that "I need not write the history of Frasersdale his silver plate, since you have the account from other hands; only I am pretty well informed that it is not above 150 pounds in value; also I may observe that G[eneral] W[ightman] keeps well what he takes" ("Culloden Papers" LX.) Lovat's own version of the story is given in a letter which he wrote "From the Camp at Riven of Badinoh" 4th April [1716] (State Papers, Scotland, Public Record Office.) Sir John Mackenzie of Coul, who was jacobite governor of Inverness, gave it to the provost of Inverness to keep, Frasersdale having left it with him when he entered the rebellion. On Lovat's asking the provost for it, he was refused, and he then asked Major-General Wightman to seize it in the provost's house, who eventually gave it up to the general. Lovat then spoke to General Cadogan, who said it ought to be his till the king's pleasure was known. Naturally Lovat was charmed with Cadogan.

In the same letter above referred to the Reverend Robert Baillie also writes to Forbes that "our presbyterie have appointed two commissioners to the General Assembly, of which you are one; and it is humbly intreated that you may not despise the office of their ruling Elder in that court" ("Culloden Papers" LX.)

This appointment called forth the congratulations of Lovat, who, whatever else, was an excellent and punctilious correspondent.

The 13 of Apryle [1716]

My dearest General

I only send you this to tell you that I hope to see you before Thursday night, your cusing fous [Robert Munro younger of Foulis] and his brother [George Munro of Culcairn] have been the mediators for Glengary [Alexander Macdonell], Sat est, I am till death yours contra omnes mortales the King Royal Family and that of Argyles excepted Adieu je vous embrasse mille fois.

Lovat

Mr Baillie just tells me that you are chosen ruling elder for the general assembly. I wish you joy of that neu and grave dignity.

The above was written from Kilravock when Lovat was on his way south, as appears by the next letter from John Hosack to Duncan Forbes. The date of Lovat's letter to John Forbes ("Culloden Papers" LXIII.), which is unfortunately missing, should perhaps be 19th and not 9th April, though it seems to have been commenced on 13th April when he was at Kilravock.

Invernes 13 Aprile 1716

Sir

I writt you the 10th by Aberdeen, advising that Glengarry was gone from this after surrendering himself. Since, I hear his confinement is to be at Huntingtower

belonging to the D. of Athol and the freedome of 10 miles round it till Colonel Munro [Robert Munro younger or Foulis] aryve at London and get something done for him. Genll Cadogan went off Wednesday for Inverlochis and this day there were 500 detach'd from this and sent over to Seafort's country. Now after ten at night the Genll has sent to desire my servant attend some dragoons that are to be here this night to deliver them corn and strae. I know not how many they are nor whither they are bound. Lord Lovat is this night at Kilraik on his journey to London. Coll. Dunbar is gapeing to hear of the militia's address. Some people here do suppose our Duke is not so much in favour, because Marl—his dependants at Court are provided for and the others are not, but yor accots deserve best credite and are most acceptable. I am

Sr

Your most humble servt

John Hossack.

Yor Cousine Cornet Forbes has been here and at Culloden from the camp of Borlum. Mr Jo Dunbar of Burgie is gone from this yesterday, but Ld Strathnaver cannot get off yet.

The Reverend Robert Baillie, writing to Duncan Forbes in a letter of [14] April 1716 (which has unfortunately been mutilated) evidently refers to Lovat who went off yesterday the length of Kilrake, is to be this night at Innes on his way to Edinburgh. I was almost determined to go in his company. . . . . No news, but that upon Saturday last Glengarry sent in word that he, Keppoch [Coll Macdonell], Lochiel and Alpine [Robert Stewart] were all ready to surrender with arms, horses, men. As to the breaking of the first it is talked that Foulis laboured with

al his might; the spirit of opposition to your old acquaintances in Parliament is strong, which I perceive not only by the pulse of Edicangs [aides-de-camp], two of which lodged at my house, namely Pursel and Morton, but when I had the honour to be with the G——l he called the last and ordered him to write to his father a full account of the surrender of the above clans and particularly that their number was greater than at Perth; his reason was that they were in their own country, where they had all their men, but had them not abroad, but he did not consider the motto of Allangrange [Simon Mackenzie] his book viz *unita fortior* or that the gordion knot was broken by another and the bunch of rods were scattered to his hand, which made it easy work to nip them asunder singly which yet united would require force. Need I add that necessity and plain hunger made it unavoidable. Sunday he would not be attended to church by our magistrates, Munday night Glen-garry came in and delivered his sword to Cadogan, who allowed him to proceed to Edinburgh. Upon Wednesday the general went for Innerlochy, lodged that night with [Fraser of] Foyer, next night with Achnacary and yesterday dined at Fort William, this day is to return and is expected here to morrow night or Munday morning.

. . . . .

On 21st April Baillie wrote to Duncan Forbes ["Culloden Papers" LXVI.] a letter which contains the interesting statement that

they talk of a canal at Fort William; but that is no easy matter. . . . I am now in such haste lest the Post go off, that I fear I cannot write to London. If you please this may be forwarded to Culloden.

It appears, however, that he did find time to write to Culloden, what is practically a summary of the above quoted letter.

Inv[erness] 21 [April] 1716

Honourable Sir

I have the honour of yours of the 7th. I hope all mine are come to your hand, for I have not missed one post since you went off.

Gen. Cad. returned from Fort William to this on the 15, having ordered a detachment toward Sky of 600 Men and fixed Garrisons in Glengary and Lochiels houses. they talk that all the Islanders have surrendered also, only the Earl of Seaforth, Sir Donald &c keep out of the way, and some say are gone to France.

Cadogan was at Culloden upon the 18th and had an entertainment from Magistrates the 19 but after a great dale of importunity, at night some Dancing Musick and several mealls in General Wightmans.

General Cadogan is gone from Cromarty yesterday returns this day, our Camp at Borlum is broken up, all the troops by different roots marching to the South as doth the troops of our garrison on Monday, & the General himself on Tuesday to Forres.

Engineers are constantly at work, what they shall make of us I know not.

I am to be at Edinburgh the third of May, at the General Assembly. I am

Honourable Sir

your Most obliged Servt

Ro. Baillie.

On the same day John Hossack wrote also to Duncan Forbes.

I reced your favours of the 12th. I design the ballance for postages shall be on your side. Our Genll went yesterday for Cromarty and next tuesday Cadogan and Wightman take journey for Edinbr. Mr Baillie can inform you how Wightman

accepted of your letter: he shew'd it but concealed the subscription. The detachment that was at Brahan are gone further into Seafort's country.

When our Lord Lieutenant went from this he gave me an order to secure and inventur what effects of Doctor McLeans were in his house, which I have done, and keep the keyes still, what was valuable was carried off before then. If its worth the while send me, Sir, your directions about it or procure me the Briggadiers.

Your lame soldier Wm Werlie dyed this day senight. I went to Genll Wightman and told him I wold burie him at yor charges, and he ordered the Fusileers to carry him Sabath day to his grave. I paid his wife the day he dyed to this day and afterwards shall let ner shift for her self. Sir Archb. Campbell sets off for London next week. Cadogan and Wightman went to Culloden thursdaves afternoon, where the two ladies were and return'd in the evening. This night after Cadogan returns he's to have all the Ladies in town at his lodgings and give them a Ball I am Sr your most humble servant

John Hossack

Invernes 21 Aprile 1716

The last letter of this period from the north is written to Duncan Forbes by his mother.

Bon[chrew] 27 Apraill 1716

My deare

I know you belive ther is nothing so welcome to me as the hering from you when you ar not with me yrself; if my frequent wretinge culd afurd you the smallest devershion or satisfaction I shuld mis no occation but sins it can do nither I forbear as well as I know you have accounts of all that is dooing here from beter hands. Caddowgan is gon as will as Wightman tyusday last the furst hes

a werie fair character the last is exciding indifferent and I confess by all I can lerin I am not eabill to immadgin what can induce you to be fond of him as intimat or commerad. What the furst hes don with respect to bringing in all the Rebells is wonderfullie aploudit but a litill tym will tell if things be right amongst them. I find by all that he and all his faverets ar ennemies to a grate degrie to the D—Argaill, but if god be for him as I both wish and pray it may bee ther hatrid will amount to litill. I need not tell you anie thing annent Lovet or Kill: sins I belive by this tym they ar at London. I wish both good spid. I see a lain of yr brothers Munday last to his waif in which hee says he expects by his nixt to tell hir hou sun he will leve that place; that part was what I luckid not for so sun nor can I conjeckir what to mack of it; may he be wais is all I shall say annent him. . . . .

I need say no mor being but right distrest all this wick and this sam day in particular, but I hope it will have an ende shortly. God him self tak care of you and mannadg what conserins is my souls wish for I am in all conditions your most affectionatt but sorouful mother

Ma. Innes

My Johne is werie will blest be the Lord and is all my compenie.





(12) AFTER THE RISING.  
LETTERS FROM LONDON AND  
EDINBURGH, MARCH TO JUNE, 1716.

The following letter, unimportant in itself, is full of human interest. The author of "The Mackintoshes and Clan Chattan" has kindly supplied interesting details as to the writer, John Mackintosh. He was second son of John Mackintosh of Wester Drakies by his wife, Marjorie Cowie, and was probably descended from the Mackintoshes of Kyllachy. Born in 1674, he became an advocate, and married Mary Winram, daughter of Colonel John Winram, sometime Governor of Edinburgh Castle. He was appointed standing counsel to Inverness in 1715, and was also factor for his Chief, who gave him a pension on 28th May 1715, perhaps as some inducement to join in the Rising. Having been appointed lieutenant in Mackintosh's Regiment, he marched with it into England, and after the surrender at Preston was taken to London with the other prisoners, and confined at first in the Fleet and afterwards in Newgate. By the help of influential friends, and on his own representations, he was released, but not till 1717. He died in 1722.

Address:—To Mr Duncan Forbes,  
Advocate, Edinburgh, Scotland.  
Fleet Prison, 25th March 1716.

Dear Sir

I find myself in a terrible Bull & in my Extremity I begg you would please write to some of yor friends of interest here to take care of my preservation. Yor Brother my dear Culloden wt Foulis have done much for me, but the more the merryer & I shall have need of all. It is so late that I cannot write at large yet since our tryal comes

on next week, I hope you'll forgive brevity & not stand on Ceremonies with me when you consider I am the distrest Father of fyve small children & husband to a poor but very good wife. God preserve you & I am Dr Sir

Yours ever

Jo. Mackintosh.

In connection with the above, there are some interesting documents among the State papers (Public Record Office). From one of his other letters, dated 11 January 1716, it appears that Mackintosh had been asked for a confession which might entitle him to the Government's favours, but was too cautious or too loyal to make one. "He understood so little of the military, and was let into few secrets," and he asked for an interview. On 25th February a letter was addressed to Robert Pringle (sometime Under-Secretary of State for Scotland) by the prisoner's sister-in-law, Rachel Mackintosh (born Johnston), wife of his younger brother, James Mackintosh. In this letter (which is sealed with the arms of the chief) she mentions that she had written already a good while ago "about a poore unlukie gentleman one Mr John Mackintosh advocate who was taken att Preston amongst the rebels, he never did act anything against the present Government." On 12th March Mackintosh in another letter mentions a memorial sent in his favour by "Fowlis and Cullodden," and again on 28th March, "but am most positive that however the law may make me a rebel I never was nor will be one intentionally;" he had not lived much in his own country for 20 years, and so was little conversant with his kinsmen; "tho I am a Mackintosh . . . . I may have sentiments differing from many of my countrymen." By 16th April he was in Newgate, when he wrote that General Cadogan was said to have written in his favour, and "Brigadier

Petite who lodged at my house when he wrote it." On 21st April Robert Munro, younger of Foulis, wrote to Lord Townshend on his behalf, that he had been violently dragged into this misfortune, and that the Government had no better friend in the town of Inverness.

It was perhaps unfortunate for this petition that on the Wednesday Grant of Grant also wrote, presumably to Lord Townshend, a note concerning a very different Mackintosh.

21 April [1716]

My Lord

Since I had the honor of waiting on your Lo. I am informed by a person who is often in Newgate that there is a project framing for McIntosh of Borlum, commonly called Brigadier, his making his escape, I thought it my duty to acquaint you of it that if true it may be prevented.

Angus McIntosh of Kylachie is the Gentleman I mentioned to your Lo: as one of the most criminall of that sett.

I am with respect, my Lord,  
Your Lo. most obedient & most  
faithfull humble servt.

A. Grant.

In spite of this warning the Brigadier escaped from Newgate on 4th May and Kyllachy on 3rd June 1716 (see "Brigadier Mackintosh of Borlum," by A. M. Mackintosh, page 34), and the same author's "The Mackintoshes and Clan Chattan" (page 371).

Just as Grant of Grant seems to have thought ill of the Clan Mackintosh, Robert Munro, younger of Foulis, had nothing good to say of the Mackenzies. Writing to Lord Townshend from Blair, 31st March 1716, he inveighed against Seaforth, and enclosed the following list of gentlemen of the name of Mackenzie that were most instrumental in carrying on the rebellion;—

William, Earl of Seaforth.  
 Sir John Mackenzie of Coul.  
 William Mackenzie of Belmaduthy.  
 Donald Mackenzie of Kilcoy.  
 Alexander Mackenzie of Applecross.  
 Roderick Mackenzie, younger of Applecross.  
 George Mackenzie of Gruinard.  
 Roderick Mackenzie of Fairburn.  
 John Mackenzie, younger of Gruinard.  
 Kenneth Mackenzie of Achterdonald.  
 Kenneth Mackenzie, younger of Achterdonald.  
 Alexander Mackenzie of Davochmaluach.  
 Colin Mackenzie of Mountgerald.  
 Alexander Mackenzie of Ord.

John Mackintosh, the advocate, does not appear to have been among those who thought of escape. By 20th June 1716 he had written to the Speaker and to his good friend, General Cadogan, who, he states, had promised his wife and his brother, James Mackintosh, when at Inverness, to stand by him.

A copy of the memorial for Lachlan Mackintosh of Mackintosh is "Culloden Papers" CCCLXXIII.

The following correspondence is mainly between the two brothers, John Forbes being in London at the parliament, and Duncan Forbes in Edinburgh as Lord-Advocate's depute.

Culloden to Duncan Forbes, dated from London 31st March 1716.

Dear Brother

I can tell you nothing yett more than in my last, only the duke introduced me to the prince, who received me kyndly and askt me severall questions of the state of our countrie. I have not gott tyme to discourse my Lord Ilay, because he went to the countrie Fryday morning last but shall not fail to doe it whenever he returns. Its talkt that E[arl] Suther-

land's great actions will appear in their proper light in a few dayes: Brigadier Grant myndes you kyndly, he tells me Mr Innes is to send wine. If you can prevaiill with Mr Innes to send me a gross of bottells of his best and strongest wine in companie with the brigadiers, it will be oblidgeing and I shall pay him thankfully att meeting.

Jo: Forbes

Lett the wyne sent me be differently markt from the Brigadiers.

Culloden to Duncan Forbes, dated from London 12th April 1716.

Dear Brother

I have three letters from you since my comeing to this place which I belive is all you have wrote. . . . . I spok to Lord Ilay and to the Duke; they both desyre that you continou to lett them know what passes from tyme to tyme. . . . . Mr Forrester alias Generall [Thomas Forster, the incompetent commander at Preston] hes made his escape out of Newgate. Sir Will. Gordon [of Invergordon formerly of Dalpholly]] is a very bussie man, dunning the ministrie for his losses sustained by the Rebels, which he says amounts to no less then fourteen thousand pounds sterline. I desyre you may write north to some bodie and lett me have ane accompt as near as possible of the damage he and his people have realie sustain'd. I think Achnagarn or Newmore cann doe this as well as any. I am sorrie to find my credite runs so low with Mr Innes as not to afford me a gross or two of his wine, but since he will not I desyre you may cause some other of your acquaintance doe it and I shall pay them honestly. Pray lett the wyne be good and the sooner its sent the better, and lett it be directed as if it were the Brigadiers that it may come the safer to hand.

Jo: Forbes

In "Culloden Papers" [LXI.] appears a letter from John Forbes to his brother of 7th April 1716 in which he tells him that he had been represented to the Duke of Argyll as a Jacobite (to which rumour reference is made in subsequent letters) and also tells him "All our news comes from you. By the Publick prints you'll find a great many thousands gott together: for no other reason but that Cadoggan may subdue them." This may account for the passage in Culloden's next letter of 14th April 1716:—

I showed your last to me to Ilay and to Sir David Dalrymple and your notice of ane affidavit to supply your Generall's defects pleased extreamlie for by this days prints you'll find severall hunders of men brought together and dispersed in the terms of your letter, so that you may be a sere for your leall geassing.

There is nothing else except that

My Lord Torrington [Arthur (Herbert), Earl of Torrington] is dead and hes left ane estate of six thousand pound a year to my Lord Lincoln [Henry, seventh Earl, whose political views the testator had admired.]

A few days later Culloden wrote more concerning the story of his brother being a Jacobite.

London 17th Appryle 1716

Dear Brother

That I have heard from you every other post is true and that I have wrote frequently to you is as true, but that my letters have miscarried it is what I cannot understand.

In some of my former letters to you I told you that you were represented as a jacobite. This day the advocate told me that ther were accompts from Edr., proveing that you were indeed so, and bleaming the advocate for imploying such as you.

The instance they gave for your jacobitism is that in a publick meeting of the shyre of Midlothian, tho no wayes concerned but as sheriff, you should argue strenuously against the makeing the triennial act septenniall which is a measure that not only the ministrie but all weall affected people to the King and constitution think necessaria att this criticall juncture, because the Jacobites found all their hops and support ther partie both att home and abroad on the intrest they belive they would have in the inewing elections. I think whatever a mans private oppinion be he should consider weell before he vents it, so as to make himself be taken notice of. In my last I told you that the Duke of Argyle and Ilay behaved themselves lyke angells on this occasion, and defeat my Ld. Notingham and all his adherents by strength of reason to the great satisfaction of all honest men and confusion of the Squad. I thought fitt to give you the advertisement to put you on your guard and desyres to know the full of this new storie, because I take it all to be a ly and if it be so whoever made it ought to have his ears cropt. I shall not forget what you write of Mr Mcpharline and if Mr Innes sends me any wine shall not fail to drink the Beautifull Mrs Mcpharline's health and I tell you that she hes been my beloved tost since my comeing to this place which pleasure I hope non that admyre her will refuse

Jo: Forbes.

These Jacobite rumours, it was alleged, had been set on foot by the Lord Justice Clerk (Adam Cockburn of Ormiston) "who," wrote Duncan Forbes to the Lord Advocate (Sir David Dalrymple), 16th March 1716 "shows a grim sort of civility towards me, because he finds me plaguiv stubborn." ("Culloden Papers" LXI., LIV.)

Writing on 21st April 1716 Culloden informs his brother that

The Advocate tells that the Justice Clerk does not write directly these stories. . . . but his creatures such as Doctor Dundas [probably of the Arniston family] and some other litle catle of that sort whom I suppose he makes use of for that purpose. Therfor take your own way to know what the matter is, or what that enemie to mankynd would be att. . . . .

I am very sorrie to hear that our good friend General Wightman is intyrely manadged by Tom Robertson, Termitt and Mr Arskine, and also that he hes so strong ane apitite for all sorts of horses, coaches etc. [See "Culloden Papers" LVII. etc.] This I'm affeard may doe him prejudice, and since he is your friend it were not amiss to drop him a word of advice, with respect to his Governors and manadgment. But doe in this as you think fit.

There are unfortunately few of the many letters which Duncan Forbes must have written at this time to his brother extant. In one of 24th April he tells him—

This day my Lord Lovat with old Kilraick is gone for London, you'l find out the reason ere its long. If you hear any thing anent Seafort or Sir Robert Gordon let me know it. It will vex me if I do not hear by the answer to this whats become of our representations concerning the affairs in the north and our adresses.

Such villainous reports have been spread in the north as has perswaded every mortall that our friends interest was fallen and induced some rogues to venture themselves in a bottom they little thought of formerly.

This letter was "to be left at Old Mans Coffeehouse, Charing Cross."



Lovat also was suffering from "the cruel disposition of Justice Clerk," but "at the bottom I laugh as much at my enemys as my dr General does at his being called a Jacobite." (Lovat to Baillie "Culloden Papers LXVII.) On the same day (25th April 1716) Lovat wrote the following to Duncan Forbes:—

Mon tres cher General

Je vous embrasse mille et mille fois tres tendrement nous voila en chemin le brave Baron [Kilravock] et moy, nous ferons notre possible pour arriver la semaine prochaine à Londres, plut à Dieu que vous eussiez été avec nous, mais vous estes opiniatre mon cher General. Cependant je croy que votre presence à Londres ferait plaisir et service à tous vos amys. Ayez la bonté de rendre homage et de faire mes compliments à my Lord prevost à Mr Brent [one of the commissioners of Customs] et à Mr et Mlle Mcpharlan, voila mes connoissances à Edinbr. Adieu mon aimable General. Aimez moy toujours puisque je vous aime plus que ma vie

Lovat

From Culloden to his brother, dated at London 26th April 1716:—

I am also sure that Ilay gott the two papers you mention, because the Brigadier and I were asked the substance of them by the prince, and I hope a litle tyme will discover that he belives what we then told him was true.

From Culloden to his brother, dated at London 1st May 1716:—

I take these raskalls that have turned ther coats to be the magistrats of Inverness, who will in a litle tyme I hope be taken a course with . . . . .  
All your stories of our friends [Argyll and Ilay] being out of favour is false, on the contrar he is as weell with the Court as ever. The memorialls you are so solicitous about were given to the King

and prince; what they will doe with them I know not. There is a pamphlett of Will Grants come to toun but how E. Sutherland receaves it I wot not

Jo. Forbes

Your periwig will be sent you next week tho you have sent me no wine.

A letter of 3rd May from Culloden merely gives the information that it was denied that General Cadogan had given terms to Glengarry or, if he had, it was without authority; and his letter of 5th May ("Culloden Papers" LXIX.) refers to the two memorials "that att the Prince's desyre Brigadier Grant gave him, at my sight. . . . I believe the Prince desyres to compaire them with the accompt printed by Coll. Grant, which makes so great a noyse here that E. Sutherland, as I am told, is making a reply to it." There were several memorials with which Duncan Forbes concerned himself. One was from the Whigs of Inverness "whom I modelled into a regiment of Militia" and this was sent under cover to the Lord Advocate on 20th March 1716 ("Culloden Papers" LIV.)

There were also the addresses from the Burghs and from the General Assembly, not to mention countless efforts on behalf of individuals. At the age of thirty his views on justice and mercy were as firmly declared after the rising of 1715 as after that of 1745, and with a greater measure of success.

In politics he followed the house of Argyll and at this period was able to give to the Duke and to Lord Ilay much valuable information. The next letter from John Forbes is typical of this.

London 12th May 1716

Dear Brother

I communicate your scheame of politics to my Lord Ilay last night att Will's coffie house and used the freedom to

bleame his Lo. for being as I thought lease, when he knew his enemies left no stone unturned to magnifie themselves and derogate from the famely of Argyle; he was pleased with my freedome and told me he and his brother were not so idle as I thought, that they knew that scheame of politicks and a great many others a great while agoe and had taken the necessary measures to dissappoint them; he exprest himself very kyndly about you and I belive he hes a just sense of your friendship. I am very much surprysed with the mention is made of Mr Cadogan in the address sent from the sinod of Murray and no less that Brigadier Grant should be employed to present such a fouldsome pice of flatterie as that address contains [See "Historical Papers" Spalding Club, i. 35] I wish you would enquire Mr Baillie about it. I am sure it lay not in ther road unless the Generalls burgundy and champaine made them forget themselves. Thers no newes but you have in the prints better then I can write.

Jo: Forbes

The Brigadier hes return'd the address by this post, and his reasons for not presenting it.

Three days later (15th May) he wrote—

I am sorie to hear your eyes are sore. I hope this will find you in better health. I wish the Generall assemble's adress may be of ane other strain than that which came from Murray. The bill for disarming the hylands was before us this day and for ought I can see will doe us more ill then good, because not only the Rebellious Clans but also all benorth the Tay that are friends to the government are included

The above crossed one from Duncan Forbes of the same date—

Dear Brother

I have been so much taken up with the adress I wrote of last that I scarce have had time to think of anything else, it is carried by a majority of 98 against 42, pretty much in the terms of the enclosed which was the first sceatch that I caused give in of it, but a mob will alwayes have amendments tho nothing is allowed as to the Dukes part of the compliment. You may easily imagine the struggle was hot to carry that point against the Co[missione]r and J[ustice] O[ler]k, who left no stone unturned to disappoint it. I believe I have afronted E. Sutherland and Cadogan to the last degree, because to gett them excluded I was forced to explain their conduct. G. Drummond's letter which with the draught of the adress you will deliver to him, will make you understand the whole case, since I cannot write more at present for my eyes.

Dun: Forbes

Edr. 15 May 1716

This letter evidently refers to the meeting of the General Assembly. Writing on 17 May 1716 Lord Rothes, who was Lord High Commissioner, mentions the Assembly's reference to Generals "which was pretty far out of their road but that is no extraordinarie thing for men of their coat." [State papers, Scotland, Public Record Office.]

From Culloden to his brother dated from London 20 May 1716

Dear Brother

All the damn'd malicious stories that are spread by the Duke of Argyle's enemies, are fals, I assure you he is very weell with the King, the Prince, and with the best part of the ministerie. My Lord Hlay is extreamly pleased with your manadgement in the assemblee, and longs much for ther address. I doubt

not but it will give a dead stroake to the Squad, if it be in the terms you write, for now all ther base litle tricks beginn to come a bow board to ther shame and disgrace. Ther is no newes. I have sent you a wigg which I hope will please. The inclosed is from Mr Durham. Capt. Kendall gives you his humble service, pray give my [mine] to Mrs Macpharline  
Jo. Forbes

Give my service to Mr Baillie. I cannot write to him by this post because ill of a head ach.

On 26 May Culloden wrote that he had been in the country with Brigadier Grant.

I need not tell you how weell the Duke and his brother are pleased with your manadgement in the assemblie. They have signified it to you under their own hands [see "Culloden Papers," LXX.]

. . . Lovat is very weell and I hope his bussines will be done before the K[ing] goes over: he tells me that Killravock's business is to be Livtenant Colonnell to a regiment which I am afraid Lovat will not gett.

His next letter is dated 2 June

Lovat and I are together, he mynds you kyndly and is to write to you. Ther are a great many stories going, such as that our friends are out of Court. The Squad: very prosperous, the Duke of R[oxburghe] third secetary and a great many such things, but I assure you all this needs confirmation. . . . The number of commissioners for the forfeited estates are 13; ther sallaries exclusive of all incidents a 1000 pounds sterline so that if some be beggared others must make rich.

On 14 June his letter contains no politics but an account of the duel between James

Cathcart, third son of Alan, seventh Lord Cathcart and Alexander Gordon of Ardoch (now Poyntzfield).

Ther is no newes but that last night ther came som words betwixt James Cathcart and collector Gordon in Old Man's Coffie house, which occasioned a duell immediately. The place they fought in was near Kinsintoun [Kensington] without seconds. Cathcart was kill'd dead on the ground and Gordon mortally wounded, being several tymes run throw the bodie. Gordon hes five or six wounds; Cathcart but on he dyed off, which is belived he gott after his sword was brook, for the last thrust he made att Gordon, he left near a foot of his sword in his body, so that it is more than probable that Gordon striked him when he was pulling back his sword. Its thought Gordon cannot recover

The following unsigned letter (see also "Culloden Capers" LXXII. and LXXIII.) may be from Geo. Drummond, afterwards Lord Provost of Edinburgh. It is dated from London 19 June 1716 and addressed "To Duncan Forbes Esqre."

Dear Forbes

I have yours the 12th. You may depend upon it the honest opprest clergy do not pray for the Duke without very good reason. But they ought not to forget his brother, both are very mindfull of & have done them very good service. My Lord Ilay told me yesternight if the bill was pusht he was to bring in his clause leaving out the references and had prevailed with My Lord Chancellor Lord Chief Justice Parker, & Lord Townesend to stand by him in it; it was to have been in before the Lords to-day. The success I am afraid I can't tell you by this post, because I am engaged in the evening, but I believe the bill will be

dropt, give my humble service to Mr Hart & comunicate this to him; I wonder what turn the Squad will give to their conduct in this matter—they do not stand to ly, and upon my word they do not want cunning.

I think our friends ow thanks to our good friend Baron Scroop [John Scrope] for doing justice to Mr Mitchell, if it ly before the Treasury its not impossible he may find he had better been an honest man then a knave, and that the Squad wo'nt easily get the respite ta'en of. However, Forbes, I am really for our peoples heaping coals of fire upon his head, please therefore send me a full account of that matter, and after he hes found no body else can serve him, I hope they'l do it. I please my self with the thoughts of writing him a letter wherin I'll put him in mind of some secret conversation past betwixt us, his late conduct, and our friends civility to him, which may happen to make him a little uneasy, & who knows but he may be convinced its his interest to act another part in time coming—he is worth the gaining, consult with Skip [? Campbell, Skipness], let me have your thoughts. I have spoke to Will Stuart he will not meddle with the folks of Inverness. Your brother, Grant and I are to wait on honest Sir David Dalrymple to morrow morning about those magistrates to advise in what manner they can be prosecuted; the warrant for a new Election will come down by the next post. Yours

The next document refers to the new elections which were to take place in Inverness and Elgin

Whitehall June 26 1716

Sir

Mr Secretary Stanhope transmitted to you some days agoe, Three orders of Council in relation to the election of the

Magistrats of Inverness, Elgin and Fortrose. Since that time, Application has been made, for renewing of the orders for Inverness and Elgin, which you have herewith enclosed, by which you will see that the time is prolonged and that several persons are added to those mentioned in the former orders, I am commanded by Mr Secretary Stanhope to transmit them to you, that they may be executed in place of the first, which you will return to me that they may be given in by the Clerks of Council I am

Sir

Your most obedt humble Servant

Ro. Pringle

Mr Duncan Forbes, Advocat Deputy

The answer to this has been written on the outside

Sir

So soon as I had the honour to receive yours of the 26 of June with the new orders of Council inclosed for election of Magistrates and Town Council in the Burghs of Inverness and Elgin I sent to the country to recall the former orders, which being now returned are herewith transmitted as you desiro.

Your letter of the 13th instant with the orders of Council approving of the Elections of the Burghs of Dundee, Montrose, Brechen and Aberbrothock I received and have transmitted the orders to the several Burghs

I am Sir Your most humble servant  
Edinr. July 21st 1716

On 23 June Culloden wrote the following letter to his brother which contains information touched on by Lovat's letter of the same date ("Culloden Papers," LXXIV.)

For news, the parliat rises next week. The E. Sutherland and Cadoggan have got green ribbons [Knights of the Thistle] which the on very weell deserves



for the retakeing Inverness and the other  
his for procuring my good friend Glen-  
garrie's remission which is now passing  
the sealls. The King goes for Hanover  
Thusday or Fryday next. Mr Methvin  
is to officiat as secretarie in place of Mr  
Stanhope who goes with the King. As  
for the politicall pairt of the newes I  
referr you to George Drummond

Jo. Forbes.

I hope you'll not be negligent in the  
affair of Inverness, by framing such ane  
information as will effectually doe the  
busines.

In another letter of 26 June he informs  
his brother that parliament had that day  
been prorogued till 7 August and that the  
new order for the Inverness election delay-  
ing it till September was to be sent

because the first dyet was too short and  
by this now sent we will have tym to com  
home. . . . Ther are still very great  
divisions at Court and I belive it will be  
still so till the d—ll run away with the  
Squad

For the delay with regard to the Inver-  
ness election Lovat took the credit ("Cul-  
loden Papers," LXXV.)



(13) AFTER THE RISING.  
LETTELS JUNE AND JULY 1716.

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At the end of June 1716 the two brothers, Argyll and Tlay, suffered a reverse of fortune, to the consternation of their friends and followers.

Culloden wrote to Duncan Forbes on the subject.

London 29th June 1716.

Dear Brother

This nights post newes will very much surpryse you and you'll certainly do me the justice to belive that I am hearty sorrie, when I tell you that they are true. The brave D and his worthie brother were last night by the King's letter discharged his service as to ther civill and militarie imployes, and also the prince had a messadge sent him by the King to discharge the D his service. The brave prince recaved this messadge as became a man that knew his duty to our Great King his father and to the Duke who is certainly as faithfull a subject and as firm a friend to the King and prince as any British can boast off, but it seems that the best of men must have ther ups and downs.

I did all I could to understand whence the sudden stroak came: all the reason I can find for maltreating the Duke thus is as his enemies say that he gave ill advice to the prince and that the Duke had the prince so much att his command, so to speak, that if the King were once gone for Hannover the prince would doe nothing but as the Duke directed. This confused accompt you'll easily pardon because of my uneasiness att the tyme and you may also belive that anything else little troubles Jo. Forbes.

The ill counsell I mention is that when the Regencie was proposed for the

prince, with limitations during the King's absence, it is alledged that the Duke advised the prince not to accept of it with any limitations. Its true the prince, as I am told, took it not very weell to be limited, yett by the Dukes advice did yield to whatever the King desyred, but still this is charged on the Duke and this is given as the reason why he is laid asyde.

Lovat wrote the next day to Duncan Forbes in characteristic fashion.

Mon Cher General

Le coup est donné, les deux chers freres sont disgracié (*sic*) et hors de leurs emplois par un ordre du Roy envoyé par Mr Stanhope. Le prince à ce qu'on assure en est enragé. Jamais des seigneurs n'ont quitté la cour avec plus d'éclat ni avec plus de regret; personne n'en scait la raison. Dieu veille que les affaires du Roy n'en sufriront pas.

On dit que toutes leur creatures seront traité de meme. Adieu. Je ne scais pas ce que je vous écris, car je ne puis pas moy-même et je ne scais ce que je devien-dray

le 30 june [1716].

Lovat.

Fortunately for Lovat this change of affairs made in the end no difference to him; his memorial was forwarded on 2nd July, with the Royal approval, and on 23rd August he finally received the gift of escheat of the property of Alexander Mackenzie of Fraserdale (see "Culloden Papers" LXXVII and CCCLXXII). It is interesting to note that the copy of the latter which belonged to Duncan Forbes has been used by him as the basis of a document in favour of Charles, Earl of Moray, whose name and that of his brother Francis Stewart, afterwards sixth Earl of Moray, appear in the margin. It is perhaps not impossible that the suspected Lord Francis

wished to have his property secured by gift of escheat to his brother. Lovat was not, however, without great anxiety as is shown by the following letter to Duncan Forbes of date, probably 7th July 1716.

My Dear General,

I got your last about the escheat & the other business & the Duke is to speak to the Brig[adier Grant] this very morning about the last; as to the escheat I am obliged to let you know by this line the steps that are made in it that you may do what you can to effectuate it at Edinbrugh. Mr Stanhope promised me to get the King's orders for it two months ago but the busines that they were in hindered the presenting of it till I spok myself to the King of it about 14 dayes before he went away. Then Mr Stanhope presented my memorial & the King granted the contents of it upon which Mr Stanhope wrote the inclosed letter to the Lords of the Tresery which letter they very little regarded. However the Brig: by his interest with Mr Walpole got his promise to get my busines done & he put it before the other Lords who were positif that they could not act in it till they had the King's advocat & the solicitors opinion in law of it. I was then obliged to go to Sir David Dalrimple & to Sir James Steuart with the Lords of the Tresorye's reference to which after they had consulted together they gave a most favorable answer as you may see by the copy of Sir David's & Sir James his answer was full as favorable, upon which Mr Walpole spoke to the King & his Majesty gave him orders at disscretion to do my busines. But Mr Walpole told me it was impossible to finish it before the King's departure, but that he would do it as well after as if the King was here. So that I thought myself most sure of my busines. Yet

your cus: Coll[onel Robert] Monro who cary'd very boldly to me sinc the busines of the company sent me a message last night that those I did not think my friends were so essentially, that he advertised me to take care of myself, that the Justice Clark, Montrose & the rest were resolv'd to search all means to ruin me, & that my busines of the escheat was not so surely done as I thought; that they had sent to Scotland to consult it. I went to my good friend Sir David Dalrimple & told him last night; he told me that the Lords of the Tresory sent & consulted the Exchequer in Scotland which was a form never used before & that I should have acquainted you to solicit the Barons of Exchequer to send up their favorable report of it, and he desired me to send him this morning this letter for you & that he would send it in a flying packet that goes of this morning & that he would writ at the same tyme to his nephew the Baron Dalrimple [George Dalrymple, Baron of Exchequer] in my favors. He told me that [Sir John] Clark of Pennycook is a great creature of the Justice Clark but that the two Inglishe Barons are Argyles friends so that before the Justice Clark can be there you may manadge the busines with the Barons.

So, my dear General, since you know my all now does depend on that escheat (for I do not reckon on my commission as things stand now) I beg you may put all irons in the fire to get my busines through in the Exchequer in spight of the opposition you will meet with. I do not see how they can go against the King's positif orders & the advice of the King's lawiers. However, my dear General, you must be activ in it. I am in a maner glad to have had occasion to apear my dr. Dukes & his brothers partisan more since their aparent disgrace than

before. In short this is not a tyme for their friends to hold their tongues & I am sure I did not hold mine wherever I was since their fall which makes them greater than ever they were before. I was yesterday with my Lord Cowper the chancellor & told him all they did & could do & the insignificance of all their enemys to King or Government: he told me he was convinced of it & was very well satisfied with all I told him & and he bid me be easy, that this was but a cloud that would be soon over & that the Duke and his Brother were two men that the Government would not want & that he was so much their friend that they are both persuaded that he was so to the last. The Duke was yesterday & last night at Court & the Prince affects to speak to him & his friends. I hope all will be well. All the city is for him. Adieu. This is a long letter that you will I am afraid, hardly read. Je suis le-clave de mon cher general.

Lovat.

General Joseph Wightman also wrote to Duncan Forbes on the subject. Only the postscript to his letter remains, but it has been endorsed as from him. The seal is a maunche, with crest a stag collared and chained.

P.S. I assure you I have been very much concerned to have the various reports concerning the fate of the Duke of Argyle, and though my merit cannot pretend but to a small part of his favour, I have so much concerne for his honour and what he really deserves, I would justifie his caracter to the last of my power. But last nights news has convince us of the villany of these reports of the Dukes disgrace which was reported by a certaine young lord here, whoe as my friend Mr Gough saith of the Highlanders his hed is allways step'd in aqua vite. In my

return home yesterday I meet this sweet gentleman, returning to D R in and indeede very ill his face being of as many cullers as the rainebow but for all that he hopes to live to have the Regiment of Fuzileers. Good God, if it shuld be see, what a Regiment of Fleemecutters there will be in a short time, for note no man is to be prefered unless he takes of a cleane chopping of brandy fasting. When you writ to his Grace of Argyle pray give my due respects. I am sorry I have no answer to the letter I sent by you to his Grace but I shant faile of paying my duty to him to the best of my knowledg.

If "D R in" may be interpeted as Dunrobin, the "young lord" would appear to have been William, Lord Strathnaver, to whom his father John, fifteenth Earl of Sutherland, had handed over the Sutherland estates in 1705. (See "Scots Peerage" viii. 356, where "apparently his ailment developed into consumption.")

From Culloden to his brother, dated from London, 3rd July 1716.

Dear Brother,

I can add nothing to my last, but that the Duke bears the maltreatment, he hes met with, very easily. I am told he hes been very earnest with the prince to take his key of his hand, but the prince hes not yett done it. This step in polliticks very much surpryses all honest men, yea, those that have occasioned it, dread the consequences, and no wonder, since thinking men of all sydes say, that att such a criticall juncture historie can not parrallell such ane other step. I pray God dissappoint our fears; you may easily judge, that in this situation of affairs I can have little to say with any in power, but to show you that I am not so slothifall as you belive me I went this day to Mr Walpole and spok

to him as best I could anent Mr Mcpharline, (I am sure more earnestly than ever I did or will doe for my self), and he hes taken down his name and assured me he will doe for him; but after what hes past, I shall never trust a steatsman's word nor depend on Court favour, yett shall not fail to doe all I can to serve my friend, and thus you may assure him. Curiosity tempts me to stay some days hier to see wher this madness will end or tend to, but if once I could be satisfied in that I shall make the best of my way to you, with a resolution to live recluse all my lyfe, because *Terras astra reliquit* (*sic*). Jo: Forbes.

Before this come to hand, you have new orders anent Inverness. I shall still try if any particular orders can be had anent the magistrats. In the mean tyme I intreat you doe not lett me be basted in that matter.

From Culloden to his brother, dated from London, 7th July 1716.

Dear Brother,

This morning by eight the King left this place. All I waite for now is to see how the royall power will become the Regent. I own it is a piece of curiosity in me, but I cannot help it.

The Duke was att Court last night and this morning took leave of the King, kist his hand in a very graceful manner and wisht him good voyadge and safe return and in ane hour thereafter went to his country seat.

Sir David [Dalrymple] I have not seen since Thursday tho I was nice to waite of him. Some sayes he continewes advocate, others say not; the truth of this a few dayes will try.

I shall draw att ten dayes sight for what money I want. If your friends affair fail its neither B Grants fault nor myne; we have Walpole's promise for it



and that is all we have to trust to. I refer Inverness intyrelly to yourself, because I cannot leave this place before the 15th att fardest. Jo: Forbes.

From Culloden to his brother, dated from London, 14th July.

I deliver'd your letters to the Duke and Hay. The Duke exprest himself most kyndly. I also deliver'd your last letter to Hay this morning to which he said he would return you auswer by this nights post. Ther's noe newes, but that I am to leave this place Thursday or Fryday nixt. God willing. May we have a happie meeting. Jo: Forbes.

The prince is the same to our friend as ever, but never owns the Sq[adron] nor the Irish G: I mean C[adogan].

The letter to Lord Hay referred to is probably number LXXVII of "Culloden Papers," in which Forbes wrote that he was afraid he might be appointed one of the Lord Advocate's

deputys for the ensuing prosecutions; but as I am an utter stranger to the English forms of procedure, and for severall other reasons which your Lordship will easily apprehend, I am determined to refuse that employment; nor can any motive whatsoever induce me to accept that place, as things now stand, unless your Lordship commands me.

The two following letters from Culloden and Grant, addressed to Duncan Forbes, refer again to his friend, John McFarlane, W.S., and also to Lord Cadogan.

London the 16th July 1716.

Dear Brother

I waited yesterday of Mr Walpole. The Brigadier did me the favour to goe with me and to back what I spok in favour of your friend, and to so good purpose that, if a statesmans word can be trusted, I think

I may assure you that your friend is taken care of. You ough this intyrelly to the Brigadier: he hes wrote you wantonly about it, and I think on kiss of the charming lady who makes your friend happie is most justly due as the best return can be given to the trouble he hes taken in this affair. If you can allow of it without grudgeing I think he may be weell satisfied. As for newes I reffer you to the B. letter by this post, only by way of explanation know that The Tyck in the green string [presumably the ribbon of a Knight of the Thistle] is G[eneral] C[adogan] who I doubt not will (in conjunction with Squad:) in a very short tyme come off by weeping Cross, and to the generall satisfaction of all true lovers of the protestant succession, will I hope make his last exit att Tyburn greac'd as he most justly deserves with a Saint Johnstown Ribbon.

Jo: Forbes.

Doe not bleame for staying so long, for I am desyrous to be with you as you can wish, and will be with you how soon possible.

July the 17th [1716]

Dear Sir

I must refer you to your Brother as to what past yesterday morning betwixt us & Mr Walpole concerning your friend, the strongest argument I could thing of was what may some tyms weaken yours viz:— that he had a very hansome wife whose great favorite you was. The same prevailed for a friend of your brothers, so that you see its a mighty good luck for a man to have a hansome good natured wife. I am promised by your brother that you will be so kynd as to introduce me to her. The Squadrone may have the fate you mention in a proper tyme, your brother will tell you what happened [to] ane Irish

Mastif who wears a green string to day at Court, the tyck was turned out of doors when others were admitted. Tell my friend George Drummond that yesterday morning the impudent Curr strayed to Chelsea. I there had a strong [?] pick at him, but being musled he did no harm, so I hope his barck is not poisonous whatever his byte might have been. I shan't goe out of town before the 29th. I am still  
Dr Sir

Yours

A. Grant.

It was perhaps the efforts of Duncan Forbes on behalf of John McFarlane which called forth the following anonymous letter, dealing with the whole question of the revenue:—

To the Honoured Mr Duncan Forbes  
Advocate att his Lodgings in Edinburgh.

20th July 1716

Sir

I give you the trouble of this to confirm the information I left with you and to enable you the more to doe for your friend, since at this juncture, ther's noe regard hade to merit or good services done. I hope ther is still att the helm such as will take some concern of the Kings Revenue and prevent the many perjuries are comitted in the running of forraign salt & cureing of fish of all sorts with unexcised salt.

These villanies & frauds have prevailed so far, that upon securing your friend in the office proposed, I can make appear that even since parting with you, ther hes been above two thousand bushells forraign salt runn in this precinet and near this place, the excise of which is about £700 ster.

If the managers of this affair are soe farr infatuated as not to prevent these villanies nor help, you see that in so short a time

as since I was with you, and notwithstanding all the precautions hes been given to the officers here by the Commissioners upon the information given them with you (which was all the use they made of it), they cannot at least will not prevent these frauds unless a knowing honest man well acquainted here had the inspection of that affair. You'l easily observe that in this one instance seven years sellary to a good man in that office is sunk, which might be prevented as well as the perjury it brings on the countrey, and upon good grounds I can say it that a good man in that office may save the Government £2000 ster: a year in the payment of Debentures, in this very precinct, besides what it might doe else where.

Ther is now another ship arived from Lisbon in this precinct, on which the same practice will be used, and severall dayly expected. In short the villanies of this kind committed here by the connivance of the principall officers in the custome house is such that I am ashamed to write them, ther practises being a scandall upon the Government it selfe for imploying such a parcell of villains. Two of them are now with you, \* (*sic*). Ane instance of which happened last week near Duffus wher on Wm. Binnie a tidesman seized a parcell of goods to the value of £500 stg. a part of which belonged to A. E. (who is now with you) and his friends here. He oblided the man to sell him his share of the seizure for £30 stg., and what will come of the rest time must tell that. I doubt not he'll endeavour to make himself gracious with you but I can tell you ther's not a greater villan to King & Government and to his office this day in Brittan than he is, for I'm very well assured he hes wronged the revenue some thousands of pounds since he hes been in office here, and if your friend was in the office

proposed will bring those matters to more light. I ever am with all respect

Your T—s.

Pray take care of the inclosed that you leave it not on your table to be perused by servants.

Up till the last Lovat was extremely anxious lest his affairs should miscarry. On 28th July 1716, he wrote the following letter to Duncan Forbes:—

My dear General

I most say yt your neglect of me is as surprising to me as ye glorious fall of ye great Argyl. You order Mr Mcpharlane to writ to me you tell Brig. Grant to make me compliments & this is all I have from my dr general yt was formerly so good as not to miss a post wtout giving me his orders. It hes been a damn'd ungratfull and unconstant constellation yt hes douinal in this month. But in spite of these malignant influences of ye stars I bless God I am still ye same to my General & to ye herosik Duke of Argyl & I can tell dr General yt I have been ane open avowed & usefull agent for him sinc his aparent misfortune & I believe he is sensible of it. You may see it by ye copy of ye letter yt he hes writen for me to Coll Grant. I hope it will have effect otherways William prefers ye Duffs money to ye Duke of Argyls frendship for he may assure himself he will loose it if he does not serve me effectually in yt affaire & tho ye duke seems now under a cloud you will soon see him shine as you would wish. I have been at Bottinars & all ye Foraigners on yt head & I have reason to believe yt they repent ye stroak yts given & yt they will do what they can to retablish it for either ye duke most stand or ye prince most fall wt him & yts glorious to all yt love him. In short tho I be ye son of Thomas I have

great Faith to see my Lovely Duke as bright in his employments as he is in his personal merite. Am not I ane unlucky dog, if my business hes come too late to ye Exchequer, my dr General I trust yt you will do impossibilitys in yt cace for if my busines be delayed to Novembre I may bid farwell to it pour le reste de mes jours so I hope you will imploy all your male & female Friends in Edr to ingadge ye Barons to do my busines even out of term tyme. You know I have enemys & delays might ruine me. I refer all to your self dr General sure I know you love your Corporal though [you] neglect him & I love my General more than any man alive does.

Lovat.

The letter to which Lovat refers as sent by Argyll to Colonel [William] Grant is "Culloden Papers" LXXX. In it the Duke was most anxious that the contemplated marriage between Lovat and Margaret Grant, the Brigadier's sister, should take place, as it did in the month of December following; though the Dowager Lady Lovat, Amelia, daughter of John, first Marquess of Atholl, was still alive and lived till 1743. The "ceremony" with her had now to be forgotten.



(14) FRAGMENTS, AUGUST TO  
DECEMBER 1716.

Copy of a letter from Duncan Forbes, perhaps to Lord Islay, dated 9th August 1716.

My Lord

The Commission of the Generall Assembly is now a sitting and it having been recommended to them by the late Assembly to remonstrat some of the grievances under which the Church lyes and to send a deputation with that remonstrance to London, my friend George [probably Drummond] and I with my Lord Minto to whose friendship you owe thanks thought it a fit time to propose an address of compliment to the guardian which in decency ought to precede a representation of grievances.

And upon the first motion no one made any opposition except Mr Ramsay, D. Roxburgh's minister, however, upon committing that affair where people spoke more freely disputes were likely to arise, and it was strongly hinted that a certain person might be disoblged and this endeavour of your friends turned into a complaint. We were very well assured that the address intended whereof inclosed herewith is a copy could give no jealousy and we had no doubt of forcing it down, but were afraid that this precedent might encourage others who had equall zeal for the Prince but less prudence, to attempt the like with less discretion, and therefore we chose to drop our design rather than by this example to lead others into a behaviour that might be hurtful to his Royal Highness whom we intended to oblidge; the manner of dropping it was, the Committee gave their unanimous opinion that the address should be prepared but the despatching it delayed till the other remonstrances were sent. D.F.

The Justice Clerk was not in town, his friends were in close caballs and made a pother:

S. J. St—t [probably Sir James Stewart of Goodtrees, solicitor-general for Scotland] has not disapointed me; he is a great man at a hint and a etc. (*sic*)

The copy of the address is written on the same sheet as the letter. It is entirely one of loyalty and praise of the reigning family and ends

In the guardian of Brittain the Church of Scotland confidently looks for a protector, the prosperity and preservation of your Royall Family has ever been our petition to heaven, and after our ardent vows for his sacred Majesty, it will always be our fervent prayer that the Almighty may pour forth the spirit of Government on your Royal Highnesse and that your administration may prove a blessing to those relations and a glory to your Royall Father.

A letter of 18th August 1716 is from the Provost and Bailies of Aberdeen concerning the royal commission for visiting the colleges and schools of that town. It is evidently addressed to John Forbes of Culloden, who was one of the commissioners.

Aberdeen the 18th August 1716.

Much Honoured.

Wee doubt not but ye have been acquainted of a commission from his Majestie for visiting the Colledges and Schooll of this and the old towne wherein ye are nominat as one. Therfor wee earnestly intreat ye will not absent from such a necessary work, wherein the peace of both Church and State is so much concerned. The first principles of our youth being that which abides most with them, and wee doubt not but ye are convinced that the Masters of Schoolls and Colledges



have been too active in sowing bad principles amongst their students. Your compliance will be a token of your zeal for the Government and a favour to us who are much honoured.

Your most humble servants,

Robt. Stewart, Provost.

Geo. Fordyce, Baillie.

William Cruden, Baillie.

John Deans, Baillie.

In "Culloden Papers" (LXXXII.) will be found "An anonymous letter written by Mr Duncan Forbes to Sir Robert Walpole, most likely in August 1716—a copy is extant (from which the present is taken) in the President's [meaning Duncan Forbes] hand writing." Most of this copy is still in existence and it has been accurately transcribed, except that the "G—" (page 65) had been written "Glengary" in full. The document is an indictment of the policy of the Government in regard to the methods adopted after the Rising, and must be read in full to be understood. As Hill Burton ("Lives of Lord Lovat and Duncan Forbes") remarks, the conclusion is peculiar.

By what I have said in the onset, Sir, you may guess I will not rest satisfied singly with having transmitted this to you. I must know something of your sentiments about it. I'm resolved to wait till the 20th of September; and if in the London Gazette, before that date, I see nothing advertised concerning a letter dated and signed as this is, you may trust to it, I shall complain of it in such a manner, as you shall have no reason to be satisfied. I am, Sir,

Your humble Servant,

Y. Z.

The authenticity of the above letter does not appear ever to have been challenged till the late Mr Andrew Lang wrote his "History of Scotland." His reasons

for throwing doubt on the matter are in any case hardly convincing, and he does not seem to have been aware that Culloden himself was at that time on quite intimate terms with Walpole.

The following letter from a trusted friend seems to set the question finally at rest.

To Mr Duncan Forbes, advocat,  
To the care of the Postmaster of Inverness.  
Edenburgh September 20th 1716.

Dear D

You have been as good as your word, for by the last post I had no letters from you, but you cannot accuse me of that neglect, for I have missed no opportunity, tho it should be so litle as not to allow me time to write a date as I believe it hapened in my last letter.

I wonder the express I sent north with letters from My Lord Lovat to you and to Major Frazer is not yet returned. My Lord tells me he longs for a letter from you, I do not much admire his curiosity is so great.

There is nothing here now, only we have the D. of Montrose, Es Rothes and Hadingtown and the Justice Clerk sitting every day upon a commission to plant schools in the Highlands.

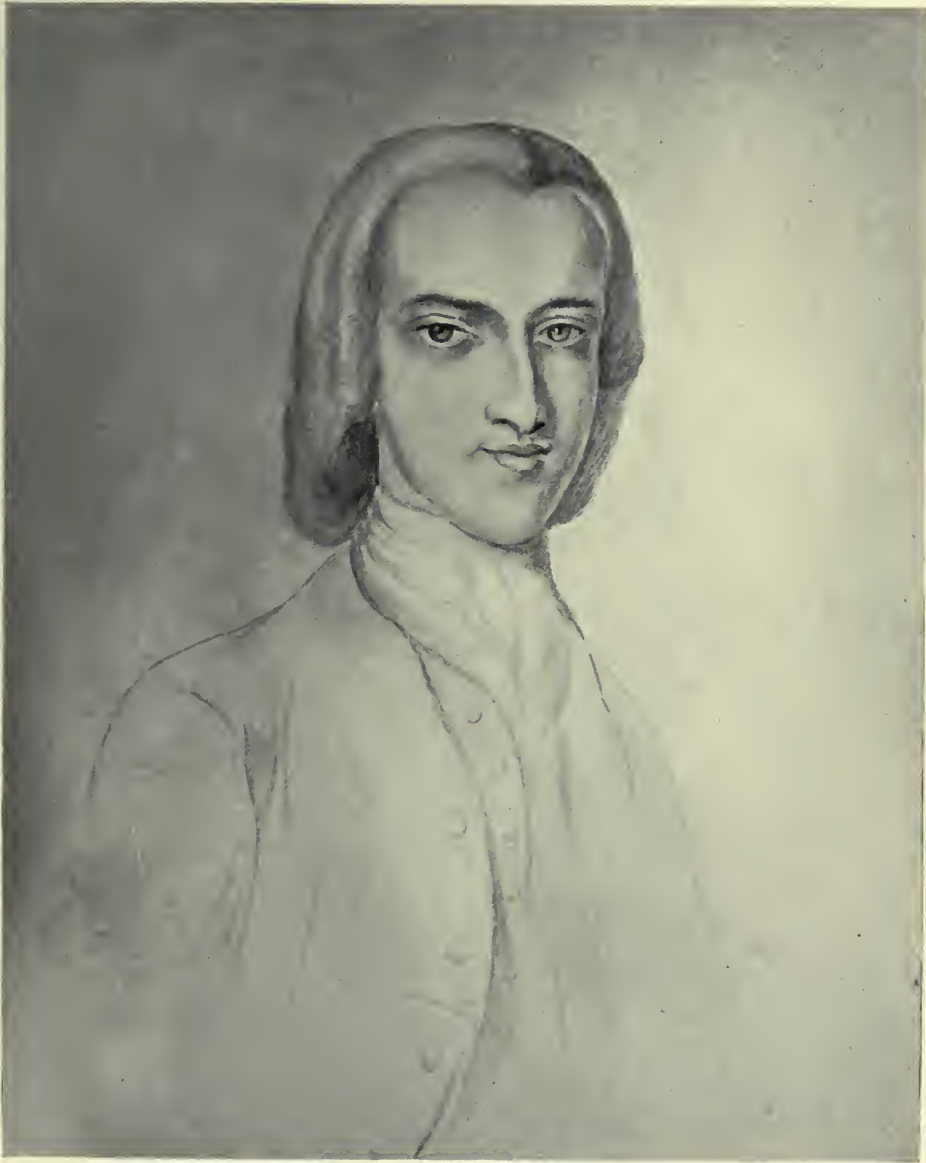
Now this is the 20th of the moneth and nothing has yet appeared in the London Gazette. If you have any furdur to do with respect to that paper, pray direct me and I shall execute it with all the care and zeal that the purpose of that affair and serving you can inspire in me. My humble duty to my Lord Provost. I am constantly Yours

John McFarlane

A postscript follows from Mrs McFarlane.

I am verry well and I hope after you have serv'd your friends I shal see you see too and am your faithfull

Phyza.



DUNCAN FORBES, AFTERWARDS LORD PRESIDENT AND FIFTH OF CULLODEN.



Very shortly after this the tragedy already referred to took place, and on 17th October Grant of Grant wrote from Bath to Duncan Forbes at Inverness.

Shure you'll be equally surprised & concerned to hear of the tragicall accident happen'd in Mr McFarlan's family. I doubt not but all our friends will contribute to procure a pardon for the poor lady, who tho the thing was done in the rage of fury, cannot but be very much afflicted with the thoughts of killing one.

In September 1716 the death occurred of the Dowager Mrs Forbes of Culloden (Mary Innes), some of whose letters have been given. "I had a very great respect for her," wrote Lord Lovat, "& always found her my passionat friend," ("Culloden Papers" LXXXIII.)

John Bremner's account for her funeral (discharged in February 1717) is extant.

	£	s.	d.
For two coffines to your Lady			
Mother - - - -	60	0	6
To six iron handles with ropes &			
bands of iron - - - -	16	0	0
To 4 timber mounts - - - -	6	0	0
To blacking the gates and door	0	18	0
To timber and workmanship of			
Scoutcheon - - - -	2	0	0
To roapes & black cloath theirto	3	0	0
£87 18 0			

The following invitation to Culloden may or may not mean what it says: arrangements for a hunt in those times should be viewed from a political as well as a sporting standpoint.

Inverlyden [?Inverlaidnan]  
Octr. 20th, 1716.

Honble. Sir,  
This is to inform you that Capt. Lewes Grant is to have a hunt tuesdayes morning next at this parish. If you'l please

be so kynd as to come to this place Mundayes night ye will to my pleasure and other friends witness our sport. I can promise nothing but a Boule of punsh & perhaps a botle of wyne to the provest by which you'll oblige the Two Craig Elachies as also

Honble Sir  
Your most obliged  
faithful Servant

J. Grant.

"Culloden Papers" (LXXXVIII) contains a request to Culloden for a contribution towards the prisoners about to be tried at Carlisle, and a week later his brother wrote to the same effect. "But no law," he argued, "can hinder a Scotsman to wish that his countrymen, not hitherto condemned, should not be a derision to strangers, or perish for want of necessary defence or sustenance out of their own country." ("Culloden Papers" XC.) About the same time (for the letter was perhaps to him but not to Duncan Forbes) Culloden was asked to "transmit a list of such landed men within your shire as were concerned in the late rebellion, and are now gone abroad, or are skulking at home." ("Culloden Papers" LXXXIX.)

From Robert Munro, younger of Foulis, to Culloden, dated from Edinburgh, 30th November 1716.

My dear Cousen,

I have yours of the 24th We cannot as yet expect Lord Townshend's answer, I know not what advice to give till I get to Carlile & London, I take journey Munday nixt, If I hear any thing about Sir Robt [? Gordon] at Carlile shall acquaint you, His Majesty is expected soon over, I believe it may be the 15th of January before the Parliament sitt. Mrs Munro is much your humble servt, I give your

selfe and Lady my most afft service and  
I'm Dear Cousen yours

Robert Munro

The following letter to Culloden possibly refers to Hugh Fraser of Foyers, who had done considerable service to the Government at the time of the Rising. "I have fully reconciled myself," wrote Lovat, 28 January 1717 ("Culloden Papers" XCII.) "to all my kindred on both sides, except Dunbala's brothers. I sign this day a submission to Killrack and Cullodin for what Capt. Hugh can demand."

Dear Brother,

Capt. Fraser will deliver you this, and will expect, as I likeways do on Lord Lovat's part that you will be at some pains to accommodate matters betwixt them. As Lovat's people have not been so regular in their procedure, it is certainly his interest the difference should be done a way, and on the other hand I believe Hugh will not judge it prudent to insist on such demands as he possibly might make on another. Wherfor and seing they both are willing to submit to what Kilaick and you shall determine, I look upon it to be necessary that you should grudge no travell to agre them

Dun: Forbes.

Edr. 19th Novr 1716.

The next letter (from Grant of Grant to Duncan Forbes) makes reference to one of Rob Roy's most famous doings. (See introduction to Sir Walter Scott's "Rob Roy.")

Dear Sir

I had yesterday yours of the 24th with the account of Rob Roy's Exploite. I realy take him to be capable of any villany, & consequently doe believe that [John Graham of] Killlearn is in a good deall of Danger. I find the Duke has sent ano account of it to the Secretarys of State.

Every thing is extremely quiet here, there are three mails due from Holland we expect them tomorrow the wind having been fair since yesterday, by then we hope for the news of the Kings coming soon. I have not heard from your Brother these six weeks, pray send me up the Kings Instructions to me as Ld Lieut with Mr Stánhop's letter. I am still  
Dr Sir yours

A. Grant.

Deer the 1st 1716

Mr D. Forbes.





(15) THE MAGISTRATES OF INVERNESS (1715-1716).

The method chosen for the election of the Provost and Town Council in 1716 was a direct result of Jacobite doings in 1715.

. . . . the Crown had turned out the then Provost, Magistrates, Town Council and Town Clerk . . . . for favouring the Stuart cause and aiding the Jacobites in the Rising of 1715. A new Council was, in terms of a Royal Warrant, elected by a poll of the inhabitants under the eye of a Royal Commissioner in September 1716, and it need hardly be said that that council was not Jacobite. . . . The Culloden influence was supreme. John Forbes of Culloden and Duncan Forbes, advocate, were two of the persons named in the Royal Warrant of 1716 to superintend the popular election of the new Council, and John Forbes was one of the persons elected. (K. Macdonald's edition of "Antiquarian Notes" page 79, note).

Sir Robert Pringle's letter of 26 June 1716 in connection with this election has already been given in which he mentioned that "several persons are added to those mentioned in the former orders." Some of these may have been Hugh Ross of Tollic, Colin Graham of Drynie, James Mackintosh, merchant in Inverness, and Hugh Baillie, sheriff-clerk of Inverness, as proposed by the Earl of Sutherland, because several could not attend the September election. (Undated document, Public Record Office).

A volume might be written on the intrigues between the various local factions, apart from Jacobites and Hanoverians, and as usual some of the friction at least was

directly due to Simon, Lord Lovat, who chose to look upon the recapture of Inverness as almost entirely his own doing. The Earl of Sutherland was, not without some cause, deeply offended, both with him and with the Culloden faction.

The following was written from London to John Forbes at Inverness, 29 September 1716, by an anonymous correspondent.

Sir

I shall only venture to tell you so far in general, it being not only too tedious but perhaps inconvenient to enter upon particulars, that there has been such precautions used as the designs of some are notwithstanding their diligence and malice not only baffled but (I hope) sufficiently exposed. L——t will venture perhaps to write you more fully, but some peoples letters being either miscarried or opened must be the more cautious. The E——l is set out this day for H——r having it seems dropt his memorial he was to present to the P——ce; it was stuffed with false and malicious invectives as yt your proceedings (I see'd a copy of the meml) were arbitrary and illegal contrary to law and justice and in direct opposition to his Majties warrt and therefore it was hoped and expected his Royal H——ss would declare it null and of none effect and appoint a new warrant for election.

Lovat wrote on the same day that "Your election has made as great a noise here as at Inverness, and made people very busy on both sides" ("Culloden Papers" LXXXIII.), and again on 6 October he wondered that "John Forbes suffers himself to be calumniat by these people, by open memorials to the Cabinet Council without John Forbes writing to any of the Secretarys. If I had not spoke so oportunely to my Id Chancellor and to my Id Townshend, I believe the affaire would have gone wrong. It

has keep'd the great Brothers and me in hot water these ten days." ("Culloden Papers' LXXXIV.)

In "Culloden Papers' LXXXVI. appears a list of the principal councillors elected, in a document dated 8 October 1716, appointing Duncan Forbes advocate for Inverness. They were:—John Forbes of Culloden, Provost; James Thomson, James Dunbar, and William Fraser, Bailies; James Mackintosh, Dean of Gild; and Thomas Alves, Treasurer.

Great attention was being paid to these elections in Scotland. Writing to Duncan Forbes at Inverness, 17 October, Grant of Grant informed him that

Ld Lovat went from this [Bath] yesterday and will be at Edr by the 28th I have wrote in his favours in the strongest terms possible,

My friend George Drummond writes me that there is not one man who was suspected of favoring the D. of Montrose or the Squad left in the town Council of Glasgow and that of Edr is gone as you could wish.

There is nothing further concerning Inverness till 11th December when Duncan Forbes, who had returned to Edinburgh, wrote to his brother, the Provost.

Edr. 11 December 1716  
9 in the morning.

Dear Brother

The design of this express is to let you know that it is now Discovered that the Minutes of your Election which were sent to Lord Hay alongst with the Instrument and by his Lo. after the Prince was satisfied delivered to Lord Townshend, have been mislaid in the Secretary Office and are a missing which R. Pringle I suppose must know something of.

I am desired by Brigadier Grant to **make up** the Minutes again as a thing

necessary. You know the Original Scroll was lodged with John Hossack who has likeway my little trunk and all the papers relating to that affair, pray therfor without loseing ane Minute of time, Make a Clean Coppy of the Minutes, Let Kilraick and Casty [?Castlehill] sign them forthwith of the former date and transmitt them to me that I may sign them here and send them to London, a Day is certainly not to be lost , if it can be saved.

You are in the next place to recover all the Originall orders concerning the Election which you will find on different pieces of paper in my trunk and in John Hossack or James Frasers Custody, together with the poll list which is either already or must be signed and these you will bring up alongst with yourself, when it is thought fitt for you to come.

No man believed when I wrote to you last that the King wold come over speedily, but by ane Express from the other Side the Yachts and Convoy are sailed for Holland and his Majesty is expected at London sometime this Month, but Grant assures me that will not alter our Case as to the Election, No other News

Dun. Forbes

Further light is thrown on this affair, and on the question of the missing documents, by reference to the original Town Council minutes in 1721. On 4th September 1721, there being present John Forbes of Culloden, provost, David Fraser, James Thompson, William Fraser and John Hossack, bailies, with other councillors, the provost presented the confirmation of the popular election in the year 1716 by the Lords Justices of Great Britain, which was ordered to be recorded. It was to the effect that at the Council Chamber, Whitehall, 5 October 1720, in presence of the Lords Justices in Council there had been read the petition of the Magistrates and Town Coun-

cil of Inverness setting forth that His Majesty by order in Council, 25 June 1716, for resettling Inverness, had directed William, Lord Strathnaver, Simon, Lord Lovat, Robert Munro esquire, governor of Inverness, John Forbes of Culloden, Alexander Gordon of Ardoch, John Cuthbert of Castlehill, George Munro of Culcairn, Brigadier-General Alexander Grant, Hugh Rose of Kilravock esquire senior, & Duncan Forbes, advocate, or any three of them to oversee and cause a proper election to be made. As, however, the instrument recording the due election had been mislaid another had been sent, which last was approved by the Lords Justices.

Thereafter the Town Council returned thanks to the provost for his particular care of the Burgh and also ordered a letter of thanks to be sent to the Duke of Argyll for several favours done. Bailie John Hossack then gave in His Majesty's order in Council of 25 June 1716, with other documents, which were ordered to be put into the Town's charter chest.

Returning to the year in question, 1716, matters were becoming critical when Lovat wrote on 27 December, "To the Rt.-Hon My Lord Provost of Inverness at his house at Inverness" and began his letter "My dearest Lord Provost (we must give you your title since its to last but short)." ("Culloden Papers" XCI)

John Forbes was still at Inverness when his brother wrote, 1 January 1717:—

Dear Brother

Yesterday and not till then I had your letter with the minute enclosed by the pretended express. I hope it will get to London in time enough, and if you have taken care to transmitt a signed copy of the instrument of Election as weel as of the Minute I desired you to do, so soon as I knew it was necessary I doubt not our affairs will be all right. If you have not

made up and transmitted that instrument hitherto do it on sight hereof.

The King its said will not leave Hanover till the 4th January.

We look upon it to be certain that the Intention of Certain Politicians is to bring in a T—y administration, and so do T—d, W—le, Orf—d, Coup—r Park—r, Polt—y, Bos—k—n, Devon—re, in short every Whigg almost in England. I have reason to think that these mens opinions are represented to the King which possibly may alter his way of thinking, in the mean time one thing is certain that the present measures puts our friend in good Company, muster up as many affidavits as you can before the Sherriff or any 2 Justices of the Peace. Tell Sir Robert I have his and will take all the care of him possible.

Dun. Forbes

I wish you a happy New Year  
Edr 1st Janry 1717

Then come the original affidavits.

Att Inverness the eighth day of January one thousand seven hundred and seventeen years. In presence of George Cuthbert of Castlehill and John Cuthbert, younger of Castlehill, Two of the Justices of Peace of the County of Inverness.

Compeared personally Robert Miller, Deacon of the Hammermen, Alexander Chissolme, Deacon of the Wreights, Robert Dunbar, Deacon of the Shoemakers, James Porteous, Deacon of the Taylors, Alexander Fraser, Deacon of the Glovers, Andrew Denoon, James Wause, Donald Polson, Rory Urquhart, John Corbet, Gillies McBean, Donald Grant, David Angus, Robert Polson, Alexander Davidson, the Counsell of the Trades, & by their advice representing the Incorporated Trades of Inverness, and declared that WHEREAS its reported by selfish and malicious people that the uprightness

of our intentions and actings in the Poll Election of Magistrates and Counsellors for this burgh of Inverness in September last is questioned and that wee were either commissioned to vote or bribed into the same, WEE do therefore declare upon faith & honour that wee voted freely the list of Councillors whereof John Forbes of Culloden was one, because wee were in our consciences perswaded, that the persons in that list were sincere and honest Friends to King George's person and Government, were the only people in Town according to the sett and constitution of the Burgh who were capable of the Government thereof, none of them being ever suspected of Jacobitism, AND we further declare that wee could not in conscience give our votes to any extraneous person as the Lord Strathnaver (contrary to our Burgh's oath and the honour of the Burgh) but rejected their bribes by which they endeavoured to corrupt some of us, neither could wee give our votes to those of the Burgh, formerly in the Government thereof, whom wee did look upon as disaffected having to their dishonour acted contrary to their duetie to the King and the Burgh in betraying it, & its strengths and magazine, into the hands of the Rebels, and wee reckon that our voting as above is ane essential service done the Government as well as to the Burgh. In Regaird that off a long time wee hade sufficient demonstration of the good affection and firme loyalty of the said John Forbes & other persons in the said List to his Majesty King George, and particularly when wee were elected into a Regiment of Militia in the time of the Rebellion, wee could not but take notice of the zeall & good service of the forsaid persons which wee judge doth abundantly indicate our vote which wee

declaire to be truth as wee shall answer  
to God.

Juraverunt coram nobis—Geo: Cuth-  
bert, J.P.; John Cuthbert,  
J.P.

Donald Grant; Andrew Denoon;  
Robert Miller, Deacon;  
David Angus; Ja. Waus;  
Al. Chissolme, Deacon;  
Robert Polson; Donald Pol-  
son; Robert Dunbar, Dea-  
con; A. D.; Rorie Urqu-  
hart; Alexr. Fraser, Dea-  
con; William Shaw; John  
Corbett; James Porteous,  
Deacon; Gillies McBean.

Att Inverness this fifth day of Febru-  
ary 1717 years in presence of John Cuth-  
bert of Castlehill and James Fraser of  
Achnagairn, Justices of the peace in the  
Shire of Inverness.

Wee subscribers a committee of the  
present Councill of the Burgh of Inver-  
ness nominated and appointed by the  
Magistrats and Town Councill to revise  
the Councill books for severall years  
befor the last poll Election doe make  
oath, that wee found recorded in the said  
books that all the annuall Elections att  
Michellmas Tearme of Magistrats and  
Councillours for the said brugh during  
the whole reign of Her Late Majestie  
Queen Ann, the new elected Magistrats  
Councillors and visitors of the severall  
incorporations of Trades, that were not  
formerly in office did qualife themselves  
only by swearing the oath of Aleadgeance  
and subscribing the assurance, But did  
not in the whole Reign of Queen Ann  
abjure the pretender as appointed by Law,  
nor att the annuall Elections since the  
accession of His present Majestie King  
George to the Throne of Great Britain is  
ther anything recorded in their Councill



Books of ther haveing quallified themselves by takeing the oath of allegeance, assurance or abjuration, or any other oath to the present Government, and this is truth as we shall answer to God and sign our depositions.

Jurant coram nobis—John Cuthbert, J.P.; Jas. Fraser, J.P.

Ja. Thomson, B; Ja. Dunbar, B;  
Jonathan Thomson, councr.

The next and last document is no longer a defence of the election of 1716, but an attack in force on the doings of 1715.

Endorsed:—Investigation at Inverness 1717 anent the Proceedings of the People of that Town at the time of the Rebellion in 1715.

At Inverness the 6th Day of February 1717. In Presence of John Cuthbert of Castlehill and James Fraser of Achnagairn two of the Justices of Peace in the Shire of Inverness.

Compeared Jonathan Thomson, Merchant in Inverness and James Vaus Glover, in the said Brough, and made Oath, that the well affected Inhabitants of the Brough of Inverness being well apprysed on the 8th September 1715, of the Rebellion then designed did meet in the Royal Coffee House there to consult anent the safety from the Threatened Danger, wher it was determined and ordered that two of their number, viz., The Reverend Mr Robert Baillie minister of the Gospel there and David Steuart Collector of Excise ther, should wait on the Magistrates then officiating and request them to Conveen forthwith the Town Councill and invite the principall inhabitants to assist thereat, in order to deliberate and concert on what measures were necessary, for their common preservation. And accordingly the Magistrates did (with some Reluctancy) comply with

conveening Them betwixt three and four of the Clock in the afternoon, on the said day, when several of the loyal and well affected Inhabitants did appear with them in the Tolbooth of the said Brough, where Alexander Duff of Drumure then Provost did resume in way of ridicule the Request of the Loyal Inhabitants which was made to them by the said Mr Baillie and Mr Steuart, alledging their fears were groundless, And in the mean time demanding what vouchers they had for the same, To which it was answered That they were much surprised to hear that called in question when the contrary was so very evident, and if they pleased they could condescend on some people of Character in the Town that were that very day imploying the Bakers to bake amunition bread and Carpenters to make chests, for the Rebellion then ready to commence, But my Lord Provost did not think fit to cause them condescend on their names, And good reason he had to forbear the same, In respect his own Lady was one of the principall persons imploying the foresaid Tradesmen to the behoof of the Laird of Mackintosh her Son-in-law, And further the Provost Magistrats and Remnant Councillors wer pleased to advance That tho it were true that A Rebellion did commence, it was not convenient or safe for them to offer to Imped their coming to Town they being considerably supernumerary. To which it was replied, that if they did but exert themselves with suitable zeal and loyalty It was very practicable, And To that effect it was proposed they should discharge severall suspected and Disaffected Gentlemen That were imployed as Captains of the Town Guards, (A list of whose names were then given in) And that other well affected men should be imployed in their vice. That the whole fencible men of the Brough should rendezvouze next day, That their Guards

should be quadrupled and keep guard all day as well as all Night, That the fencible men of the Country Paroch joined to the Brough should be invited and if they did not think that sufficient, the well affected did propose and advise that they should write to the well affected neighbouring Gentlemen (who they were ready to engage for) That upon their request and invitation, would bring into the Town twixt eight hundred and a thousand men in less than four dayes, well armed and appointed, to assist them against any Rebellion was to commence, all which was refused and rejected by them, except only that they made a sham muster of the Inhabitants next day, and only doubled ther Guards both consisting only of fifty men, But positively refused to order them to keep Guard after four o'clock in the morning, tho the inhabitants were willing to doe it, Whereby the Laird of MacIntosh the Provosts son-in-law and William MacIntosh of Borlum with about 250 men had access (after dismounting of the Town's Guard by four o'clock in the morning) to come into Town in half ane hour thereafter and seize the publick money and rifle the houses, shops and cellars of severalls of the loyal and well affected Inhabitants, and the Magistrats refusing and omitting to cause beat drums and ring bells in order to convene the Inhabitats to oppose them, who could discuss as to their number, and seeing that they met with no opposition went to the Mercat Cross and proclaimed the Pretender after which the Provost intertained them att his house till two of the clock that afternoon. This is truth as we shall answer to God and sign our dispositions.

Jurant coram nobis—John Cuthbert, J.P.; Ja. Fraser, J.P.;

Jonathan Thomson, Ja Vaus.

## (16) INVERNESS AND THE DISARMING ACT (1716).

It has been stated that the result of the disarming act produced a regular trade between Scotland and Holland for the importation of useless weapons which were sold to the innocent tax-collector for exorbitant sums. Those delivered up at Inverness prior to 1 November 1716 are given in the following lists, compiled apparently at the request of General Carpenter.

To the Provost of Inverness

Edinburgh, December 31st, 1716.

Sir

By the last Post I received a letter from his Majesty's Board of Ordnance desiring I will get and send to them an

exact Account of the Numbers, Species, and Condition of all the Arms delivered in by the Countrey in the severall places where they are, Which I pray you will transmitt to me as soon as may be, And that such Arms may be kept safe till you receive directions about them from the Board of Ordnance or from me. I am

Sir

Yr. most humble Servant  
Geo: Carpenter.

The provost of course was John Forbes of Culloden, who with David Polson of Kinmylies, both deputy-lieutenants, signs the two lists for the burgh and for the shire.

A List of the Names and Designations of all the Persons residing within the Burgh of Inverness, who gave up their Arms, to the Deputy Lieutenants of the County of Inverness, preceding the first day of November 1716, with the particular values of said Arms as they have been appretiate by James Dunbar Baillie of Inverness, Thomas Alves Theasurer, Jonathan Thomson & John Hossack Merchants ther, Robert Low Armourer, Peter Grant gunn smith and John Walker Burgess ther Upon oath.

JOHN HOSSACK, merchant in Inverness			
Three fine Guns valued at...	..	...	£4 0 0
One pair Pistolls at	...	...	£1 10 0
Eight Swords at	...	...	£1 15 0
JAMES THOMSON, Baillie of Inverness			
Three Guns & one Sword valued at	...	...	£1 3 4
JAMES DUNBAR, Baillie of Inverness			
One side Pistoll and one Sword	...	...	£1 4 0
THOMAS ALVES. Theasurer of Inverness.			
One Riffle Gunn valued at	...	...	£1 10 0
Four Swords & one Poinard	...	...	£1 6 0
GEORGE MACKILLIGAN, Appothecary in Inverness.			
Two Gunns valued at	...	...	£1 8 0
One pair Pistolls & two Swords at	...	...	£0 19 0
JOHN WALKER, Burgess in Inverness.			
One Gun & one Sword valued at	...	...	£1 2 0
JAMES VAUS, Glover in Inverness.			
One Gunn a side Pistoñ & two Swords valued at	..	...	£2 5 0
ARCHIBALD GEDDES, Merchant in Inverness.			
One Gunn & a Sword valued at	...	...	£1 0 0
WILLIAM DICK, Wright in Inverness.			
Two Gunns & a Side Pistoll valued at	..	...	£2 2 0

Two Swords & a Shabre valued at	...	...	£1 10 0	£3 12 0
GEORGE FORBES, Writer in Inverness.				
Three Gunns & Five Swords valued at	...	...	£3 0 0	
Two Gunns & a Pistoll valued at	...	...	£0 12 0	£3 12 0
DONALD CUTHBERT, Writer in Inverness.				
One Gun & a Sword valued...	...	...	...	£1 2 0
ALEXANDER MACINTOSH, Tobacconist in Inverness.				
One Gunn a Side Pistoll & two Swords valued at	...	...	...	£1 6 10
ALEXANDER TAYLER, Glover in Inverness.				
One Gunn & two Swords valued at	...	...	...	£1 13 4
JOHN MACBEAN, Writer in Inverness.				
One pair Pistolls valued at...	...	...	...	£0 12 0
GILBERT GRAY, Periwigmaker in Inverness.				
One Gunn & a Sword valued at	...	...	...	£1 3 0
GEORGE ANDERSON, Merchant in Inverness.				
One Gunn, a pair Pistolls & two Swords valued at	...	...	...	£1 14 0
ALEXANDER CUTHBERT, Brewer in Inverness.				
One Gunn & a Sword valued at	...	...	...	£1 1 8
DONALD GRANT, Saddler in Inverness.				
Two Gunns & a Sword valued at	...	...	...	£1 16 8
PAUL MACPHAIL, Brewer in Inverness.				
One Gunn & a Sword valued at	...	...	...	£0 19 0
WILLIAM MACBEAN, Glover in Inverness.				
One Gunn & a Sword valued at	...	...	...	£1 1 8
JAMES ANDERSON, Periwigmaker in Inverness.				
One Gunn & a Sword valued at	...	...	...	£0 18 4
FREDERICK FRASER, Glover in Inverness.				
Fourteen Gunns valued at	...	...	£8 6 8	
Eleven Swords at	...	...	£2 13 4	
Twenty nine Targetts	...	...	£10 9 1½	£21 9 1½
WILLIAM MACLEAN, Merchant in Inverness.				
Three Swords valued at	...	...	...	£1 10 0
ROBERT DUNBAR, Shoemaker in Inverness.				
One Gunn valued at	...	...	...	£0 13 4
GILEAS MACBEAN, Glover in Inverness.				
Two Gunns and four Swords valued	...	...	...	£2 15 8
DAVID FRASER, Ballie of Inverness.				
Two Gunns and a Side Pistoll valued at	...	...	£1 10 0	
Three Swords and a Bayonett at...	...	...	£0 4 0	£1 14 0
DAVID MONRO, Writer in Inverness.				
Three Gunns and a pair Pistolls valued at	...	...	...	£3 13 4
ALEXANDER OHISSOLME, Couper in Inverness.				
One Gunn & a Sword valued at	...	...	...	£0 14 0
JAMES CUTHBERT, Merchant in Inverness.				
Two Gunns, a pair pistolls & a Broad Sword valued at	...	...	...	£1 18 4
JONATHAN THOMSON, Merchant in Inverness.				
Four Gunns and one Sword valued at	...	...	£3 0 0	
One pair Brass Pistols at	...	...	£2 0 0	£5 0 0
DONALD MACKENZIE, Surgeon in Inverness.				
Two Gunns valued at	...	...	...	£0 13 0
DONALD FRASER MACINTEIR, Glover in Inverness.				
One Gunn and one Sword valued at	...	...	...	£1 1 0
WILLIAM MACBEAN, Tobacconist in Inverness.				
One Sword and a pistoll valued at	...	...	...	£0 6 8
HARY ROSE, Shoemaker in Inverness.				
One Gun, one sword and a pistoll valued at	...	...	...	£1 3 4

ALEXANDER BAYNE, Showmaker in Inverness.			
Two Gunns valued at	...	...	£1 2 0
THOMAS FRASER, Showmaker in Inverness.			
Two Gunns, Two Swords and a Dansaxe valued at	...	...	£1 2 0
JOHN MACLEOD, Merchant in Inverness.			
One Gunn and four Swords valued at	...	...	£0 13 0
DONALD BOUY, Town Officer in Inverness.			
Two Gunns on Pistol & a Semiter valued at	...	...	£1 15 4
JOHN ROBERTSON, Brewer in Inverness.			
Two Gunns and two Swords valued at	...	...	£0 19 4
ALEXANDER FRASER, [?] Vintner in Inverness.			
Two Gunns and two Swords valued at...	...	...	£0 16 0
ROBERT POLSON, Showmaker in Inverness.			
One Gunn and a Sword valued at	...	...	£0 14 0
COLLINE SHEDD, Pewterer in Inverness.			
Two Gunns Two Swords & a pair Pistolls valued at	...	...	£1 12 4
HUGH ROBERTSON, Student in Inverness.			
Two Gunns, five Swords & a Pistoll valued at	...	...	£2 17 4
DAVID ANGUS, Glover in Inverness.			
Three Gunns, three Swords, & a Pistoll valued at	...	...	£3 5 0
DONALD MACCONCHIE, Showmaker in Inverness.			
Two Gunns and Two Swords valued at	...	...	£1 18 4
ANGUS MACINTOSH of Cullclachie, in Inverness.			
Five Gunns & one Danesaxe valued	...	...	£2 2 2
CHARLES MACCULLOCH, Gunn Smith in Inverness.			
Six Gunns valued at...	...	...	£4 0 0
Six Side Pistols at	...	...	£4 3 4
Seven Swords at	...	...	£0 17 6
One Gunn & one Pistoll at	...	...	£0 4 0
Two Gunns without locks, two ratches or durks	...	...	£0 12 4
MR DAVID SCOTT, Vintner in Inverness.			
Three Gunns Three Pistols, one Sword valued at	...	...	£2 18 0
JAMES FRASER [?] Vintner in Inverness.			
One Gunn, a Sword & a Bayonett valued at	...	...	£1 4 10
ANGUS POLSON, Glover in Inverness.			
Two Gunns valued at	...	...	£0 12 0
WILLIAM MACCONCHIE, Skinner in Inverness.			
Two Gunns and a Sword valued at	...	...	£1 13 4
DONALD MACLEAN, Post in Inverness.			
Two Gunns valued at	...	...	£0 16 8
ROBERT MILLER, Copper Smith in Inverness.			
Two Gunns and a Sword valued at	...	...	£1 1 8
DONALD FRASER, Smith in Inverness.			
Three Gunns & Two Swords valued at	...	...	£2 6 8
JOHN FRASER, Showmaker in Inverness.			
Two Gunns & Two Swords valued	...	...	£1 4 8
RODRICK URQUHART, Glover in Inverness.			
Two Gunns and Three Swords val	...	...	£1 8 4
DONALD FRASER, Baker in Inverness.			
Three Gunns, two Swords & a Pistol valued at	...	...	£1 2 6
PETER GRANT, Gunn Smith in Inverness.			
Seventeen Gunns and one broken Gunn valued at	...	...	£9 16 0
Twenty two Gunn barrels at	...	...	£2 4 6
Four side Pistols at	...	...	£0 15 0
A Sword pionard & a Danesaxe at...	...	...	£0 6 8
Ten Gunns looks at	...	...	£1 10 0
			£14 12 2

GILBERT GORDON, Merchant in Inverness.				
Two Gunns, three Swords & a pair Pistolls valued at	...	...	...	£2 1 8
JAMES PORTEOUS, Tayler in Inverness.				
Five Gunns and four Swords valued at	...	...	...	£3 10 8
WILLIAM ROBERTSON, Tayler in Inverness.				
Two Gunns & two Swords valued at	...	...	...	£1 6 0
DAVID HOOME, Merchant in Inverness.				
Three Gunns, Six Swords & a two handed Sword valued at	...	...	...	£2 1 4
WILLIAM MORRISON, Catechist in Inverness.				
Two Gunns & three Swords valued at	...	...	...	£1 2 4
WILLIAM MACDONALD, Armourer in Inverness.				
Thirty one Swords and a Pionard valued at	...	£6 16 0	...	
Thirty two Sword Blades at	...	£1 12 0	...	£8 8 0
JOHN FRASER, Smith in Inverness.				
Four Gunns & two Swords valued at	...	...	...	£2 2 8
ROBERT LOW, Armourer in Inverness.				
Thirty Swords valued at	...	£6 14 4	...	
Fourtie Swords with Scaberts only valued at	...	£4 13 0	...	
Three Gunns a Pistol & two handed Sword	...	£1 10 8	...	£12 18 0
JAMES DICK, Mason in Inverness.				
Two Gunns & two Swords valued at	...	...	...	£1 9 4
Mr JAMES FRASER, Merchant in Inverness.				
Two Gunns two Swords Two pair pistols & one Gunn Barrel	...	...	...	£5 8 2
WILLIAM NEILSON, Merchant in Inverness.				
Two Gunns & one pair Pistolls at	...	...	...	£2 10 0
THOMAS FRASER, Sadler in Inverness.				
Three Gunns, & three Swords at	...	...	...	£2 9 8
DONALD POLSON, Showmaker in Inverness				
Two gunns & two Swords at	...	...	...	£1 19 0
WILLIAM MACINTOSH, late Treasurer in Inverness.				
One Gunn valued at	...	£0 15 0	...	
Nintie eight broad Sword blades at 2/3 per	...	£11 0 6	...	
Eighty small Sword blades at 1/3 each	...	£5 0 0	...	£16 15 6
ROBERT NICOLSON, Mason in Inverness.				
One Gunn valued at	...	...	...	£0 13 4
DONALD CLARKE, Cook in Inverness.				
One Gunn & one Sword at	...	...	...	£0 16 0
WILLIAM FRASER, Baillie of Inverness.				
One Gunn & one pair Pistols at	...	...	...	£2 10 0
THOMAS MACGIBSON, Couper in Inverness.				
One Gunn and one Sword valued at	...	...	...	£1 0 0
WILLIAM MACHUTCHAN, Weaver in Inverness.				
One Gunn valued at	...	...	...	£0 12 0
WALTER STUART, Excise Officer in Inverness.				
Four Gunns without locks valued at	...	£1 15 0	...	
Four Swords and a Blunderbush at	...	£0 15 0	...	£2 10 0
LAUHLAN MACINTOSH, Merchant in Inverness.				
One Gunn and two Swords valued at	...	...	...	£0 18 4
ANGUS MACINTOSH, Senior, Merchant in Inverness.				
Three Gunns three Swords & one Pistol valued at	...	...	...	£2 5 0
WILLIAM MACINTOSH, Junior, Merchant in Inverness.				
Two Gunns valued at	...	...	...	£1 0 0
RODERICK WILLIAMSON, Periwigmaker in Inverness.				
One Gunn & One Sword valued at	...	...	...	£0 6 8
JOHN FRASER, Gunn Smith in Inverness.				
Two Gunns without Locks at	...	...	...	£0 6 0

WILLIAM GRANT, Joiner in Inverness.	
One Gunn valued at	£0 15 0
JOHN TUACH, brewer in Inverness.	
Two gunns a pair pistols & a sword at...	£2 12 0

Jo. Forbes D. Lieut.

Da. Polson D. Lieut.

A list of names and designations of all the persons within the Shire of Inverness who gave up their Arms to the Deputy Lieutenants of the County of Inverness, preceeding the first day of November last 1716: with the particular values of said Arms, as they have been appretiate by:—James Dunbar, Baillie of Inverness, Thomas Alves, Theasurer, Jonathan Thomson and John Hossack, Merchants ther, Robert Low, Armourer, Peter Grant, Gunn-Smith and John Walker, Burges ther, upon oath.

JOHN FORBES of CULLODEN ESQRE; PROVOST of INVERNESS.	
One hundred sixty two Gunns valued severally at	£96 14 2
Seven Gunns without Locks at	£1 17 4
Two Gunn barrels at	£0 4 6
Five Side Pistolls at	£2 10 0
Twenty one Swords at	£4 9 6
One Targett & one danesaxe at	£0 12 0
ALEX: GRANT, Chamberlain to the Honble. Brigadier Grant of Grant. in Strathspey.	£106 7 6
Thirty four Gunns valued at	£8 0 6
Twelve Gunns without locks valued at	£2 3 8
Fourtie Seven Swords at	£7 3 2
Eight Side pistolls at	£1 11 2
One two handed Sword & Danesaxe at	£0 5 0
One pair Pistolls valued at	£0 8 0
GEORGE GRANT of OLOURIE, Chamberlain to the Honble. Brigadier Grant of Grant in URQUHART.	£19 11 6
Eighteen Gunns valued at...	£8 5 4
Twelve Swords at	£2 18 4
Two Targets at	£1 4 8
ALEX: FRASER of PHOPACHY, factor to the Lord Lovatt in the Aird.	£12 8 4
Sixty Gunns valued at	£20 9 10
Four Gunns without Locks at	£0 11 0
3 pair Pistolls at	£1 17 0
Two Barrels & a Lock	£0 9 0
One Danes Axe & one two handed Sword	£0 9 4
Thirtie six Swords at	£7 1 0
Seven Targets at	£3 15 0
JAMES FRASER of CASTLE LEATHER Major to the Lord Lovetts Battalion in time of the late Rebellion.	£34 12 2
Thirtie six Gunns valued	£8 2 2
Thirtie Swords at	£5 17 6
One pair Pistolls at	£0 10 0
WILLIAM FRASER in BALLONE near Inverness.	£14 9 8
Two Gunns, One Sword & One Target	£1 12 6
JAMES MACCAY: Tennant in Castlehill.	
Three Gunns, two Side Pistolls & two Swords	£2 15 0
ROBERT SHEVIZE of MOURTOWN.	
Nine Gunns valued at	£3 6 0
Nine Danes Axes and three Swords	£1 14 0
	£5 0 0



WILLIAM FRASER, Chamberlain to the Lady Lovett.			
Two Gunns & one pair Pistols value at	...	...	£1 2 0
Mr ANDREW FRASER in NEW TOWN in the Aird.			
One Gunn & one Sword valued at...	...	...	£0 14 0
SIMON FRASER in KINGELLIE in the Aird.			
One Gunn and three Swords valued at	...	...	£1 2 8
ANGUS MACDONALD in [?] Croichall.			
One Gunn valued at	...	...	£0 5 0
Mr DAVID POLSON of KINMYLLIES.			
Six Gunns valued at	...	...	£4 0 0
5 Swords and a Blunderbush & Carabine	...	...	£2 0 0    £6 0 0

John Forbes, D: Lieut.

Da: Poleon, D: Lieut.



(17) CONCERNING LOVAT AND OTHER  
MATTERS—JANUARY TO MARCH 1717.

Lovat's marriage with Margaret Grant took place in December 1716, and the following letter was written by him to Duncan Forbes from Castle Grant 10th January 1717:—

My dear General

I had ye honor of yours of ye first of this year, and I pray God my dr General may have many a good and happy new year, my wife bids me tell you yt she hes ye same wishes towartls you and yt sinc little Sandie maryed you and her in belindalah [*? Ballindalloch*] you most provide for her in every thing yt I feal in, mais raillerie à part je suis ettonné que le duc et son frère et le Brig: ont negligé l'affaire sur laquelle l'établissement de ma maison, et tribus sembloit dependre. Si j'étois libre sans femme, je serois [tout à] fait indifferent de tout ce que mes enemys pouvoient faire contre moy, mais étant engagé avec cette jeune femme j'aimerais mieux avoir la tete tranchée que d'être obligé de quitter la possession des mes terres à frazerdale ou au publick. Cependant je me voy à veille de ce malheur par la supine negligence de mes amys pour qui j'ay exposé tout ce qui m'est cher au monde, et je n'ay plus d'esperance que dans votre amitié et genie pour inventer quelque chose qui pourroit me faire garder la possession de mes terres par quelque pretense de droit. Car je suis resolu de périr l'épée à la main plutot que de quitter la possession de mes terres qui m'a déjà couté tant de peine, et de dangers, ainsi mon aimable amy, ne dormez plus dans mes affaires jusque à ce que vous m'assurez la possession de mes terres.

All my Frds. advise me to enter heir to my cousing ye late Ld Lovat by ye

disposition you have, for he did make a conquest of eight thousand marks a year yt Fraserdales aprising do not affect because his lady renounc'd heir to her father, ye inconveniency of this they (sic) is to be oblidge to pay his debt. But its much better keep possession and pay ye debts by ye effects of ye estate than be turn'd out and lose ye Estate, so my dr General sinc you know I do not understand a word of law I refer this to yrself only I beg yt I may if possible tako infetment by yt right or any other yt may hinder ye commissioners of Inquiry to turn me by Fraserdales sentence or conviction. I most humbly begg you may imediatly imploy for me Sir Walter Pringle and ye best lawyers you can have wt you. If my mariage had not keepd me here I had most certainly hindred fraserdale's tryal or any bad project of my enemys against me. But in my absence they will certainly if they can undo me sinc they look'd upon me as ye most actif partisan ye duke had about Court, and so I was and I would go to stake to serve him tomorow wtout regret and be reduc'd to want for his sake if I had but my self to care for and as it is I am ready to hazard my life as well as my posts for him. But I own yt my being mary'd does much dissturb me on yt head. But I trust in God and in my dr general and I am eternally

Your constant slave,

Lovat

Lovat also wrote the following letter on the same date "To His Grace the Duke of Gordon at Edr," but it has been endorsed "Found unopened." George, first Duke of Gordon, had died 7th December 1716, and Alexander, the second Duke, who then succeeded had been with Mar in the Rising. To Lovat in difficulties any of the great ones might possibly be of use.

Castle Grant  
ye 10 of Jany 1717

My Lord

I presume to make my most humble Compliment to your Grace on ye death of your Father ye Duke of Gordon and I wish yr Grace many a good new year, and yt you may live to a considerable old age as your Father did and your Grace may firmly belive yt nobody wishes better to your person and family, than I do, I did indeavour this last year to give yr Grace all ye proofs of it yt I could both in Scotland and England and ye Duke of Argyl who is a man of honour can bear me wittness on yt head and I hope no trifle will be capable to give yr Grace any other notion of me for upon honor I did as much to find out yt mear yt yr Grace calls Mrs Captaines mear and yt Thundertoun calls his Lady's mear as if it was a matter of ye greatest concern, and I at last got account yt Alexr Fraser off Phopaky sold her in ye month of octobre last to lieut. Campbell of my Independent Company, who brought yt mear south wt him and tho I saw him at Edr in Novembre upon honour he did not say anything to me of yt mear nor let me know any thing about her. I was in a passion at Fraser yt sold her to lieut. Campbell. But if your Grace pleases and yt it will be any satisfaction to you I will writ and cause Fraser yt sold her writ to lieut. Campbell to deliver her to yr Grace, for he hes her still in ye South. So I'll wait yr Graces orders theranent, and as to Drums black horse he is not worth ye sticking, nor for any use being lame of both ye hind Feet, your Grace may be persuaded yt I never had a horse or mear yt I would refuse to yr Grace but would think it my honor yt you should accept of any from me who hes the honor to be many tymes

yr Relation, and I am still wt great respect My Lord

Your Graces most obedient and most  
humble servant

Lovat

Yr cosing my wife begs of me to assure yr Grace of her humble duty. We have ye honor to drink yr health here wt yr stout servant Rothemurchos.

By 28th January he was at Beaufort, and wrote that his "dear General" was "generous and great in his soul above all the Dukes and Earls in Brittain," at the same time requesting him to employ Sir Walter Pringle or anyone else he pleased, and "consult together of some legal way of my keeping possession of this estate, besides the gift . . . either I must keep violent possession which will return me my old missfortunes, or I must abandon the kingdoms . . ." ("Culloden Papers" XCII.)

On the same day Duncan Forbes wrote to his brother of the King's return, and that "The E. of Ilay has kissed the Kings hand as will the D: so soon as decency permitts."

On 20th February Lovat sent another long letter to Duncan Forbes ("Culloden Papers" XCIV.) He had reviewed upwards of 1300 men [at Tomnahurich] for which he wanted publicity—"but they lookd melancholly without arms." It is difficult to say, had they been armed, and the Swedish plot become a reality, on which side they would have been used. Possibly others, such as Lord Ilay, had this in mind, whose advice was that Lovat "should go imediatly to London to save myself, since they could not publickly act for me."

Several letters from Culloden to his brother follow, the first dated 21st February 1717.

Dear Brother

This is my second. Inclosed you have the King's speech with the whole Swedish plot, which was read yesterday in the house and this day delivered to the members.

I waited this day of the Duke and his brother, they are both very weell and askt kyndly for you. It is not ther fault that our virtuous honest friend suffers: had they power it would not be long so, but as matters now stand, you must have patience. The plot and speech is in five different coverts directed to the chieff magistrat, George Drummond, Nimmo, David Kennedie and your self. Please after reading forward them by the first post to Inverness, under covert to Mr Baillie and our other friends, Tomson and Hossack. Ther is nothing else att this tyme.

Jo. Forbes.

From Culloden, dated from London 23rd February 1717.

Dear Brother

I doubt not but you have forwarded the Swedish Plot to Mr. Baillie. Ther hes nothing hapned since worth while, Ilay seem'd concern'd that you should doubt of his Friendship, in the affair of our Friend, he assured me had it been in his power, it had been done long agoe, Ther hes been a push made, since I came to this place at honest Drummond, But to no purpose, for while Walpole stands, he certainly is secure, bid him or Nimmo, send me Credite or bills, for the litle money I left with them, because what I brought up with me is allmost spent, I endeavoured to see the Steatesmen once and again, since I came hier, but had not access to any but Walpole, Its thought they are so bussie in Contriving who shall rule the roast that they have not tyme to be civill to any Bodie, att

least I find it so, I had a letter from Major Brodie, giving a very good account of our nephew, which I have sent by this Post to his Father, and which I am very sure will be very welcome news to his Mother.

Jo. Forbes.

From Culloden, with a postscript from Grant of Grant, dated from London 2nd March 1717.

Dear Brother

In my last you had an answer to Mr Dawson's part of your letter. I have little to add to my last, but that there was a notification sent by Rox: to the Treasury Board to make out a commission for Mr Charles Cockburn in place of our friend Drumond. The affair is not yett done, and our friends will dispute it, but I fear the worst. I have communicated what our magistrates have done to the statesmen, but they are too much dipt in matters of greater moment to take notice of such trifles as that. It's given out still here that the Swedes will come, but a great many do not believe it. Haddington has gott the D. Gordons green ribbon

Jo: Forbes.

I wonder Nimmo has not sent me bills for what money I left. John Munro, the postmaster of Inverness being dead, it were not amiss you speak to Mr Anderson for that thing to James Wass or Gillis McBain.

Dr Sr

Don't blame me for not giving you any news for I assure you if I don't coyn them I have none, except that E. Haddington has got the D: of Gordon's green ribbon for keeping Evans Dragoons from running away at Dunblane. I send you a scheme for paying our debts:

I am Dr Sr Yours

A. Grant,

From Culloden, dated from London 7th  
March 1717.

Dear Brother

Yours of 28th February is now before me. You are angry that I write you no polliticks, and that I doe not lett you know what our steatsmen are doeing. It's not only hard for me, but I think impossible for any man to tell you what they are doeing, because it's the oppinion of all, that I converse with, that they know not what they would be att them selves. One thing is commonly talkt, and I doe belive it, that they hate other heartily; as ane instance of what I have said above, our house mett this day att the usual tyme, satt till 3 afternoon, looking and laffing att other, all our statesmen present, and nothing lyke business mention'd because, as it's said, they know not where to beginn. Drummond is *in statu quo*, the duke and all our friends are in good health; he laff'd heartily att the storie you wrote Grant. I call'd att all the Statesmen ther lodgeings to tell them about Lovat, and the meall that is a loading att Inverness but could gett no access. It's loudly talkt by the Squad: that Wallpole will be out in a few dayes, and our friends fear the worst

Jo: Forbes

From Culloden, dated from London 12th  
March 1717.

Dear Brother

Since we have taken Dausons money we shall make the best us of it we can. It is no wonder that the Squad: are very uppish, they push att all and expect to be successful, because hitherto they have been so, but still its hoped they'll meet with a disappointment. I am just now told that Baird is to be postmaster in place of honest Anderson, and that Sir



Will: Johnstoun is putting in for Mr Brent's place. These things are not yett done and will meet with all the opposition our friends can make, but considering what hes allreddie been done by self desyneing pack, there's reason to fear the worst. The Sweeds are not so much talkt of now; all the discourse is about the funds and publick credit, words I am but litle acquainted with, shall therfor lett them allon

Jo: Forbes.

The next letter, dated from London 15th March 1717 seems fully to confirm "Major Fraser's Manuscript," if "long Fraser" is "Alexander Fraser" who laid information against Lovat before the Duke of Roxburgh, then Secretary of State for Scotland.

Dear Brother

Honest Drummond still continues and I hope will; if he eats his loaf, and holds his tounge, so as none may malitiously inform against him, as that villan long Fraser hes done against Lovat.

As to that affair, ther hes been affidavits taken against him att the Cockpitt, but what they import I cannot learn [torn] I am told that long Fraser and Capt. Neill Mcleaud have made them. I wish that Lovat were hier, for ther can be nothing done for his vindication or interest till he is present, neither dares the Brigadier or I so much as speack of him least it might doe him hearm, till we once know what he is accused of and what ho hes to say for himself; you are angrie that I doe not write news, but by G—d I write you all I know, and when you are heir your self you'll perhaps labour of the same want of intelligence that I now doe

Jo: Forbes

I am just now told that the Squad: have made ther last push att Mr Walpole and have lost it, so that I hope before you can be hier our friends will be on a better footing then could be thought some days agoe. Tell Mr Nimmo that his bill came safe, and I thank him for it, also tell Coll: Grant that his friends are not unmyndfull of him. I hope he and the other concerned will be putt on half pay, which I would [torn] indifferent off, were it not to serve ther tytle to the Companies, if ever they chance to be raised again. I give my service to him and his Lady and shall write him by nixt post. The Brigadier's Lady wants some snuff, I hope you'll bring some of the best with you.

The next day the following was written to Duncan Forbes:—

Dear Sir

At a botle at the Brittish there was a friend whispered us that thers orders sent to Scotland to make Lord Lovat prisoner which we conclude, if true, is to prevent his comeing here to tell truths. We give you this intimation that you may put him on his guard, so as he may pass incognito and come up hither with all possible heast We are

Dear Sir Yours

A. Grant  
Jo: Forbes

March the 16th [1717]  
at 9 at night

This advice Lovat promptly took, and was able by his presence to weather the storm.

No letters of local interest appear during the spring of 1717, except the following (copy) from Duncan Forbes (in his capacity of Counsel) to the Magistrates of Inverness.

Edinr. 21st January 1717

Gentlemen

Yours of the 9th Curt. I have recieved and have since waited of the E. of Albemarle. I am heartily sorry that you have so many complaints, which must have arose from indiscretion, of one side, or another; tho' at this distance, & unacquainted as I am, with the Circumstances, that give a beginning to them, it is impossible for me to form a certain opinion such as would convince either side; but as the peace of the Kingdom and your own present as well as future security, requires the keeping a force amongst you, which must necessarily crowd your Town, and put you in some degree out of your accustomed way, I should hope every one of you, whose principles I believe I know, would chearfully submit to the temporary inconveniencys you meet with, and contribute to the outmost of your ability to lessen as well as prevent complaints. I would not by this be thought to conclude, that you only are to blame, on the contrary I know it is very possible, that offence may have been taken without just cause; but I am very sure, that as it highly the interest of both partyes to remedy if possible all inconveniencys, so it is their duty to prevent them, as far as it is in their power, and I am pretty confident that if each were acquainted with the others purpose, of endeavouring to arrive at that End, misunderstandings for the future might be prevented. In relation to the seizure of Mcintoshs Meale, at Rosses house, The Earl of Albemarle agrees with me in opinion, that there is no evidence, the meal was intended for the Rebels, and that therefore it ought to have been returned to the owner; His Lo—p also thinks, as I do, that no meal comeing to the Mercat ought to be detained on

any pretence whatsoever, and that the Mercat should be open and free to the Townsmen, as well as to the Troops; and he is to give directions on his part to the Commanders of the Troops accordingly; This Disorder must have had some very unaccountable beginning, and its high time an end should be put to it, as the poor must be great sufferers.

On this subject I cannot help mentioning to you, that as meal may be scarce at Inverness, notwithstanding the plentifulness of the last cropt, because of the additional number of Troops now to the Eastward of you, as well as the discouragement of bringing it to Mercat, I wonder that none of your burgesses of substance think of purchaseing meal in quantities, in Ross & where else it may be had & carying it to Town, to be disposed of for the supply of the Troops as of the Inhabitants. One should think that scarcity in this way may easily be prevented, with a reasonable prospect of gain to the undertakers, and therefore I hope some thing of that kind may be done.

I have not the good fortune to be acquainted with Genl. Blackney, but as he has the character of being a good natured man, and as he will receive Directions from the Earl of Albemarle to do everything consistent with the good of the Service, to maintain a good understanding with the Town, I am confident that if you on your parts, show the proper Disposition, to cooperate with that Design, Complaints will cease & the Causes of them soon removed. I am sensible you wish for this event as much as I do, & I therefore Flatter myself, that nothing will be left undone by you that may tend to it. I am sincerely Gentlemen

Your Most Obedt & most humble servant  
D. F.

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(18) MAINLY POLITICAL—JUNE AND  
JULY 1717.

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The year 1717 saw the dismissal of Townshend and Walpole and the reconstruction of the Ministry under Stanhope, with Sunderland and Addison secretaries of State, and the formation of an active Whig opposition, in which Walpole was the moving spirit, strongly seconded by Argyll. Roxburgh remained Secretary of State for Scotland. General Cadogan, now Lord Cadogan, had been accused of speculation by the Jacobites, a charge which Walpole supported.

Anonymous to Duncan Forbes.

London 4th June 1717

My dear Forbes

I'll for once give you a proof that however disagreeable the subject is, I will acquaint you with it.

This day the house in a committee went upon Cadogans accounts. I cannot pretend to mention the particular speeches, having found it impracticable to keep in, tho twice in the house, so strict were the orders. The transportation of the Dutch troops was the only part touched, tho' it was made out to the conviction of every indifferent body that the articles as charged a great many of them were not real, and allowing them to be so, that they were very extravagant yet after a debate from 12 till near eight at night it came to the question, leave the chair or not, it carried leave the chair 204 to 194.

Never was so much pains taken by any sett of men as the court have done on this by bribes, promises, treats and threats, which you'l judge the better of when I tell you Urquhart, Baird, Pringle, Abereromby, the 2 Scots, Douglas, Lockhart, Moody, Phil. Anstruther, Vance

& Sir George Warrender besides the plum list voted with them, so that this is over and they established for some litle time longer.

I can say no more this night but that I fancy I may see you sooner than I proposed.

I would not have you discouraged because I sett things to you in their worst light, they must grow better.

By the next letter it would appear that the above correspondent was George Drummond.

From Culloden to his brother

London 6th June 1717

Dear Brother

George Drummond by last post told you, that Cad: gott, as his party sayes, a victory by a most sheamfull retreat, all I regrate in the matter is, that so many Scots were his assistants and a good many of those, that we had a good opinion of, but now every minute produces new changes in some person or other and nothing so certain as that no man can be depended on.

We ar still in hopes of an act of grace; Oxford's tryall will be dropt, and he sett at liberty, the parliament up in a few days. The commission of inquerie hes not yett gott any new powers, and I hope never will. Grant's Lady is dangerously ill of the small pox, which gives a good many of your friends, no other news that I know.

Jo: Forbes.

On 8 June [George Drummond] wrote to Duncan Forbes that

Last night the Duchess of Argyle took her leave of the princess and the Duke and she are this morning gone down to Sidbrook [Sudbrooke], whence he returns on Wensday to appear at court in the dress of a young goodman.

The Duke was now about 37 years of age and had just married (6th June 1717) as his second wife Jane, daughter of Thomas Warburton of Winnington in Cheshire, a maid of honour to the Princess of Wales. The letter adds that

The D had the 2 Cunninghams, G. Douglas, your brother, Ferguson, who has acted a prodigious honest part, Sir James and Daniel with him at dinner & sat himself till I was obliged to walk off. I fancy it will not be impossible to get him to have his friends oftner with him in time coming.

On 20th June ("Culloden Papers" XCV.) Culloden wrote that Lovat's gift of escheat had that day run the gauntlet in the House though opposed "but all to no purpose; for the gift subsists as it did."

The following letter from Lovat himself to Duncan Forbes is unsigned. The first part, as he himself writes, was copied by Hugh Fraser of Foyers; the second part is entirely in his own hand.

Ye 25 of June 1717

My dr General

[Copied by Foyers]

Yesterday was a solemn day in Westminster & I hade the curiosity to stay it out from ten in the morning till ten at night. Ther was a prodigious croud of Ladies & Gentlemen in Westminster hall, the King cam yr and the P. & princes. The house of Lds was very full ther was about 150 peers and Bishops in ther robs, after the Inpeachment and the anser were read, which took up five hours, Mr Hamden made a speech agt the prisoner at the barr, and when he hade done Sir Joseph Jeckle proposed the goeing on with the tryall but he was interrupted by my Ld. Harkurt & Trever, who desyred to adjourn, Accordingly the house went to yr

own house and after a debate, which lasted four houres, in which my Ld Argyle and Ilay spoke wonderfully (the princes was yr whill they spoke and all the house ouned ther speches were ye strongest were made), the debate ran whether the Lds should make a resolution to stope the tryall for high cryms and misdemaners till the crym of high treason was first judged, all the Court was for the Comons proseedng after yr own way, but the question being put it caried 88 agt 56, yt the Lords resolved not to admitt the Comons to goe on in the tryall of the E of Oxford & E Mortimer upon high crimes and misdemaners till first judgment should be given for the crym of hy Treason. The Lds went to Westminster hall twixt nine and ten at night and told this resolution to the Comons, Sr Will. Thomson ansred that the resolution of the Lds might be of such fatall consequence yt ye managers wold not take it upon them to give yr anser till they did communicat the mater to the whole house, upon qch the Lds went back to yr own house and ordered the E of Oxford at the barr this day by eleven a'clock. The house of Comons after sum debate this day sent a message to the Lds, yt they wold look yr Journells to know if yr was any precedent of qt the Lds hade done and yt they ordered a Comitie to examin it, and desyred that the Lds would not proceed to the tryall, the houre they apointed, the Lds after som debate hes given till thursday eleven a'clock to the Comons to think and resolved yt then they wold goe on wt the tryall, som say the Court is very much mortified at this great majoritie in the house of Lords, they say that ye E of Sunderland was probably wt my Ld Oxford in the tour but I doe not think it for the Court seems vexd att this busines and yt by all appearance my Ld Oxford



will be Thursday set at libartie by his peers since no body thinks the House of Comons will receive rules from the house of Lords. After this was over the bill in which I am concerned cam in and General Ross just said qt he promised to Mr Smith of bringing in a privat bill for the releife of yt Ladie out of other forfeited estates and my frds went in to yt providing it did not wrong me, yr was a debate whether the wholl bill should pass or not and it passd, ther was a hunder for it and but 30 agt it soe yt I had yt stroak over in spight of my enemies, the D. of Rox: continues his resolutions to undoe me, he imployes yt Long Fraser in his name ofering rewards to those who will com and witness agt me, I complained of it to my frds and they think I need not be uneasie about it, but I must oun I am unluckie to be persecute by Quen Ann at the Court of S. Germans and now by the Kings ser[van]ts after my signall services to the Crown, wee must have patience.

[The rest of the letter is in Lovat's handwriting].

I wrot ye same words my dr General to B. Grant yt I causd Foyrs copy in this letter his hand being better than mine. I most tell a comical debate yt hapend in ye house of Lds after they came up near ten at night. My Ld Carlisle compleained yt ye Lt of ye Tour would not obey his orders but these he had receav'd from my Ld Cadogan. The Lieut was sent for to ye Bar & after he was tossd by several Lds about ye orders he receavit from Cadogan & he not giving a distinct account, it was at last ordered yt he should receive no orders from any but from ye King, ye house of Lds or ye Constable of ye Tour and orderd yt he should bring back my Ld Oxford by land & not by water as he resolvd to do ac-

cording to ye orders he receav'd. Every  
 body is amased at ye vast majority &  
 some have speculations about it, George  
 bid me writ all this to you because he is  
 in ye City this night, he is to go away  
 in a few days; he promis'd he would  
 speak to ye duke but fears he will not  
 get a good occasion & bid me speak to  
 him myself. You know dr Gen: what  
 trust I have in you sine you have in a  
 maner dispos'd of my person & fortune.  
 Therefore sine now my gift is sav'd by ye  
 house of Comons I beg you may writ  
 seriously to My Ld D: to save my  
 estate & kindred by a bond yt he canot  
 loose a farthing by. My doers writ to  
 me yt ye D. of Argyls doers pursue for  
 meals & dutys for ye forty bols pay yt  
 hold of his Grace in Farnuay, I humbly  
 beg you may writ to him to my Ld Isla  
 & me about this & let me know what I  
 should do. It is ye d. I am hopefull he  
 will not refuse it me so I know not whe-  
 ther my doers should or not make op-  
 position to this. Feal not in this dear  
 General. Just now my old Footman  
 tells me yt he was examin'd by ye d of  
 Ro. to know if he had seen [?] Jn:  
 McCray in my house or if I was a papist  
 and in corespondence wt my Ld Mar  
 Chaplain told him yt one Mr McCray was  
 at Beaufort from my Ld Seafort in tyme  
 of our capitulation. The Sqde or rather  
 ye d of Rox; is so mad to have undertaken  
 my ruin & not to do it yt he is resolv'd  
 to go to hell to search witness to swear  
 falsley against me. But my trust is in  
 God & my Innocence & my good cause  
 Adieu I am yr fathfull slave for ever  
 My kind service to Mr Mepharlan & his  
 Frd & to Mr Nimbo & Mr—[sic] yt  
 Lousty nighbour.

There is another account of Oxford's  
 trial from Culloden written on the same  
 day as the above ("Culloden Papers"  
 CCCLXXIV.)

From Culloden to his brother, dated from London 29th June 1717.

Yesterday we had the Lords reasons for adhearing to ther resolution. I thought to have got a double of them, but could not gett it. This I can assure you, they are but reasons with a ragg about the foot of them, and the only desyn of the difference betwixt both houses, is that Oxd may escape. The Court leads the outed party with this, and they e contra knaves all be G—d.

After we had the Lords reasons, the Commons demanded a free consceance and by a messadge desyred the Lords might sit for some tyme. They return'd answer that they would sit, but in a litle tyme after adjourned. This day they had a long debate whither they would allow of a free conference, and it past in the negative. When the Commons understood this, they adjurn'd without waiteing the Lords answer, to make the world belive that we are very angry, but still I say knaves all, for the noble Lord will be dismiss Munday nixt. I scorn to answer your scolding, because I am sure I have wrote all I could learn and that every post, but I conclude this with a harty tender of my most humble duty to Mr McFarlane and his friend

Jo: Forbes.

From Culloden to his brother dated from London 2nd July 1717.

Dear Brother

By the wots you'll see we have had a great many conferences with the Lords to litle purpose unless to make the world belive that Oxfoord was and still is as honest a man as any of them selves, for last night he was acquite of all that was laid to his charge; we make a noise in our house as if a bill of atendar was to be brought against him, but non belives

it. It's talkt as if the bill of inquerie would meet with opposition in the house of Lords; this a litle tyme will try. I cannot yett learn what answer the King hes given to the memoriall your Lords of Sessions and our other judicatory have made; its thought the parliament will not sitt long. If once it were up I have thoughts of goeing in to Hampshyre to see Grant, and from thence to waite your orders. This day I understand that Timothy is with you to represent att the Borrows, for God sake take care of Inverness.

Jo: Forbes.

On the same day [Drummond] also wrote to Duncan Forbes of Oxford's being set at liberty the day before and

Annandale, Loudon and Ilay waited of the King yesterday with the Lords representation, the first two opened the affair in very few words, the King told them he had given the produce of the forfeited estates to the publick and therefore left the direction thereof entirely to the parliament, that he thought their proceeding had been agreeable to the laws of the country because he was informed our countrymen went into it—to this my Lord Ilay replied by telling his Majestie how small a part of them went into it, and proceeded to expose the inconveniences that had attended it, and would follow if the bill now depending passed—very strongly & fully—and concluded with entreating his Majestie to give directions to his Ministers to lay it aside, what effect this will have we may probably know tomorrow. I design to endeavour to be in the house. Sir David has converted Montrose and I am told today Townshend is less sanguine. The Duke of Argyl hes spoke to him.

The following was written to James Nimmo, merchant in Edinburgh, in a covering letter to the above.

Poor Sir George [Warrender] is in a terrible fright because of the temper he fears the town are in on account of his behaviour in the house. I was very merry this morning with him, the poor man had impudence enough to deny facts as the only method he fancies is left to save his bacon.

Culloden's letter to his brother of 9th July 1717 contains some unimportant parliamentary news, and then

As to the question you bid me put to Walpole about the majority, George [Drummond], who left his place with the chief magistrat yesterday can best answer you, and to him I refer you, because Sir W. and T. were gone to the country before I had your letter, so that all I can tell you is that by the town talk they are greatly blamed for that as well as for everything that the Court is disappointed in. . . . I know nothing else to trouble you with save what troubles me very much viz that there is a clause in the Act of Grace excluding the members of both houses that were concerned in the Rebellion. This you know affects none of our concerns except poor Sir Robert, and I do own that his concern troubles me very nearly, but I hope there may be something yet done for him. . . .

From Culloden to his brother, dated from London 11th July 1717.

Dear Brother

Since my last, take the following stories for news, which was told me for a truth.

My Lord Cad: has lately chide Mr Stanhope severely for meddling a little in

the affairs of the armie, which he thinks is intyrely his province. This occasioned some hot words which then went no farder. Cad: after that complained of the great expence he had been att, in supporting the partie or rather the ministrie in the late atack that was made on his Lordship, and to make up his losses, desyred that the 2000 pounds pension Wall: had payed him out of the pay office might be given him. This Stanope opposed with all his might, and the quarell became so high amongst them that it came to the D[uchess] of Munster's ears, and she most judiciously agreed ther differences by takeing the bond of contention to herself. What the consequence of this may be tyme must try. Its thought the parliment will be up Tuesday nixt, and then its talkt that every individuall that voted against Cad: will be turned out.

Jo: Forbes.

Cullodon's next letter of 13th July is "Culloden Papers" XCVI., in which he urged matrimony on his brother but without effect. Duncan Forbes never made a second marriage.

From Culloden to his brother, dated from London 16th July 1717.

Dear Brother

Yesterday the Act of Grace so long lookt for was read and past. It was so long a comeing and so confyned when it came that I am affrayd it will not have that effect that every honest man wisht for. I send you inclosed the Kings speach. Ther are daylie changes at Court and still more expected. My Lord Delarain hes left his troupe of Granadiers and Lord Fostar succeeds him. Midleton and all the Campbells in the armie are out, and everything that smells that way most be out. This day they talk of Grant, Sir

Robert Rich, Churchill and some others, but they are not dismiss'd. I goe in two or three days to Hampshyre, so that you need not expect to hear from me till I return to this place; nevertheless you may write because I have ordered your letters to be taken care of

Jo: Forbes

Acquant my friends att Invernes that I am gone for some dayes to the Countrie.

A fragment from Lovat to Duncan Forbes, dated 20th July 1717.

Mon cher General

Le vent est toujours furieux, les billets doux volent encore. On dit que my Ld Shannon a reçu le sien ce matin: my Ld Scarborow, my Ld. Dorset et le duc de Grafton out reçu déjà le leur, et on dit que my Ld [illegible] en aura le sien dans peu de jours. Je ne puis vous dire tout ce qu'on parle la dessus. Dieu veuille que tout aille bien pour la famille Royale. L'ambdr [ambassadeur] [illegible] disoit qu'il ne pouvait recontrer à la cour que des personnes cassés ou mal contents sans excepter les cordon bleus. Il y a mille reflexions sur ce qui se passe et plusieurs qui sont fait pleasantes.

A debauched comical fellow calld the acte of Gr[ace] the acte of [Quite unprintable.] The pr[ince] goes tuesday for [torn] I design to go this next week for three or four dayes & [torn] Scotland, God willing. [The rest has been torn except] Its Coll. Nassau who has Brig. Grants Reg[iment] and some say that Cap Munro [is] Lt. & sherif of Inverness, but I do not belive it. I belive it will be Suth[erland] or St[rathnaver].

There appears to be no other document extant for 1717, with the exception of the following:—

To the High Sheriff of the Shire of  
Edinburgh Scotland

December 23d 1717.

Sir

The House of Commons having ordered a Call of their Members on Monday the 13th January next and resolved to proceed with all Severity against such of them as shall not then attend the Service of the House, and whose Excuses shall not be allowed of, I am Commanded to require you immediately to Summon the Representatives of your Shire and City within the same, to attend their Service in Parliament on the said Monday the 13th day of January next and you are to give an account of this and what you have done there upon to

Sir

Your humble Servant

Sp: Compton, Speaker.

The exact date when Duncan Forbes was made Sheriff of Midlothian does not appear to be certain.





(19) SOME LETTERS OF 1718-1719.

Culloden to his brother, dated from London 4th March 1718.

D: B:

A reconciliation att Court was much talkt of last week, but upon examination I find it quite conterar, for when G. Earle enquired if he shold fyre the gunns in the park in honour of the princess birthday, he was reprimanded and some others that went that day to waite of the p: and princess are discharged the Court.

This day I am told for a truth that Sunderland is to be att the head of the Threasoury and that my Lord Stanhope is to be secretary of Steate again. There are some other alterations talkt of but nothing yet certain. I hope you'll be myndfull of the vacant stipends of Inverness. The Duke talkes of his goeing to Scotland this summer. I wish he bee as good as his word

J. F.

From Culloden to his brother, dated from London 11th March 1718.

D: B:

All I can tell you is that the Inquerio Bill was carried this day by a majority off 6; had not our own Countrymen in both houses play'd the jade this damnable Bill had never past, so we can not blem the English.

You bid me tell you when I am to leave this place, I truely cannot be positive till the parliament is up and till I know of the Dukes dyet.

Mr Smth hes reffused to be Treasurer of the Navie and told me yesterday that he would not accept the best place the King had to give. I leave you to judge

why he refuses. Differences att Court are still the same and it's thought will continow so till the K: returns. My service to G:D:

J:F:

Culloden's letter of 15th March merely gives the various changes in the government, then on 20th March 1718—

D:B:

My not writeing last post is a great fault, but P. Stewart and some such drunken people are to bleam for it. By the Kings last messadge and the Commons resolution thereupon you'll see wee are to have a warr, but how we can support ane expence of that kynd, in our present circumstances, he's wiser then I can tell. My stay hier God willing shall not be long, but if I doe stay any tyme after the house is up, asure yourself that I shall have good reason for so doeing, therfor be not uneasie. I wish you Good Speed att the west and a happie return

J:F:

Mynd me to G: Drummond

In a post or two you shall know what keeps me hier.

The next letter refers to Patrick Haldane, "Peter Hadden," some account of whom will be found on pages 222-235.

London 25th March 1718

D:B:

Ther is nothng since my last, But a pritty Comicall discourse that past betwixt Coll. Anstruther and Commissioner Petter Hadden, which take as follows,

They meeting accidentally in the British, wher a great many Gentlemen were present, Hadden came up to the Colonell, and tupt him on the Shoulder in a famillier friendly maner, saying Dear

Phill, how comes it that you and I who were once so great Comrads, are now lyke to wear out of acquaintance, to whom the Collonell readily replyed but with a very stern Countenance, faith Hadden the reason of that is very plain, when wee were first acquaint, I took you for ane honest man, but now that you are knowen to be a Rascall and the Greatest Villan of mankynd, it needs not be thought strange that I look down on you, but rather a wonder that any man of honour or honesty, converses with you, to which Hadden replyed, That is Coll. languadge not to be born, the other answerd by God it was true tho,' Hadden said he would take ane other tyme to Resent such treatment, the Coll: answered he Lodged at such a place, and would wait his Commands till tomorrow twelve a'clock, The whole Coffiehouse sett a laughing, Hadden slunk away with his tale amongst his feet but the Coll. hes not heard from him yett, nor has Hadden been seen any where but at Court.

I cannot yet be positive when I will leave this place, The Stocks are low, and some think will fall more and more.

From Culloden to his brother, dated from London 3rd April 1718.

D:B:

By my last [missing] I sufficiently explained the reason of my stay in this place, and now I tell you that it will doe; your Justice Clarks newes is pritty weell receaved at Court, and its talkt that they fear some disturbance this summer, but from whence or from whome they cannot tell. All we know is that ther is a fleet fitting with all expedition for the Baltick, a great press for seamen and Sir John Norris commands them. The stocks fall very much, and the treading pairt of the nation are much

pushed to know how matters will goe.  
 Cad: hes the first Regiment of Guards,  
 and its said that Merrideth and McCart-  
 nie getts the other two; General Wills  
 getts the place that Micklethet had;  
 Coll: Cathcart was married to Sir John  
 Shaw's daughter Saterdag last. My  
 [stay hi]er will not be longer then I gett  
 my bussines [done], unless your new  
 invasion comes on very soon, in [that]  
 case I shall look a litle before I leap,  
 My service [torn] I am yours

J:F:

From Lovat to Duncan Forbes.

Ldn ye 17 of Apryle 1718

My dr General

I got your mock letter of my burial.  
 But I wish yt notion of my illness hold,  
 yet I have but indifferent thoughts of  
 my own health, for my fever return'd  
 last night after ane intervalle of some  
 dayes & I am not well this day & tho  
 my phisical life is in no danger yet I  
 am Civily dead sinc tuesday yt my  
 noble patron [Lord Cowper] laid down  
 ye great seals of Brittain. It makes a  
 strange noise and they say yt ye king  
 & ministry were strangely surpris'd, he  
 went a half hour after to ye cuntry  
 to stem importunitys of all sorts. Every  
 body gives reasons for it, as their fancy  
 furnishes ym; some say yt ye ministry  
 favoured Mr Lechmere against him,  
 others yt he would not sign ye 40 thousand  
 from ye prince to ye children, in short  
 all is conjecture and ye only thing we  
 know of it is, yt he keepd his design so  
 privat yt they say his Lady knew noth-  
 ing of it. They say he wrot ye same  
 reasons to my Ld Sunderland and Stan-  
 hope yt he told ye King yt sinc his ma-  
 jestys affaires was in such a flourishing  
 condition from all ye parts of Europe yt  
 any servant he had might quit his ser-  
 vice wtout doing harm to his affaires and

yt his health required his retraite. Be the reasons what they will I am very sorry for ye action for self interest sak for I loose my plight anchor by it. I show'd yr letter to my Ld. I. who is of my opinion as to ye gift & indeed it canot be other wayes he sayes ye proceedings of ye [word obliterated] of ye Lds of Sessions factor to my Estates is ane affront upon ye house of peers, which they would ressent if they were sitting and yt you should represent it to ye Lds of ye session. I hope you will do something in this matter for it kills me down right, we have different rumours here about ye affaires abroad but our ministers seem joyfull and secure as they tell me. Adieu I am yr poor slave

Lovat

This was the year in which Lovat was so ill but had the satisfaction of getting the better of his creditors.

From Lovat to Duncan Forbes

London ye 26 of Apryle 1718

My dr General

I do not lose our passing posts wtout writing to one another. But I have to say yt I never feal'd but when I was ill & yt was my reason last post. But I took a womit last night & I am now better than I have been this several weeks. I saw my good Fnd Ye Ld C[owper] yesterday who is as merry as a Crickat & if you could tell ym here all yt he told me you would drink a botle to his health. In short it was all yt you could desire to hear on a certain subject & you will soon know it perhaps before I see you which I hope will be very soon. Pray let me know if you go north & where you will be towards ye latter end of May. Br: Grant is now as well as you could wish him & if he continues so

you will soon see him. I saw my dr d:  
 [Argyll] yesterday who is not well, I am  
 more afraid of his health than my own.  
 But ye other [May] is in perfect health.  
 Adieu. This is ye shortest letter I ever  
 wrot you but I know it will please you. I  
 gave in a very plain memorial to ye  
 ministry & satisfaction or no satisfaction  
 I go for Scotland if alive & in health ye  
 next month. I am par tout pays yr slave  
 L

Only one other letter of 1718 is extant,  
 from Duncan Forbes to the Lord Advoca-  
 cate. It seems to refer to the coming  
 modification of the abjuration oath.

Edr. 27 Decemr 1718

To the Right Hon. Sir David Dal-  
 rymple Bart' His Majesty's Advoca-  
 cate for Scotland.

My Lord

I understand that you have undertaken  
 what in my apprehension is a very good  
 Work, The bringing in a Bill for remov-  
 ing these Offences at which so many of  
 our well meaning Clergymen stumble. It  
 is a desire to have your undertaking at-  
 tended with success that moves me to  
 give you this trouble. Tho you know  
 what ought to satisfy the Scrupulous it  
 is not so easy to define what will please  
 them, therefore I should think it were not  
 amiss that a copy of the intended Bill  
 were sent hither privatly, and prudently  
 communicated to some of them to the end  
 that their approbation obtained might  
 tye them down to promote the Qualifying  
 and to answer their Brethren's Diffi-  
 cultys, and also that their observations  
 upon it might enable you to offer further  
 satisfaction than seems at present neces-  
 sary, without knowing their particular  
 objections; if you think that this may  
 safely be done and that it may prove use-  
 ful I shall look for receiving a Draught

of the Clauses as you intend to bring them in and I shall use them as you think proper, But if it appears to you less convenient than it does to me, look upon this only as a proposition which my willingness to have the project succeed urged me to.

I have no manner of News here, The merry men of our Fraternity divert themselves with speculations about Geese Lords of Session, Spanish Wars, French Plots, etc I am My Lord etc

The next letter from Duncan Forbes also deals with patronage. The Rev. Thomas Macculloch did not go to Petty, though he was connected with the neighbourhood through his wife, a niece of John Hossack, afterwards Provost of Inverness.

Endorsed:—Copie missive to Mr Baillie anent Mr McCulloch 12th March 1719.

Dear Sir

I have been with the E. of Morray and he gives me leave to acquaint you that in regard to the presbitrys forbearance during Mr Denoon's Lifetime he is willing to gratify them by settling the Kirk of Petty so as shall be agreeable to them; he understands that they had ane Eye upon Mr McCulloch minister at Belly, and if the presbitry shall be of opinion that he is qualified for that charge My Lord agrees that he shall be presented to it, only he insists on it that the presbitry do receive a presentation from him, and it is my humble opinion that every thing possible should be complyd with not to give his Lordship any offence. If the presbitry agree on Mr McCulloch I expect to hear from you to that purpose and to receive a letter directed for the Earl wherin you may signify your opinion concerning Mr McCulloch's fitness and the acquiescence of the heritors to the pro-

posal, if it can be obtained, which I believe will produce a presentation from the Earl. If there should be any ground for the objections made against Mr McCulloch in relation to his skill in the Irish language, it will be reasonable to signify it speedily, for facilitating a timely settlement on some one else with the Earles consent, which I cannot help thinking material etc I am etc

Edinburgh 12 March 1719.

To Mr Rot. Baillie, Minister at Inverness.





(20) CONCERNING GLENSHIEL (1719).

Though much has been written on this short-lived Rising, it is so completely overshadowed by the Forty-five and the Fifteen that it is scarcely remembered by the casual reader. Quoting from W. L. Mathieson, "Scotland and the Union,"

. . . and Alberoni, undeterred by the death of Charles XII., threw himself unreservedly into those Jacobite schemes, which had been projected by Gorz, but which were now to be prosecuted as his own. Whilst inciting French malcontents to kidnap the Regent Orleans, he welcomed the Pretender to Spain; and in the Spring of 1719 a force of 5000 men, mostly Irish, were embarked at Cadiz for England under the Duke of Ormond. The expedition was dissipated by a violent storm in the Bay of Biscay; but two frigates, which had sailed from another port, and a small vessel conveying some Scottish refugees from France, made their way in safety to the island of Lewes. On reaching the mainland with their detachment of 300 Spanish soldiers, Lords Tullibardine, Marischal, and Seaforth were joined by some 1600 Highlanders; and on June 10, after two months of inactivity, they were attacked and defeated by General Wightman in Glenshiel. The Spaniards surrendered, and the Scottish leaders made their escape.

This sums up the whole episode in general; what follows is matter of detail.

A letter from Lovat, dated from London 2 May 1719, has the address "Mr John Forbes, advocat at Captain Moubray's house near the Netherbow of Edinburgh." The letter, however, is for Duncan Forbes.

My dr General

I still will be in my duty in writing to my General tho I have litle to say or

tho I daresay but litle sinc I always think till I hear from you yt my letters come to the hands of Achitophel. Nothing to be done of what you writ tho I am really as well with my master as any Scots man; which he hes expressd several times wtin this few dayes. Our news are yt 19 ships were seen steering northward and we have sent ten men of war after ym ther are 3 men of war in the Groyne and 13 transports and they say yt mad Cardinal resolves to go on, or perish, he is at his last card and I hope he'll [be] beastit, the divel take those who force me not to let you know domesticks news.

I am yrs [unsigned]

The following document deals with some of those who were considered suspect.

William Lord Strathnaver Shirreff principal of the Shirreffdom of Inverness and haveing full powers from the Lord Livetennent thereof, Whereas wee find it necessary upon the pressing & Emergent Confusion of the time to take all Lawfull measurs tending to the advantadge of the Government These are therefore Impowering you Alexr Clark Messenger To pass and in His Majesties name and authority & ours Summond & Charge all and each of the persons contained in the under wryten List, viz. :—

William MackBean of Kinchyle.  
 Angus [? Æneas] MackBean  
 younger thereof.  
 Farquhar MacGillivray of Dunna-  
 glass.  
 Angus Mackintosh of Killachy.  
 Lachlaine Macintosh younger  
 thereof.  
 Mr. William Macintosh of Aber-  
 arder.  
 Donald MackBean of Faillie [This  
 has been erased.]  
 Mr Thomas Fraser of Dunballach.

Alexr Fraser younger of Relick.  
James Fraser of Kinaries [Presumably Hugh Fraser.]  
James Fraser of Belladrum.  
John Chisholm of Knockfine & Archibald his brother.  
Æneas MacDonald of Minkerack.  
Alexander Fraser of Ballnaine.  
John Fraser of Garthmore.

To come and appear within the Burgh of Inverness The fifteenth day of this instant moneth of May, there to attend the service of the Government and to give Security if needfull for there peaceable behaviour & you are to Certify to them & each of them if they fail to present themselves the said Day befor us or any Commission'd by us They and each of them shall be prosecuted as the Law Directs in such case In doeing whereof This shall be to you a warrand of which you are to Deliver to the said persons & each of them a Coppie, Given att Inverness the fifth day of May 1719 years Sic Sub. Strathnaver.

Follows the charge:—

By Vertue of the above precept or warrant to me Directed, I Alexander Clark Messr doe in name and authority forsaid Charge you Hugh Fraser of Kinaries To be and appear time and place as mentioned to the effect forsaid and with the same Certification, This I doe upon this seventh Day of May one thousand seven hundered & nynteen years In presence of Donald McLean William McClay and Donald McIntosh Indwellers in Inverness.  
Alexr Clark Messenger.

Anonymous to "The Much Honoured Mr Duncan Forbes, Advocat, Edinburgh."

Inverness May 15 1719

Dear Sir

As there is nothing more mysterious than the designs of those in the Highlands so there is nothing from thence

that can be depended on. We have had these three days bypast a story assured by many, that one of the Men of War had gone up to the house of Island Donan, and battered it with there guns, for two days, viz., Saturday & Sunday last, and that on Monday fifty Spaniards, who are there in Garrison, bound ane Irish Captaine, and three other officers, hung out a white flag, and surrendered prisoners, which are all aboard, and this after the Man of Warr's long boat was twice beat of, and a great many of them killd, this story came first by some of the Frasers who were sent up as Spies, and who say they escaped in the fright and consternation these people were in on the approach of the said ships. This is little credited by those who know that Castles situation. There were some letters near being seised by the Governour of this place, and the person was necessitat to give them to another, who was so much afraid of being discovered that he threw the packet Over Bridge, which is the only reason for our want of intelligence. What I wrote of the numbers of those people I had from such as none would distrust and I doe assure you that whatever numbers are given less, is industriously done to conceal there strength, nor are they in the least disheartened with what newes we have of the disaster of there fleet, I know not how they have marcht, or what other steps they have taken, since my last. There are none of the forces yet arrivd in these parts Since the four Companies of Clayton's came from Aberdeen.

The two following letters are endorsed "Copie missives Duncan Forbes to Collonel William Grant & to Collonel Clayton."

Edinburgh May 18th 1719.

Dear Will

This morning at 9 I had your letter of the 13th, which I should have had yesterday morning if the fellow had not been detained all the day at Kinghorn, by a storm of wind which made the Ferry absolutely impassable, and this day also I had yours of the 14th. For answer I know not in virtue of what, Lord Strathnaver a Deputy Lieutenant can imagine that he has power to command private Gentlemen with their Tenents & Servants to serve as pioneers or any other capacity. Tis true a Lord Lieutenant can command his Militia, but then as far as I can understand, there is no Militia raised in your Country and except Officers of Militia I know none that the Lieutenant has authority over, besides that as I have already hinted one Deputy Lieutenant cannot grant any warrant. As I cannot very well see throw the sufficiency of Lord Strathnaver's powers to command your people I easily perceive that the indifferent usage which you and your friends met with by Lord Sutherland means after their late zealous services, may have cooled their inclinations from acting under him, but then dear William when the cause of our King and our Constitution comes to be at stake the above-mentioned zeal will I hope revive and push Grants kinsmen to do whatever he will expect from them.

I do not say this as if I thought you were to submit to be commanded by the Deputy Lieutenant above-mentioned but because I believe it possible for you to manadge the matter in such sort as to show your affection to the King, without suffering the honour of your appearance to be reaped by that person. The Method of executing this affair is by settling with Colonel Clayton (who commands now the regular Troops and after-

wards with Generall Wightman when he comes) and marching forthwith to his assistance as many men as he shall think fit to arm, to be joined to the forces under his Command as voluntiers and as such to receive orders from the Commander of the Troops only. I perswade myself Colonel Clayton will make no difficulty in following this Method. I have written to him on this subject alongst with the bearer, and shall write to Generall Wightman by the Time he can be with you.

I have not had occasion to receive any directions on this behalf from our Friends above, who seem hitherto perswaded that there is nothing in the reports of Danger from our Country. But dear Will it is my humble opinion as matters stand you can do nothing more conducive to the honour and interest of your Friends and more advantagious for the Country than to make what appearance you can in the manner above-mentioned. The rather, that by your activity and numbers under your present disadvantages, the Significancy of certain people will appear in its proper shape, and therefore I believe you'll think time should not be lost in doing what you can.

The Duke is not come down tho' I fancy we shall see him in some weeks unless the troubles in this Country make him put off his Journey. His situation at present is what I dare not explain to you in this manner tho' I should wish heartily for one hours conversation over it tete à tete, I send you the publick newspapers which will show you how the Regency is settled. Pray dispose the Frasers to do what I here recommend to you. If anything happen worth informing you of I shall acquaint you by the next post, when your laced hat shall be sent. I was unwilling to delay this bearer till it could be got ready. I am etc.

To Collonell William Grant at Inverness.

May 18th 1719

Sir

This morning I had the honour of yours of the 14th concerning the behaviour of Brigadier Grant's people in this Season of publick danger.

I am perswaded their Inclinations to serve his Majesty are still the same, tho' after their zeal showed on occasion of the late Rebellion will make them shy to do ought that may reflect honour on the person to whom they imagine they ow the diss-obligation, however as this is not the time for ballancing accounts of that kind I'm hopefull you shall find them ready to lay aside private considerations and to promote the Public Service as much as in them lyes. In the meantime I believe you will think it just that some regard' be had to their grievances and that they have the honour to receive commands from you alone as Commander of his Majesty's forces in those parts and from Generall Wightman when he comes, so that they be not necessitated to obey a person who they believe has injured them.

To this purpose I have by this bearer written to Colonell William Grant who I believe will join you with what number of men you shall think fit to arm, and to imploy for the Kings Service. I doubt not that you'll allow them to be called Volunteers and reckon them only subject to your own and the Generall's Command. I am etc.

To Coll, Clayton.

Three days after the battle of Glenshiel John Hossack wrote a letter to Culloden ["Culloden Papers" XCVII.]; a more detailed account is given in the following copy of a letter from Colonel Clayton and in the covering letter, perhaps written to Duncan Forbes,

Glensheil 11th June 1719.

Dr J.

Yesterday according to my promise we celebrated the pretender's birth day and in the manner I told you I designed, for about 5 in the afternoon we attacked the Camp at the Bray of Glensheil, and about half an hour past and carried it, driving them from hill to hill, & from rock to rock, till they marched off, and this morning by 7 we came hither, where Seaforth assured the Spaniards he would fight us again but his Clans are all gone home, his arm was broke by a shot, and Lord Morray wounded in the leg, The Spaniards have just now sent to submit themselves prisoners of warr, with their Arms and Amunition. Last night they blew up ther Magazines of powder at this place, & burnt their meal, that it might not fall into our hands, Captain Highintoun & Captain Moore are wounded but not dangerously, al being now over, and we designing to march home by Brahan Castle, you have no occasion of baking more bread, or making further provisions for us, and if you sent to Captain Douglas, for to send back the boats, with what provisions he has at Killehuiman and get them into your stores, you may discharge the boats, who had of the Generall 4 guineas, which pray stop. Lord Strathnaver's and Culcairn's Highlanders behaved perfectly well, but poor Culcairn is shot in the thigh, but not in danger. I am Yours.

Jasper Clayton.

Inverness 13th June 1719  
12 att Noon.

Dear Sir

The above copy of Brigadier Clayton's letter to me confirms what I wrote you yesterday morning. We have not lost above 100 men in the action. Captain Downs of Montagues Regiment is killed



and Lieut. Greenwell, another Subaltern wounded, two Dutch officers only killed as we hear, I have only time to add that  
I am Dr Sir Yours

Jonathan Thomson.

Anonymous to Duncan Forbes dated 26  
June 1719.

Honoured Sir

I had yours of the 15th and doe observe what you write of Lieut. Mackay, who had orders from the Generall att the camp of Glensheil to make the best of his way to Holland, by land or sea as he could be soonest there. However when he came in here upon the Sunday night, after the Battell, he had no letter from the Generall to this place, but one for me furnishing said Mackay credit with me, The Lord Strathnaver took opportunity by him to write the Justice Clerk which was wrong in Mackay to see the Lord Justice Clerk and not the Lord Carpenter, at he same time no doubt long e'er this comes to hand you have heard a full account of the Action at Glensheill which all who know anything of the Ground must own to be a glorious one, The King's Forces hade not above 2 shot a man when all was over, after having fired 16 shot a man and not a sword drawn in the action, You have here with the Lists of the Killed and wounded on the side of the Troops, Culcairn hade 3 Killed 14 Wounded, besides himself, Hugh Mackay that commanded the Lord Strathnaver's 54 men had 1 killed and 3 wounded.

We have not a perfect account of what the Rebels loss is, [letter torn] is a great many more of there men killed than of ours, but [blank] keep that like murder from the friends of the Government. I herewith send you copy of the King of Spains Declaration, in favour of the pretender &

his friends in Brittain, it was found in the Rebels Camp, The 274 Spanish Prisoners, goe from this tomorrow, all the Dragoons marched this day the highland way, 4 Companies of Armstrongs Regiment marches from this Monday next, Tuesday Generall Hassells marches, Thursday Generall Brigadier Claytons goes, and Colonel Montague's stays here. The Fusilliers relieve Harisons at Fort-William. I am Dear Sir Your Own T

From the Reverend Robert Baillie to  
[Duncan Forbes.]

Honourable Sir

Yours of the 2nd is before me, as to a Successor to Mr McK——y [Mr Hector M'Kenzie] the Candidates talked of are Mr McBean of Douglass, who is positive not to engage with the Irish, Mr McVicar of West Kirk parroch who will not be obtained, Mr McKillican who might be prevailed with to come, Mr Fraser of Urchart, who may be trusted, I leave all to you, be not over late in determining, let the patron Strichen be secured, and persons who have a Vote in Council Session and Heritors, least interest be made for one who is not agreeable.

I promised to write to Generall Wightman whose behaviour in this last expedition hath much re[commended] him to all good people in the North but I am informed tha[t the mar]ch of the Troops to the South is Countermanded, altho all thing[s are q]uiet in the Highlands only thieves are Swarming in the Hills carrying off Cows, which the Troops cannot help, and because of that order Countermanding the Troops I apprehend the Generall may stay at Aberdeen, yet by the next post I shall write to him under your Cover as he desired me.

Notwithstanding the Current Report about Generall Gordon, I do not believe he is landed at least that no foreign force

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is with him, only we hear that some few  
Men are at Loch Erkok of which if true  
no doubt you have advice from Fort-  
William. My Lord Lovats Daughter  
Georgina was yesternight baptised.

Inverness 10: July: 1719.



## (21) POLITICAL FRAGMENTS

1720-1722.

There appears to be a dearth of documents between July 1719 and December 1720, during the time when Walpole, who had himself made money in South Sea stock and assisted the Princess of Wales to do likewise, was called upon to help the Ministry through the collapse of that great company. It was the beginning of his final rise to power. In 1721 he became prime minister and commenced his twenty years of peaceful government.

From Duncan Forbes to his brother dated from Edinburgh 8 December 1720.

Dear Brother

By your letter of the 25th November I perceive you are not a little offended at me (I needs must say pretty causelessly).

Come hither on your way to London as quickly as you can. Things there goe at sexes and sevens. Every bodys eyes are upon the disputes that are likely to arise about supporting the publick credite, and about the persons who shall be employed in that service, and all our members are either at London already or on the rode except your self. If its true as it is reported that W[alpo]le bids fair to force his way to the head of the Treasury, I could wish you were by at least to see the sport, and as you have nothing that can keep you longer where you are, I shall expect to see you speedily here.

From Duncan Forbes to his brother dated from Edinburgh 13 January 1721.

Dear Brother

I own I was somewhat astonished when I was informed by yours of the 6th, that

you had come to a Resolution not to attend this Session of Parliament, in which so many things that seem to concern the very being of the Nation are to be transacted. The M[iniste]rs are hard at work in their endeavours to screen the Directors and consequently themselves from the just resentments of the people, the people on the other hand, have got together no contemptable party who appear resolute to stand by them be the Consequences what they will. There is a Danger of a Miscarriage in their Designs. But from the Purse of the Directors and the power of the M——rs, in this juncture every body expected that you who had given abundant proof of your disinterestedness (*sic*), would not have omitted to be present. I acknowledge I thought that since your Circumstances were altered to the Better, your duty tyed you to attendance and I perswade my self if things go wrong by a narrow Majority you'll find it difficult to forgive yourself, as you cannot fail to have some remorse for not being in the way to give ane honest negative to any projected mischief, whatever be the issue. However as you are already determined and as I cannot perfectly guess at the reasons that moved you, I have no more to say on that subject . . . . .

In July 1721 Duncan Forbes was offered the Ayr district of Burghs by Argyl but though his answer ("Culloden Papers" XCIX.) would appear to be an acceptance, it is probable that he was even then considering the Inverness group of burghs, which he afterwards represented. In 1722 Argyll was heading the Whigs of Scotland in support of Walpole, while Roxburgh led the squadrone and favoured Carteret. It was a period during which Forbes may have written many letters to Argyll but very few remain.

From Duncan Forbes to [the Duke of Argyll] dated 11 January 1722.

My Lord

From diverse quarters I understand there is a project on foot of having a general meeting of the Tory peers in this place soon in order to concert what steps are necessary to be taken by them for making themselves considerable against the ensuing election.

This project has its immediate rise from a letter of the Duke of Athole to the Duke of Hamilton wherein he desires him to appoint such a meeting to the end the sentiments of the majority may govern the whole.

Considering the corner from whence this proposition comes, its more than probable E[arl] Aberdeen is at the bottom of it, and that he will endeavour at least to fall upon ways and means to persuade the whole to take measures that they may support these who supported him the last turn.

His endeavours may possibly prove the more successful that as I am informed he has letters from [unreadable] and Ld. Bathurst approving of his conduct this session and recommending him to his fellow peers as a man that may be trusted, these letters I am told are directed to D. H.—n.

Such of these peers as are your friends approve of the project for a general meeting and are hopefull somewhat may be transacted in it for your service. But then they are a questioning your other friends here, whether Your Grace will come into measures with them? and why you do not send some body to talk to them on that subject? who should encourage them to stand by you.

These people would have me (for example) and others of your friends write to your Grace to urge you to come to some resolution. But as on the one hand under-

taking to write, if no answer came, might irritate them and make them conjecture their admonition was neglected, and on the other hand, refusing to write might induce them [Here part of the letter is missing.]

Whether this notion which I take the liberty of giving your Grace shall be construed to proceed from forwardness in me or folly, does not much disturb me, because I am conscious it proceeds from affection which no neglect has hitherto been able to subdue.

If these last words appear to your Grace too strong, perhaps you may think them less so, when you consider that they drop from a man who has the mortification to be laughed at by the whole town because he to this hour knows not whether the late service done to Your Grace and to the nation in rejecting Peter [Patrick Haldane] is agreeable to you or not, or if it is, what steps are to be taken to support it, tho in answer to the timely notice given of the proceedings here, some return and directions might have been expected.

From Duncan Forbes to [the Duke of Argyll] dated from Edinburgh 3 February 1722.

My Lord

According to your directions, I communicated your letter, they are satisfied your Grace is best judge of the measures you are to take, and they think these which you give some hint of are good ones, provided you have reasonable security, that they are to take place; but as the squadron is indefatigable, if by the means of A—d—n who is at work also, they can secure their game, its hard to know how farr they will stand to any settlement, unless superior influence compell them. If any Church Lords are to be brought in your friends here think the choice of them is a very important

matter, because if they are of such men as by the means of Aberdeen can be united with the Squadron as he has given up soul and body to that sett, they will evidently become at length proper members of that honest club & go very farr to dedauch' a good many of their brethren which may make resistance to Court measures in time coming impracticable, whereas if such Church Lords are assumed, as will not imagin they owe their elections to the Squad, they in time may be able to detect their measures & Aberdeen's low machinations and may come to mar their games for the future. These hints are the more necessary to be given your Grace that Mr Hary Maul & some other people have been some time at work here to perswade the Church peers that its to the endeavours of Lord Aberdeen & the Squadron they will owe it if any of them are brought into Parliament, and that by shewing friendship to the Squ. at present they will but enable them to do them further service. The particular view that pushes Mr Maule to express such sentiments I know not other than that he may be overperswaded by Aberdeen and Lord Carnwath & that he may have had strong promises concerning the overplus of his brother's [James, fourth Earl of Panmure] estate from the Squadron. However I hope your Grace will take no notice of what I here hint to you, but will proceed in the same tract of friendship to his son [William, created in 1743 Earl of Panmure], as formerly, the rather that I understand Mr Maul acknowledges that he has had repeated notices from his son of the services your Grace had done him, which if it do not at length convert him may at least hinder him from being active for the Squad when he finds as I dare swear he soon will that they have cheated him.



I am sorry to understand that Kilmahew is in danger of being brought over to the Squadron which I am afraid will cast the balance in Dumbarton Shire, its certain he has been with the Lord Advocate & has a promise of being instantly provided for which his circumstances stand very much in need of. He complains that he has been very much neglected by your Grace and by your friends particularly by Mr John who has not so much as vouchsafed to answer him a letter since he went to London, and pretends to justify his embracing an offer made him by your enemies by his having been altogether slighted by your friends; however these that know him tell me that unless the Squadron actually gets him apart before proper pains are taken to make up matters with him & to assure him of being taken care of so soon as it is in your power, he will not desert his former professions.

I hope your Grace will fall upon some means to prevent this mans utter desertion, in the mean time the steps he has taken will convince you that unless Your Grace can speedily fall on means to exercise your own power and lessen that of your enemies the patience of a good many people who hitherto have had the mein of being honest will wear out. I am,

Most faithfully Yours

The laird of Kilmahew at this time was George Napier, son of Patrick Maxwell of Newark & his wife Margaret (afterwards Countess of Glencairn) daughter and heiress of John Napier of Kilmahew. Extravagance had landed him in financial difficulties & his creditors were now pressing. In spite of the fact that his step father, John, Earl of Glencairn, had been a strong supporter of the revolutionary settlement & that he himself had rendered notable service in 1715, it is probable that his embarrassing situation now led him to flirt with the opposition party.

## (22) LOCAL INTRIGUES 1721-1722.

One would have hoped to find among the collections letters & papers relating to the parliamentary election of 1722 & other important local events, but such have disappeared. The few fragments to follow are in a sense connected therewith, burgh elections & burgh politics being of considerable interest to the great ones.

Duncan Forbes to [the Duke of Argyll.]

Inverness October 11th 1721.

My Lord

The hurry in which I have been in for some days past has hindered me from giving you so early as I should have done the transactions in our Burrow Elections, which probably before this time has made abundance of noise by the Report of the other side.

In my last I told your Grace That the General Muster Master [Alexander Gordon of Ardoch], Captain Urquhart of Newhall and others to the number of about 36 men a horseback entered the Town of Nairn, where they resided for some days. Their Money and Promises joined with the Appearance of some Force, which they had of their side, Gained 7 of 17 Councillors, which compose the Common Council of the Burgh But as their seven were of the lowest form of the People they did not think fit to hazard them abroad, but chose rather to keep them close shut up, constantly drunk, in a Garret of that house where the Muster Master and his Associates took up their Quarters. As insolent Villanous behaviour of this kind neither pleased Kilravock nor his friends, we thought that since those Gentlemen had taken it in their heads, to creat an opinion of their Power, by riding with Troops of armed

men, it was not amiss to Convince them that they were in a Mistake, & that attempting such frolicks in a Country where they had no real interest might be dangerous, wherefore some neighbouring Gentlemen to the number of 50 or 60 thought fit to pay a visite to Kilravock at Nairn.

Upon our arrival in this Town, The Muster Master & his Troops were seized with a panick fear. They quit the Streets and retired to Close Quarters, where they kept themselves exceeding snug, till we were gone to Dinner, and then finding the Streets clear, most resolutely they mounted their Steeds, and Galloped away with some precipitation from a Danger which God Knows had Existence nowhere but in their Imaginations.

But it seems they had some prescience that they were to be frightened, for the morning of their retreat long before we entered the Town they had caused their 7 Councelors without the Assistance of the other ten, without any notice given to them, without Provest, Clerk, or Councell Books make a Sham Election of Magistrates & Common Councilors in their Garret aforesaid, by which Election its easy to guess Muster Master would be Provest.

When these Heroes had walked off we left the Town, & the next Day Kilravock with his 10 Councilors made their Election in the regular manner.

I had almost forgot to observe to your Grace one thing that is pretty Remarkable, There lives in the Town of Nairn a Gentleman Hugh Rose of Clava, whose name is contained in the Act that attaints Marishal Seaforth &c, This Gentleman had surrendered himself in the month of January before the Act of Attainder past, and having been discharged upon the Act of Grace, has lived peaceably and Quietly to this hour. When the Law

stood that Claimants upon Estates supposed forfeited should enter their Exceptions before the Court of Session, This Gentleman entered his Claim, and upon making his Surrender was found not attainted and has his Estate adjudged to him. This Decree was by the Commissioners of Forfeiture and by the Lord Advocate then Solicitor thought so well founded, that no Appeal was Lodged against it, so that now by Statute it is Irreversible.

The Gentleman being thus declared not attainted & having taken the Oaths to his Majesty he was elected a year or two agoe a Counciller in the Burgh of Nairn where he has a very Considerable interest.

The Muster Master Solicited the Gentleman all alongst with the utmost earnestness for his interest and friendship, but at length when no Arts would do nor promises prevail, The very Day that the Gentleman had given him his final Refusal, a letter was by the Post brought to the Magistrates of the Town from my Lord Advocate [Robert Dundas] signifying his Surprize on hearing that Hugh Rose of Clava a Person Attainted was a Member of their Council, desiring them to give him Notice who had presumed to Vote for his Election, and requiring them to commit him to Gaol. The Magistrates were of opinion that this Letter was no sufficient warrant for them to Commit a free Leige to Gaol, nor did it bear with it so much Terror as the Author intended it should.

Least this Epistle should not be a sufficiente of my Lord Advocate's Acting under that Character to Influence Elections, he wrote another of the same Date Tenor and Contents, varying only in the Persons name to Dingwall.

In that Town there resides one John McRa of Dornie a Councillor and one who is very much in the Interest of Coll.

Munro of Fowles, The Muster Master had by all possible means attempted him, but to no purpose, wherefore finding in the Act of Attainder one John McRa of Davachcarty, he will needs have him to be the same Person who is Councilor in Dingwall, and accordingly my Lord Advocate writes to the Magistrates Concerning him in the same terms as he wrote to Nairn Concerning Clava, But to his Letter he had a short answer that there was no such man as John McRa of Davachcarty on the Council of the Burgh. However the man was so terrified by threats and imprisonments which at least might be the consequence that he left the Town, and consequently endangered Monro's election. The case of that Election was, that 14 days before the stated . . . . [The rest of the letter is missing.]

It is unfortunate that the part detailing the Dingwall Election is not to be found, in view of the questionable action of Colonel Robert Munro on the other side. (See A. Mackenzie "History of the Munros.")

A few letters concerning Inverness seem to refer to a similar state of things, though the first, perhaps from the Reverend Robert Baillie, evidently alludes to the operations undertaken by the government troops against the redoubtable Donald Murchison, factor of Kintail, who continued successfully to collect rents for the benefit of the attainted Earl of Seaforth.

To The Honorable John Forbes Esquire  
member of parliament at the British  
Coffee House, London.

Invernes 17 Nov. 1721

H[onoured] S[ir]

I have the honor of yours of the fourth, am thankfull for the contents and shall endeavour to observe what you suggest. I congratulate your safe arrival.

Nothing hence is to be expected by you save that never more tempestuous weather than since Munday last, which day Capt. Don on the head of 200 fusileers marched from this place towards the western coast. Considering the season we lookt on it as a desperate undertaking, for were he to encounter with an enemy in a plain field or to serve at the seige of a strong town, thats nothing, but to march into a wilderness in such a season when the weather and continuing tempest declares against the undertaking, appears like a resolution to fight against the clouds, mountains, rivers, hunger and cold. May the dear Captain and his men be safe.

Just now I met with twelve horses entering the town from Knockfin, the men attending them informed me that Captain Don with one hundred from Fort-William lay at Knockfin, but that engaging with Mount Affrick was impracticable because of the deepness of the snow. I wish they may think of returning to this place, for the snow upon our streets is a foot deep and just now at ten a clock at night it blows drift, by this you may judge what it is at Knockfin.

May prosperity attend you I am

H: S:

Your most obedient

hum[ble . . . .]

[The signature is missing.]

At the Inverness Burgh Election of 1721 (26 September) Culloden had been chosen provost; David Fraser, James Thomson, and William Maclean bailies; and John Hossack dean of guild. The records show that the provost was present on 2 October 1721 but appears to have gone south before 6 November. Nor does he appear again till 9 April 1722. On 23 November 1721 the Council met &, considering there

was a summons of reduction, improbation & declaration executed against them at the instance of John, Earl of Sutherland, Sir William Gordon of Invergordon, Alexander Gordon of Ardoch, Alexander Duff of Drummuir, Alexander & Ludovic Gordons & others, ordered the treasurer to transmit copies to Duncan Forbes & to the Convention of Burghs etc. The thanks of the Council are recorded on 18 December 1721 to Duncan Forbes as well as to Alexander Baillie their clerk for the good service they had done.

Meanwhile the following letter had been written by an anonymous correspondent referring to Lovat's action in befriending Culloden in his official capacity. Three letters from Lovat himself on the subject are in "Culloden Papers" [C, CI, CII ]

For John Forbes of Culloden member of Parliament at the British Coffee house near Charring cross London.

Inverness 8th December 1721

Dear Sir

I have now before me your favour of the 29th ulto. which ye say is your 4th, without any return save one which is very surprising, I assure you I omitted not one Post since ye went from this save one I lost by being at Sir Hary Ianes burriall, whether they are miscarried or that they could not come to your hands before the 25th because of the badd wether and the unexcessibleness of the road twixt Edinburgh and this I cannot say, but I desire to hope the last, because our Posts generally took 10, 12, and some 14 dayes to goe to Edinburgh. If any occasion had offered, your Landlords meall and fish had been sent you ere now, I assure him that they will be good in their kind when they appear and shall be sent per very first occasion that offers from this to Leith and from thence by pacquet to London,

As to the Northern Counties I can say little tho' there be a good deall doing in each, but I can't find when I summ up the evidence that there is anything proven for the Sqd. [Squadrone] and yet I'm told the Shirreffs in many Counties are resolved to give it in their favours, if by that means they succeed, the Old Saying will be made good that a well Sitting Shirreff can doe wonders.

Our Malcontents here have frequent meetings and continue their endeavours with the populas but Castie [Castlehill] thinks to have most to say with the trades, whither that be for you or for himself I leave you to guiss.

I cannot at this distance acquaint you with the indefatigable concern the Lord Lovat takes for you, he is just now come to Town to put a stop if possible to the Carreer of our misled neighbours, his Lop will stay in Town untill the return of the Express which was sent to Mr Duncan [Forbes] and according to his Directions we will take joynt measures for the Common interest.

I hear a Marriage is on foot twixt the Laird of Calder and Mrs Steuart but Baillie John Steuart told me seriously last night that if our friend Sir Robert hade made the least advance that way he would have been heard and if he comes in time still may.

Newmore is busied in the North where we have gained a good deall of Ground.

From Duncan Forbes to his brother at London dated from Edinburgh 9 December 1721. (See also "Culloden Papers" CIII.)

Dear Brother

Since my last I received the enclosed letter from the trades, which will show you the Spirit that governs them, and may be used as you think proper to show Great



Men how villanous the pretensions are of these Strangers who would make Mankind [believe] that they have interest amongst us. It is not in my power to guess as I wrote you by last post what handle those people can find for calling our Magistracy in Question, unless they should recur to some objections against the Election which was made by Pole in the year 1716 in consequence of his Majestys order which I incline to think may be their purpose because of the persons in whose names they have chosen to put the Suit, as by the Schedule or Cobby may appear that I sent you in my last, but if that is the Case it cannot choise but to seem very comical that E. Sutherland, Sir William Gordon and his Brother, the Muster Master, should think fit to put themselves in such Company. The Earl and his two assistants have not one inch of Ground in the Town or the least pretence of interest to interpose in the Election, the others its true are Inhabitants. But then they are such as by order of Councill were turned out of the Magistracy in the year 1716, for favouring the Rebels. All except Robert Gordon who himself was in actual Rebellion at Perth and his Brother Ludovick, who then was ane Infant and still has no Interest in the Burgh. A Circumstance of this kind rightly explained could not fail I should think to expose the Conduct of those fools. Pray show this to Will Stewart, tell him what my Notion of their Design was in my last, and let him make what use of this he thinks fit. I have sent you enclosed another Copy of the Summonds least you may have lost the former, I have written to our Magistrates, Trades &c. I am yours D. F.

The next two letters are probably by the same hand as that of 8 December.

For John Forbes of Culloden Esquire Member of Parliament att the British Coffee house near Charring Cross London.

Inverness December 29th 1721

Dr Sir

I have now before me your favours of the 16th and I can only add to what I formerly wrote you, concerning your mislead neighbours that I have not been able to find out any more of it then that Drummoor, Baillie Barbour, John & Will McKeys have allowed their names to be made up of in the summons and promised not to disclaim the same, and that they have drawn in others of their neighbours to sign a paper promising to stand by them in that process, if need be's, the tenor of that paper I have not, (nor I believe has any body), been able to discover, even tho I am told that my worthy brother Hugh has sign'd it, tho he has severall times swore the contrary to me and my wife. Your cosson James Cuthbert was the man that carried the subscriptions and procured a good many hands to it (as is reported), some Whigs some Torries, but since every one suspected to be concerned in it, save Drummoor & James Cuthbert himself, refused to have sign'd any thing I do not think it prudent to obbraid them with their folly upon our suspition, however well it may be grunded, untill they appear in their own colours, which must be in a little time, if ever, and when we are then ascertaint of them, must take the proper measures to convince them of their folly. I shall take care to give your service to John Stuart; I am glad I can show't him under your own hand since I must do him the justice to tell you that he has acted a very friendly part in this affair and withstood the repeated & pressing instances of Drummoor to come in to their measures.

We are this night told in the Coffee house that an express from Edinburgh arrived at Dingwall two days agoe with an account from Sir Will Gordon that Tullochs election etc was confirmed in Council above, upon which there was a great feu de joye: Will. Frazer, Dunballoch's brother, brought this account to the coffee house, and says that Collonel Alexr. McKenzie was the man that told it him this day in the Aird, but as I take this to be of a pice with the rest of that sinking parties low artifices, so have taken care to improve it accordingly so that it meets with no credit save with the insignificant tools of that worthless juncto.

As concerning what I wrote you last post you may either move in it or not as you see cause, but wou'd not have you be att any trouble without it could be done without any sort of struggel, because I hope it won't be long before you have it in your power to do better things. My Lord [not decipherable] coming down affords some speculations but we dont pretend to guess whither you are sending these twelve men of war, if for hamp I think its right for that commodity was never more wanted in Brittan than att present. I wish you many happy new years; give my service to Sir Robert and Brody. Aduē. My wyfe hes been ill all this day and most of this week, but gives you her humble duty.

Inverness January 5th 1722.

Dr Sir

I have now before me your favour of the 23rd past, I have this day shipt your Landlords meal on board of a Leim Ship who goes down to Cromerty Munday where she is to take in the Codfish with other goods, and I have ordered my friend at Edinburgh to send them by the first Ship for London.

The Affair of Nairn and Dingwall makes no less noise then with you, partizan Hugh Baillie came to town last night full freighted with news. He says before he left Edinburgh their was Cri[m]nall letters raised and will be in town as to morrow against the Lord Lovat [letter torn] honour, the Lairds of Fowles and Cullcairn, both Lairds of Kilravock, Mr Duncan Forbes, Castlehill, and your humble Servant; but in other hands ther is a list of twelve more of your retinue in this Town. This mighty politician further adds that Peter Haldon was refused his seat, he will soon return with Second orders to the Lords to admit him at their perrell, he also says that notwithstanding the Law now making for preventing wrong returns by the Sheriffs, that their Sheriffs will do as they think fit, because the King can and they dont doubt will remitt their crimes.

He further says that my Lord Sunderland is to be soll treasurer, that Walpole is made an Earl, and post master generall for life with £6000 Sterling Sallary, that the Duke of Wharton has £6000 Ster: pention for coming in to Sunderland's measures, and that Collonel Alexander Mackenzie is to be Sheriff of Ross, and a great many more Idle stories he advances not worth repeating.

I wish that both Brodie and you were at home for its whispered here that, [cypher] is to join the Dunbars and other of Murray in favour of a Tory against honest Brodie, and that the same intrest will be employed against you here, and some say honest Abel in Bamphshire, whither all these things tend I leave you or rather your landlord to guess.

Provest Dawson has been playing his tricks in Forress, and has lost 50 guinaes he laid out with some of the Concell members there, whence we have a new tost here which I had the honour first to

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name, and in a full glass to Councillor Peterkin, and the rest of Mr Dawson's money changers in the Town of Forress.

Honest Peter Forbes dined with me to-day when your health was minded with Brodies, the Knight, and all the rest of our Friends to whom pray give my humble duty, I shall endeavour to answer Brodies letter by the next post.

As to our Malcontentes here I wrote you my oppinion last post and shall forbear saying any more of that till meeting only Castie [?Castlehill], Mr. John & James Mackintosh, Ackenhead, your gossip, and James Anderson have frequent privet meeting sometimes at Casties and at others at Ackenheads house. Aduē.



(23) CONCERNING PATRICK  
HALDANE 1723.

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"We are frightened out of our wits here," wrote Duncan Forbes to his brother, "that Peter Haldane will be made Lord of Session in place of Fountainhall, who has demitted." The letter containing this information is dated 19 December 1721 ("Culloden Papers," CIII.)

Patrick Haldane (of Bearcrofts, afterwards of Gleneagles, which he sold to his brother, Robert Haldane) was an unpopular figure, especially so as one of the Commissioners of Inquiry; "for while the Jacobites hated him with perfect hatred, he was disliked by many of the friends of Government, who disapproved exceedingly of the rigour and severity with which the rebels and their families had been treated, when no longer objects of jealousy and terror." (Ramsay's "Scotland and Scotsmen in the Eighteenth Century," ii. 480.)

As the same writer points out, in respect of so many attainted persons having saved their estates by conveyances or fictitious debt, Haldane must have connived at these "from some motive or other. In such cases, however, a hundred instances of mercy and favour are speedily forgotten in a country convulsed with faction, whilst a passionate speech or a few acts of rigour, strictly legal, are remembered to his disadvantage."

Apart from the merits or demerits of Haldane as a man & a lawyer, his appointment occasioned a struggle as to whether the Crown had a right to appoint a judge of the Court of Session without its concurrence. An appeal to the House of Lords was decided in favour of the Crown, but in point of fact Haldane's right to sit was not insisted on. A change in the Ministry had occurred & "in consequence of this Mr Hal-

dane's nomination was recalled. . . .  
But a law was made depriving the Court of Session of the power of rejecting persons named by the Crown, leaving it nothing but the power of remonstrating against an improper choice." (*Ibid*, ii., 482).

The letters concerning this episode are all from Haldane's enemies and must be so read. Among them were the Dalrymples, famous in the legal annals of the times, and Duncan Forbes, the future Lord Advocate and Lord President, who took a leading part against him.

From G[eorge] D[rummond] to Culloden.

Edinburgh 26 or rather the  
27 January 1722.

My dear John

Its now about 2 in the morning & Duncan has just left me with orders to tell you by this express how we stand to night, for every day produces new things in this fluctuating state of things.

The Lords in Court to-day agreed to superced determining on the subject of Peters petition till the point of the prerogative was determined, which put the advocate [Dundas] into a downright phrenzy, he went aside & drew a protest or appeal which he read trembling with fury, & delivered in at the clerks table, for with no other than madmen is his Majesty served in this countrey. The Lords however were not frightened out of their integrity. They continued resolved to keep by the opinion they had come to the night before of laying the reasons of their conduct before his Majesty, and this evening in Court agreed to the form of an address which will be signed tomorrow on the bench & sent off by a flying packet.

I do not know how you think of this matter above, but we think here that every Scots man who has it in his power to prop the tottering laws libertys & con-

stitution of his countrey & does it not, deserves the worst punishments; its so popular this matter that every burgh & county in Scotland would cheerfully address in support of the bench & no man needs come down to us who does not speak act and drink in its favour. Sleeping or waking, drinking or in whatever state I'm, I'm Dr Forbes Yours G. D.

We have sent the Duke copys of the interloquitur to-day—the advocate's appeal & the Lords address—there you'll see them.

The above is an isolated letter. At the date when the real correspondence commences "Mr Patrick Haldane in behalf of himself; and his Majesty's Advocat for Scotland on behalf of the Crown; appellants" had won their case against "The Dean and Faculty of Advocats and Principal Clerks of Session." In a sense this was only the beginning of the trouble "for the Duke of Hamilton and a number of others concurred in a petition to the Court, representing that no man ought to be made a judge who was not of entire fame," & they brought a number of curious charges against him, amongst which was that of being a Jacobite. ("Scotland and Scotsmen in the Eighteenth Century.")

The proceedings which took place 12 February 1723 & subsequent days are described in letters to Duncan Forbes from an anonymous correspondent who was evidently in a position to know them.

To Duncan Forbes Esquire Member of Parliament at the Lobby of the House of Commons London.

Edinburgh 12th Feb. 1723.

This morning when the Lords of Session mett, the Justice Clerk [Adam Cockburn, Lord Ormiston] presented to them the judgment of the House of Peers reversing their interloquitur concerning



Peter Haldane and desired that according thereto they might furthwith admitt him to tryall.

The Lord President [Sir Hew Dalrymple] after an introduction wherein he recited the two acts in the time of K. James the 6th and mentioned other things suiteable to the purpose represented that Mr Haldane was not a man of good fame nor of the character required in a judge by all laws and the two acts aforesaid in particular.

These things, he said, were so well known that they must have reached their lordships ears. As an instance he gave the following.

. . . . Mr Haldane when professor of philosophy and afterwards regius professor of ecclesiastick history in the University of St Andrews . . . was . . . till his present Majesties happy accession to the Throne had made it inconvenient for him to be of that side, a notorious professed Jacobite and had accordingly in many companies . . . urged others to drink and had himself drunk upon his knees the pretender's health as king of these realms and disappointment to the family and succession of Hanover, and that in the year 1714 he went to the court of St Germaines and there kiss'd the hands of the late K. James's Queen and asked her where'n he could be serviceable to the King her son.

The president concluded by stating that he believed it was his duty to mention this and that any other of their lordships who had heard other things should mention them also. Thereupon followed several speeches for Haldane & then Lord Grange [James Erskine] who agreed with the president stated that it could be proved by unexceptionable witnesses that

Mr Haldane when professor of ecclesiastick history had been guilty of gross prophana-tion of the Lord's day, and that he used when he stayed at home on that day to divert himself with singing the arguments of Spencer's cantos to the tune of the psalms, intermixing therewith great laughter and merriment and . . . instead of going to worship he used to divert himself forenoon and afternoon in the Quakers' meeting.

He had also it was alleged tampered with several of the trades' deacons of St Andrews, when prisoners at Carlisle in 1715, assuring them that if they would vote for him at their town's election of magistrates that they should be set at liberty; otherwise they would be tried for their lives. He had also used bribery at parliamentary elections.

Lord Dun [David Erskine] next spoke on the same side & stated that Haldane had said he had nothing in his view but to make his fortune at any rate and cost what it would.

Lord Kimmerghame [Andrew Hume] fol-lowed earnestly on similar lines and Lords Polton [Sir William Calderwood] Coupar [James Elphinstone, fourth Lord Coupar, afterwards fifth Lord Balmerino] and New-hall [Sir Walter Pringle] also spoke against Haldane.

After a great deal of argueing about the delicacy and dangerousness of such an enquiry and about indemnities, etc, it was agreed that Mr Haldane should be brought in and told of what was said to his charge that he might answer to it either immediately or at any other dyet as he thought fit. He was brought in and told accordingly and denied every article.

The question was then put whether to proceed and make any enquiry into these things or not. For the affirmative were all the judges above mentioned and Lord Royston [Sir James Mackenzie]. For the negative were Lord Forglen [Sir Alexander Ogilvy] Lord Cullen [Sir Francis Grant], the Justice-Clerk, Lord Pollok [Sir John Maxwell], Lord Arniston [Robert Dundas] and the two extraordinary lords, the Duke of Atholl and the Marquess of Tweeddale; so that the affirmative was carried by one.

The next question was whether any enquiry ought to be made concerning the alleged Jacobitism and the voting was the same, except for Lord Royston who went over to the other side and so the negative carried: but Lord Royston, the Justice-Clerk and Lord Tweeddale had asserted that though the Jacobitism were proved it would not be relevant nor at all hurt the character of Haldane so as to prevent his being admitted to the Bench.

The Lord President meanwhile had objected to the voting of the extraordinary lords in the trial of an ordinary lord of session and Lords Grange and Dun had argued on the same side, while Lord Cullen and the Justice Clerk had argued on the other, together with the two extraordinary lords themselves. When this subject was renewed the Lord President desired that his dissent from their voting might be recorded and was further backed by Lords Coupar, Kimmerghame and Polton, while Lord Newhall said he had not thought upon the point. The Lord President also desired that his dissent might be recorded against the vote refusing an enquiry into Jacobitism and was backed by the same lords, including Newhall, while Lord Grange spoke very strongly on the point.

These protests seemed to stun the other side, who urged that such protests were

not ordinary in that Court, that they could not understand the design or import of them unless it was to found an accusation against those who had been of another opinion (This was particularly said by the Justice-Clerk) and that they must likewise have liberty to mark the reasons of their vote. It was answered that in causes it was not ordinary to protest, but that this was a case of a very different nature, that they design not to accuse any man, but to get their dissent recorded for their own vindication; that they had not craved to mark the reasons of their dissent, but simply to record their dissenting, and that others might protest as they thought fitt. But none else offered any protest at that tyme, only the Duke and Marquess protested that they had a good right to vote in this case.

The Lord President then proposed proceeding with the other charges & called upon Lord<sup>s</sup> Grange & Dun.

My Lord Grange said he was informed it could be proved by Mr Thomas Ruddiman, keeper of the Advocates' Library, Peter Stewart, merchant in Edinburgh and deputy clerk of the fishery, and Mr James Haldane, present professor of ecclesiastick history in St Andrews. Lord Dun said that Coll. Philip Anstruther of Airdrie had several tymes told him that Mr Haldane had spoke such words as aforesaid concerning makeing of his fortune at any rate, to him the said Coll. who all the Lords knew had made no secret of it but published it in many places, and who therupon broke with Mr Haldane.

Lord Dun also said that he had been told that

Mr John Alves, advocat, had in company . . . asserted positively that when he was at Leyden with Mr Haldane he the

said Haldane had spoke to the same purpose to him Alves, and had advised Alves to practise accordingly. . . .

All this time Haldane had himself been present & thereupon stated that Colonel Anstruther had long been very injurious to him, that as to what he had said to Lord Dun and others,

he, Haldane, had sent his own brother & another gentleman to challenge him about it . . . and that to both of them the Coll. had denyed saying so.

After various arguments

their Lordships finding that all this could not be over in less than ten days after which it could not be possible to finish Mr Haldane's tryall this session, it was urged by many that whether the facts alleadged were relevant or not they ought not to be enquired intil at all since the enquiry could not be concluded so as Mr Haldane's tryall might be ended before the session rose.

A great majority appeared on this side but Lord Grange

said that he could never agree to it, and that he was of opinion that these facts ought to be enquired into, whether Mr Haldane's tryall should be stopt for this session or not, and that a fact's remaining a fact, whether the witnesses were here or elsewhere, it seemed odd to reject these facts because the witnessess happened to be absent.

Lord Kimmerghame followed to the same purpose, & then Lord Grange, continuing, said

that the Coll. being a man of honour & what he had said of Mr Haldane being of so high a nature, it had very much

weight with the said Lord Grange who could not consent that Mr Haldane's tryall should proceed till the Coll. was duly examined thereupon or a relevant objection made out against him & untill the witnesses as to the other facts were also examined.

On the question being put it carried that the facts should not be enquired into by the votes of all except Lords Kimmerghame, Grange, Dun & Coupar, so the Lord President had no occasion to vote. Lord Grange later said that as by this vote the evidence offered to be adduced "was stif'd," to adduce witnesses upon other matters could only be constructed as a slander on Mr Haldane. To this all agreed & after some argument between the Justice Clerk & Lord Coupar

The president said that Mr Haldane who was most concern'd seemed rather desirous that his tryall should proceed, and if otherwise he would tell us so. Mr Haldane sat silent.

Lord Pencaitland [James Hamilton] has been indisposed yet he ventur'd to the session house on Wednesday last, but has not been in it since and is takeing phisick.

The next letter is dated from Edinburgh Saturday 16 February 1723, there being no account of the proceedings for the intervening days.

If you would know what countenance he keepd when charged with all these vile things, reflect on Mr Hary Robin's brow when charged and depos'd for adultery in the commission of the General Assembly.

Yesterday P. [Haldane] reported 2 causes from the Outer House. His oppinion of the first was approv'd but he assign'd not the right ratio decidendi. The 2d was

exceeding plain and short both in fact and law. . . . He begun it by telling it was a very perplexed intricate case; & so indeed he made it by his way of telling it, and it was a long time before the judges could find out by him what the fact was. The oppinion he gave was grossly absurd, & the reason which he gave for it was a ridiculous blunder. In both reports he shew'd perfectly that it is true he had not served 5 years as an advocat in the Colledge of Justice, for beside the confused illegal stuff he spoke as to the matter, he could not so much as speak law language, but such words as a country gentleman might use in narrating a law case.

On the same day that this letter was penned a petition was read against Haldane "charging home his bad fame and character very strenuosuly" with a view to having him excluded by this means alone. Reference was made to

his geting South Sea stock when the bill depended before the Parliament which by a vote of the house of Commons was declared infamous etc. This condescendance was given in with the petition which is signed by Lothian, Annandale, Cassills, Wemyss, Aboyne, Elibank, Lord Edward Murray & his son, Coll. John Erskine of Carnock, Drummond of Megginsh & several other gentlemen & some advocates, Sir Gilbert Elliot signs.

Other signatures to this petition were Sir Alexander Gilmour, Mr James Paterson of Kirkcoun, Mr John Forbes of Newhall, Mr Henry Barclay, Mr John Macleod, Mr Alexander Irvine, Mr Ronald Campbell of Balerno, Willaim Douglas, sheriff of Teviotdale & William Gilmour, younger of Craigmillar. The letter continues

The advocates (as well as a certain other considerable body of the Colledge of Justice) are odd creatures; for otherwise there would have been more of their hands at it. And some, as I'm told, who concur'd in the thing, yet would not sign it themselves, and now I hear wish they had.

P never appeared concerned till this petition was read and then he look'd confounded. But except the judges or the plurality of them act an honest part, this will only serve to found an appeal. R[oysto]n is incomprehensible, N[ewhal]l is greatly dreaded. If these 2 will, after all the tryall is over, say 'Not admit,' then he will not be admitted. I forgot to tell you that Coll Erskine, Sr Gilbert Elliot & a few others of the petitioners gave in also a formal subscrib'd declinature of the 2 extraordinary lords. I know not whether you have considered this point; but it seems pretty plain from our acts of parlt, etc that they have not a vote in this case. Pan[caitla]ud is ill in good earnest, and by the way he talks it is hard to tell whether to wish him present or absent in this dispute. . . . I was never in my life more harrass'd with business than I have been for some time pass'd. Adieu.

The last letter to Duncan Forbes on this subject is also of February 1723, and appears to be the 28th of that month.

Sir

I got yours of 20th by the post . . . The meetings since then till this forenoon were all employed in receiving evidence of one sort or other, of which I'll say nothing till I send you a full account of the whole affair with such remarks as I believe may be usefull with you,



The most important subject of the proceedings the day this letter was written was the question of the votes of the two extraordinary lords. It was urged that their right to vote ought to be decided.

It was answered that the ordinary Lords had not power to decide the question, it being betwixt themselves & the extraordinary lords. The reply was that the court behov'd to decide it, & that the plurality of the judges must make the court. Then they took an odd fancy that those who had formerly protested against the voting of the extraordinary were thereby partys & could not judge the question. It was answered that with the same reason those who had spoke for their voting were partys, since a protest was but a stronger way of insisting on one's oppinion, & an endeavour to keep the question entire to be judged of according to law notwithstanding an alledged precedent. But it was further answered, that if those who had protested were partys, then there was not a quorum remaining, & consequently all behov'd to stop forever, not only the determination of the question about the extraordinary but also about Mr Haldane, since there was no getting at the last till the first was discussd. It was also observed that since a doubt had arisen about the extraordinary, it must be decided at law that no inferior nor coordinate court could judge it, nor could it come before the Peers but by appeal. It soon appear'd that others than Pencaitland would have gone wrong on this; tho they would not say the extraordinary had right, but upon the silly pretence of their being in possession. Therefor it was better to keep that point open. Hence it was yielded that the vote should be put under protestation as to the votes of the extraordinary, but that this yielding might

not again be urged as a corroboration of their possession. L. Grange took instruments that he was of opinion that the right of the extraordinary to vote should be previously judged. Some adhered to him. Then it was urged that the relevancy of the concussion & bribery should be first determined which P's men struggled against with all their might. And after it was also urged to vote the several things severally (as regularly no doubt ought to have been done) it was agreed to put the vote. . . .

There voted that Haldane's bad fame had been sufficiently proved seven of the ordinary lords; six with the two extraordinary lords voted not proved

and the Lord President declared his opinion to be that the corruption and concussion were sufficiently proved. And it was thereupon agreed that Mr Haldane should be allowed to finish what remained of the trial of his knowledge of the law, under the protestations taken against the votes of the extraordinary Lords this sederunt & formerly.

To stop their mouths more effectually who with a deal of common place stuff & ends of verses cry'd out on the uncertainty of fame, L. G[range] among other things quoted I Tim. 3. 7. which I desire you to read. The personal qualifications of the man are mentioned in the preceding verses, and in this there is further required that he be of good report least he fall into reproach etc. . . . P was again called on to deny the facts alledged in Simpson of Pinkerton's petition, if they were not true, but he sat mute. Hence it is plain that it was not to keep out alledged Jacobites that the poor Deacons were so vilely prosecuted in 1716 but merely because they were not of P's party, since he himself em-

ployed this Simpson who had sworn to the Pretender. Then as there is no proof of Jacobitism against these Deacons so the fact certainly was that they (at least some of them) were far otherwise. . . . P's friends then urged that a cause might be call'd for him to report, but by this time it was past 3 afternoon & no advocats attending, & it had been unjust to the partys to decide their cause in such a hurry at the very rising of the Court, & the judges had also a great number of bills & answers (as allways on the last day of the session) necessarily to be advised this day: so that to get him to report a cause this day was impracticable, & so it is put off till June, and thus the whole matter is open still. . . . If Extraordinarys must vote, there are two Earls who may then be here to ballance the D. & M. Next, you will be here & the want of a right manadger without doors has not been a small loss. Further, the proof allready led can not but shew at London P. in another light than he has hitherto appear'd in, especially when they are assur'd that a proof still more pregnant will be got. . . . The Court sat till  $\frac{1}{2}$  hour passt 3, and met at 5 on their ordinary business, and parted not till after 9 at night. I need add no reason why I am not able to write more at present. Adieu.

The appointment of Extraordinary Lords of Session by the Crown was not long after discontinued by act of parliament.

## (24) FRAGMENTS 1723—1725.

The burning of the tower of Fanellan belonging to Fraser of Kinneries by John Fraser, Lord Lovat's brother, took place in 1702 & the following, if correctly dated, would appear to be an attempt in later years to effect some arrangement for compensation.

To all the Gentlemen concerned in the burning the house of Fenellan.

Gentlemen

According to the comuning twixt Kinneries you & me, I desyr you name your Judges & he his & whatever they can not agree upon I shall at my return home decide as oversman. I entreat you loose no tyme to put this in execution as you wish to oblidge

Your very aff. Coosen & Chiefe  
Lovat

Beufort March 12th 1723.

From the Earl of Ilay to Duncan Forbes,  
dated 18 July 1723.

Dear Duncan

Iv writ so lately about Ld Kinnoull & in order to treat as great generals do I have sent down the bond (having got a decree against him upon it here) & have ordered all manner of dilligence to be carried on against him in the most effectual manner, & if he pleases to make me any offer I can accept of its well but I beg that nothing may be omitted or delayed that can distress him. My Ld. Cadogan yesterday made another attempt to give orders to review the Guards but upon Ld. Newbury & Herberts coming to the Regency the General retracted what he had done. Ld Cartaret I hear lately made an attempt at Hanover about his generalship but was repulsed.

I cant help thinking that our affairs have  
a very good prospect I am Dear Duncan  
Your Slave etc.

From Duncan Forbes to his brother,  
dated from Edinburgh 3 December  
1724.

Dear Brother

somewhat more than 3 weeks ago I wrote  
to the D. [Duke of Argyll] . . . He  
I find and all our folks at London have  
got it into their heads that Walpole is  
in earnest and suddenly will begin the  
reel. I think they all agree its past  
doubt that our Independent companies  
will be restored, for so Guest from  
Wade's authority tells me, and that can-  
not weel fail to have its consequences.  
. . . it were not amiss that you had  
ane eye to the possibility of your tra-  
velling. I am

Yours etc.

John Forbes had been defeated by Sir  
James Grant of Grant when a candidate  
for Inverness-shire at the general election  
of 1722 but a few days afterwards was  
chosen member for Nairnshire, which he  
represented till 1727.

The malt tax, imposed on Scotland in  
1713 had never been put in force, & the  
adjustment of some form of tax of this  
nature led to the troubles of 1725. The  
chief grievance was rather the suggested  
violation of the Act of Union than the tax  
itself & numerous petitions were served on  
the Scottish members of Parliament. One  
of these (undated) which would appear to  
have been addressed to Duncan Forbes as  
member for the Inverness group of burghs  
after various arguments ends

And if your opposition in debating & vot-  
ing prove fruitless against a majority,  
we hereby in our names authorise, im-

power & require you to dissent from and protest against what shall be resolved by the said majority as being a plain breach & violation of the articles of Union, which protestation we apprehend you, as a commissioner from Scotland, may lawfully make, upon any breach of that treaty, which alone gives you a title to sit in the Commons' House of the parliament of Brittain.

The document is signed by H. Rose, Al Brodie, Al. Dunbar, Ja. Sutherland, Hugh Rose, Pat. Dunbar, James Brodie, Lach. McLean, Alexr. Falconer, John Dunbar, Al. Brodie, Jo. Rose.

The matter is also touched upon in a letter from John Hossack to Culloden, dated from Inverness 12 February 1725, in which he also refers to the attack on Phopachy House. Alexander Fraser of Phopachy, sometime one of Lovat's chamberlains, had bitterly quarreled with his chief & a debt having been arbitrated upon in his favour made matters worse. The part of the letter referring to this incident has already appeared in Mackenzie's "History of the Frasers."

Honble Sir

I have yor letter of the 30th past for which I thank you and for the prints you sent. We cannot say we are dealt unjustly by when but half the Malt Tax in England is laid on us, and yet our country cannot send money sutable to what the Government's demand is of one sort or other. We have been long looking for the exit of those who have imploy'd their trust & office in the Government to their selfish ends & the prejudice of the country, but should there be longer expectation, hope would fail us. I have told Ba. Wm. Fraser you propose to serve

him in his affair wt the Treasurie. I beg you think whether this Town may propose to have a piece of service done them that will be equally for the Government's service, I mean Barracks and when we are in hopes to have Independent Companies restored, they cannot be so usefull to the Government (separat from that of preventing depredationes) as when there's a place of rendezvous for them to other services, And you know our Town is much straitened to accomodat a Regiment, tho this be the place where they are absolutely necessary for the Government's service, In case you think this matter practicable I will encourage a more general application to you thereanent. I wish you wrote John Gless or yor other Chamberlain pressingly to pay yor cess. The Shyre has paid considerably for deficiency, and I heard Dalrachnie instruct his depute to quarter on every individual that was deficient, as Laird of Grant D. Gordon & excepting only Cullodin. I have paid over the 10,000 merks consigned in my hands & received payment of yor bill. Last night 5 or 6 men arm'd attackt Phopachie House went directly to the place where he used to lye, and when they mist of him threatened his children & servants to discover it, told they wanted his life, and lay the head of one of his daurs on a block, that she might discover where her Father was and if any money was in the house. Mean time some people in the neighbourhood assembled and two of them were apprehended and are now in prison; one of them Archbdl. Campbell was shott with smal greath by a servant of Phopachie in the faoe, probably these two may be the means of discovering the accomplices in other matters. I will continue

to wryte you & inform when there's  
any occurrence worth yor notice, I am

Honble Sir

Your most faithfull Servant

John Hossack

From the Reverend Robert Baillie to  
Culloden, dated from Inverness 12th  
March 1725, & addressed to the Bri-  
tish Coffee House, London.

Honble Sir

It is still a new pleasure to me to understand from B[ailie] Hossack that you and friends are well and some ground to believe that shortly everything will be better, and that your Brother is arrived in perfect health, altho' it was confidently given out here, that he was taken very ill at Edinburgh, in which case you may be sure that many here were exceedingly concerned, untill the agreeable account of his being with you removed their fears, my not troubling you or him with my letters proceeds only from the regard I have to you, knowing that your time is precious, and that the talks of the place I hope are groundless, and might give you uneasiness as they do to me. The Tryal of Campbell and Mackinnon before our conjunct Sherives [Sheriffs-Depute] came on yesterday as I hinted, in my Last, and this day sentence of death past against them to be executed the 24th instant, the first is reckoned a very sagacious subtile fellow, and the other a stupid dull fellow. The probation of the Libell was full and clear by five concurring witnesses, so that the Jury had little to do, before sentence the former confessed all, and they say a great dale more than was in the Libel, which you will hear from other hands, however I suppose these things in point of Law will not be of weight to hurt any, nor yet make deep impression upon thinking people, also in the mean time



they afford matter of conversation, which I incline to avoid. John Glass is alive and this day in my house, after drinking your health told me that your planting goes bravely on in the New Park, 4000 trees are planted as you ordered. There is another Tryal about Croy to be before our Presbyterie tuesday next as I signified in my last, and I continue to intreat you would consider my former Request. My respect to the L[air]d of K[ilravoc]k is great, but I think justice and equity crys loudly against his advisers, who think in keeping this thing awake and in reviving of it after it seemed buried by the Colonel's prudent mediation, have not fully consulted his honour or satisfaction. If I appear hidebound about the paragraph about the condemned men I intreat you'll forgive me, for too much plainness in this particular. Dear Culloden pardon me for saying too little and too much in the same letter, I hope you will because I am, Honble Sir Your most obedient & most oblidged servt.

Ro. Baillie



### V. From 1725 to 1737.

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On 29 May 1725 Duncan Forbes accepted the office of Lord Advocate for Scotland, on the resignation of Robert Dundas, whose political views were of a different nature. The appointment was made at a time of peculiar importance, synchronising with the removal from the Secretaryship for Scotland of the Duke of Roxburgh to whom no successor was appointed. As shown by W. L. Mathieson (*"Scotland and the Union"*) a period now opened during which Scotland, though nominally governed by one of the two English Secretaries of State (The Duke of Newcastle), was really governed by the Earl of Ilay and Duncan Forbes under Walpole's superintendence. This at once accounts for the unusual character of many of the letters to follow, the Lord Advocate being employed in correspondence which might well seem to be outside his own province.

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(1) THE MAGISTRATES OF GLASGOW  
AND THE EDINBURGH  
BREWERS (1725).

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(A) THE GLASGOW RIOTS.

After prolonged efforts at legislation to compel Scotland to submit to some form of malt tax, efforts which at times were in direct opposition to the articles of the Union, it was finally resolved that half the English duty should be paid. Glasgow was the first to offer resistance, the disturbances there being based on the false report that all the Scottish Burghs were to refuse payment. The riots found echo in different parts of the country, though they were much less formidable. In Edinburgh the resistance was passive but none the less serious. Much has been written on the subject and a great deal has already appeared in the "Culloden Papers," but the additional correspondence now given may perhaps throw new light on the subject. The drastic action taken by Duncan Forbes, whether as Lord Advocate or as Justice of the Peace for the county of Lanark, has been much questioned. It certainly had in the end the effect desired and earned the appreciation of the Ministry, to whom, however, the destruction of property in Glasgow or the want of malted liquor in Edinburgh was of little interest compared with the possible opportunities offered to the Jacobites.

From the Lord Advocate to [Charles Delafaye, secretary to the Lords Justices, who had been appointed to act during the absence of George I. in Hanover], dated from Edinburgh 17 June 1725.

Sir,  
It was my Chance to fall Somewhat ill  
on the Road So that I was not able to

Reach this place till Munday Night Nor did the Disorder I was in allow me to write to you by the Last, But now I find myself pretty well Recovered.

This morning I had yours of the 12th and the Same Post brought the Commissions of Sheriffships &c Which Come time enough I hope to Answer my purpose, and Every other use for which they were intended.—I wish the Commissions of the Peace were Likewise Sent down in time, because there Certainly will be Some use for them.

Since my arrival here I find abundance of People of Different Denominations, have been hard at Work to bring about, if Possible, a General Resolution that no Justice of the Peace Shall accept, and the Gentleman of whom we had so much Discourse Sunday was Se'enight is at the head of this project, as he also is at the head of an other, to Encourage all the Gentlemen of County, to Dispute with the City the payment of all their Customs & Duties, Because the magistrates of the City have taken Vigorous Resolutions with Respect to the Malt Tax, but these things and many more projects of that Kind that are on the Wheels will I hope be Disappointed, and have no other Effect than to Shew the Spirit from which they flow.

I should have been a Little more particullar on this Subject, But that the Postmasters Commission is not yet come down, when it arrives one Can Write with freedom.

Last Night General Wade arrived in Town, and Setts out on his Expedition Northward in four or five Days: I fancy he will find Every thing very Quiet, and that he will Succeed in his Errand; I am Sir most faithfully

Your most obliged and most  
obedient humble Servt

From the Lord Advocate to [John Scrope, secretary to the Treasury],  
dated from Edinburgh 19 June 1725.

Sir

This Letter goes to you Chiefly in Execution of my promise, to Write Every Saturday, for there is nothing worth Notice to Acquaint you with from hence; fools in the Country, and even in this County Seem amongst their friends Confident of their Scheme of Disappointing the Levying the Malt Tax, But I am Satisfied they Shall be Disappointed, and to Convince the people in General, that they are not to Expect to be Trifled with, I have Caused Look over what Complaints of Riots have been in the Custom Office and Excise since I Left this place, and I have ordered three or four Criminal Prosecutions against the Offenders.

As the Commission for the Postmaster is not yet Come Down, I cannot Write So freely as I would about the Conduct of Some persons.—Lord Rothes Since he is come down Says, there is no alteration at all to be in the Sheriffship of Aberdeen, if this is So, I Should be Glad to Know it, because the people of that County, were full of Contrary Expectations, & I Should Wish to be instructed what to Say to them, I am

Sir,

Most faithfully yours &c

The Lord Advocate to [J. Scrope] dated  
From Edinburgh 24 June 1725.

Sir

My last was of the 19th instant. Yesterday all the Malsters in this Neighbourhood gave Ready Access to the Officers to Secure their Stock in hand, tho Some of the Restless people have put it in their heads, that they are not to pay or Give Security against the time prescribed by the Law, Because as they imagine the Justices of Peace are

not to Act, But when they are Disappointed in these Expectations we flatter ourselves they will pay or give Security without putting themselves or the Officers to further Trouble.

It is unlucky that the Commissions of the peace are not yet come Down, Since that alone could have given Birth, to the Confidence that prevails amongst our Mal-contented, if they are not hitherto Dispatched (which I flatter my Self they are) you will be So good as to Enquire after them and Order them Down forthwith, and when they arrive we Shall endeavour to prevail with the Judges of Both the Courts here, to meet with the Other Justices in their first Sessions, to Give the Greater Credit to their proceedings over the Country.

At Glasgow a Sort of Dissatisfaction (I Really think) to Daniel Campbell [of Shawfield, member for the Glasgow district of burghs], whom the Squadron have Charged with being the Author of the Tax, has Carried the people to a Species of Madness, they had Piled up Stones and Brickbatts at Each Maltsters door, as So many Magazines of Ammunition, with which the Mob was to Demolish the Officers if they Should presume to Attend any Survey, and this with the Threats of the Mob in the Streets, had that Effect that Yesterday (as we Learn by Letters from thence) the officers durst not meddle with the Survey, But this Boast will I hope be soon over, for upon the first notice of the Intended Insolence, General Wade Commanded Two Companies of Lord Delorains Regiment that Lyes now in the Cannongate, to March to Glasgow, who are to be followed by 40 Dragoons a foot and two Companies more of the Same Regiment So Soon as they arrive from Berrwick, from whence they are on their March.—To prevent any Noise of Tumults or insur-

rections at this time, the Officers at Glasgow will not begin to Act, till the first two Companies come up which I think will be tomorrow or next day, And then I hope prudence will prevail over the present Mistaken popular Notion; In the meantime I have given Directions to Look out with all attention for the Discovery of any particullar Persons that may have been active in the framing such Combinations for obstructing the officers, or who may hereafter Act in any Mob or Tumult, to the End they may meet with due punishment, tho I am hopefull that the Precautions taken will prevent any Riot or mob.

General Wade has had an access of the Aigue, But is in the Way of Doing Speedily well, and proposes to Set out on his Journey Northward the Beginning of Next Week, where I hope he will have the Expected Success.

Like a true Correspondent I cannot omitt telling you the State of the Weather, the Like to which has not, at any time within Memory, been Seen here, Since Saturday Night Last till now it has Rained Incessantly, nor do Any Signs of alterations in the Weather Appear, I am

Sir

Most faithfully yours &c

The next day (25 June) the Lord Advocate wrote to the Magistrates of Glasgow ("Culloden Papers," CIX.) asking for an account of the riot and requesting

that with all convenient diligence you would make the most exact enquiry and search after all such persons as can be proved to have been accessory to, or active in, the said mob and tumult; and that so soon as you discover any of them, you would be pleased to committ them to gaol and transmit to me an account of their names and designations, together with the particulars of their ac-

cession to the mob; and the witnesses names by whom such particulars can be proven; to the end that they may be tried by those laws which they have insulted.

An account of the proceedings at Glasgow, mentioning also the difficulties met with at other places such as Hamilton, Paisley & Ayr is contained in a long letter to Scrope written 26 June. The Lord Advocate also severely criticised the action or want of action of the provost of Glasgow, who was merely suspected of "plain stupidity" ("Culloden Papers," CX.) The answer from Scrope shows that the Lord Advocate's narration was thought to be of sufficient importance for the consideration of the Regency & for the transmission of a copy to Hanover. Scrope also mentioned the expediting of the commissions of the peace for the shires of Edinburgh, Lanark, Haddington, Berwick "and the rest," in a passage which is omitted in "Culloden Papers" (CXI.)

On 29th June the Lord Advocate again wrote to Scrope that he had nothing to add to his previous letter except that the precise number of the dead was eight & of those dangerously wounded eighteen "of whom we are told it is very likely a good many shall die." He went on to say that after the two companies of soldiers had left the town the mob returned & finished the demolition of Campbell's house

all but the stone walls which they were not able to pick asunder, and continued to threaten to plunder the houses of all his friends, but at last the graver people of the town got them pacified, and to prevent any further mischief to themselves mounted a burgher guard of about 150 men, who have done duty in the town ever since.

Tho by all the relations I meet with I am satisfied that a good many at least



of the magistrates connived at, if they did not encourage the mob, yet I doubt it will be difficult to find direct evidence of it; because the riotous disposition of that town has run so high that I can find no one who dare venture to go to it in order to make any enquiry, till a sufficient body of troops arrive in that neighbourhood to protect them, and in the meantime the people of any consequence who are guilty will have time to suppress the proper means of discovery, by conveying witnesses out of the way.

. . . . .

Our malsters hereabout will I am satisfied give us no disturbance; the duty of the stock in hand already surveyed in the county is computed to be not much short of £6000, so that there is no great danger of a deficiency. The cause why the stock in hand amounts to such a sum is that the people in an imagination that the stock in hand was not to pay duty malted before the commencement of the act all the grain they could lay their fingers on.

. . . . .

From Bailie James Johnson to the Lord Advocate dated from Glasgow 28 June 1725, in answer to the letter addressed (25 June) to the Magistrates of Glasgow.

My Lord

Yours Came here on Saturday Last, But at the time none of the Magistrats were upon the place to Send ane Answer to your Lop. The provost the day before being threatened with his Life by the mobb And his house to be pillaged, was obliged, to make his way privately, for his own Safoty, and not yet Returned, As for the other Magistrats Baillie Stirling has been at Edin. this fortnight

past, Where he yet is, Baillie Mitchell was Last week to be married to a woman in Pt Glasgow where he had gone before our mischiefs had happened and not yet returned, and for myself I was at Perth at the Fair haveing gone from this place upon Fryday was eight days, And did not Return here till Saturdays evening Last. I must beg pardon for not Returning ane answer to Your Lop Sooner Which has fallen out, by a mistake That happened, not haveing known or Seen yours till Yesterday after Sermon And knowing Little of what had happened here or the maner thereof but by Information Cannot Distinctly Give accots to your Lop, But most Referr you to our Dean of Gild and those who are Sent with him, on Saturday Last to lay the Lamentable State of our place before Your Lop. I am Certainly Informed by Blythswood and the principal men of the City That when the populace which Consisted mostly of persons from the Countrey Who Entered upon Shawfields house Which was in the night time That Both the provost and Blythswood and others with them used their Endeavours to dismiss them, And Audibly Charged them to Dismiss under the pains in the Act of parliament and Repeated the Same many times but all to no purpose, The Mob being So mad upon their Design. What has happened among us I assure Your Lop The Government of the place has had no hand therein But used all pains and Endeavours to prevent the Same and Shall not be wanting to be Informed of the Actors and give Accots to your Lordship So Soon as Wee come to Some Settlement but Cannot as yet reckon our Selves Safe from the populace if we Should touch any of them at present, and as for our Loyalty It is the Same

as formerly were it not a parcell of vile  
Scum among us and about us. I am  
with most profound Respects

My Lord

Your Lordships most obedient  
and humble Servant

James Johnson Senr.

The following from the Lord Advocate to  
Scrope, dated from Edinburgh 1 July 1725  
serves to illustrate the nature of the rum-  
ours which were from time to time spread  
over the country, and doubtless exaggerat-  
ed in the then crisis.

Sir

The affairs of Glasgow continue much in  
the same way, as when I wrote you last.  
This afternoon a piece of Intelligence  
was transmitted to you by Express,  
which may allarm you more than is  
necessary, if too much stress is laid upon  
it, I happened to be out of the way when  
Generall Wade Received the Letters,  
else I had write alongst with the  
Pacquet to the same tune as I now do.

The Letter which gives the allarm is  
from one Macleod in Glenelg, who writes  
with some Assurance & Certainty upon  
Reports from the Lewis (A matter of  
four score miles Distance from him) as  
if he had seen with his eyes what he  
writes of, and as the People of that  
Country Commonly keep up their Spirits  
with Lyes of which they are very inven-  
tive, and Aquavitæ, I do not Conceive  
that very much Credite is to be given to  
his single Information.

It is very true indeed that the three  
Ships the man mentions might have  
been at the Lewis, and 'tis not impos-  
sible these ships might have been  
Russian; But as the Letter states it,  
that they are full of Masts, Cables and  
Other Naval Stores, I think the Story,  
which, the Letter says, the Officers of  
those Ships give out, that they are going

to Spain, is very probable, since the Common Prints have of a Great while Informed us, That the King of Spain has given orders for building several men of war. I ought to beg pardon for troubling you so long on a subject of this kind which lies so much out of your way and mine, but as I am apprehensive a report such as has been transmitted from hence, if credited, might do mischief with you, and as I know the lying disposition of the people from whence the information comes, I thought you would forgive me for dropping you my poor sentiments on the subject. I am, Sir,  
Most faithfully Yours etc.

From the Lord Advocate to [J. Scrope]  
dated from Edinburgh 3 July 1725  
(Saturday).

Sir

Since my last there is nothing new in these parts worth your hearing. Everything continues at Glasgow as it did, only the Magistrates by their favourable behaviour to the Mob, justify the opinion which I transmitted to you, this day Se'enight, that it may be necessary to lay hold of them. The Troops will not be assembled near that place sooner than the Middle of Next Week, and then I am afraid I must march too, to carry on an Examination, that otherways may be Mismanadged. The present State of my health is not very good, and my private Business calls pretty much for my Attendance here; but I look upon this Matter as Concerning the Government so nearly, that I cannot Suffer either of these Considerations to have Weight if there shall be any Difficulty in Executing by other Hands what ought to be Executed. I am

Sir

Most faithfully Yours &c

To these two letters Scrope replied a few days later that "Your opinion of the ships which the General sent an express about is perfectly agreeable to the sentiments we had here of them, and your proposition of going to Glasgow is extremely well approved of."

On Sunday (4 July) the Lord Advocate received a letter from Delafayo ("Culloden Papers" CXII.) informing him that the Lords Justices had directed that proceedings should be taken against the guilty parties under the headings of murder, felony, and riot. He was also to enquire into the behaviour of the magistrates, especially the provost "and proceed against him by securing, examining and committing him, according to law."

One of the first letters written by the Lord Advocate on receipt of these instructions was to Sir John Shaw, baronet, of Greenock, whose wife was a daughter of Sir Hew Dalrymple, Lord President of the Court of Session. "I hear" wrote Scrope, 20 July, "Ld. Cartaret hath sent a strong representation against Sir John Shaw's commission, but I have not yet seen it."

Dear Sir John

The madness of your Neighbours of Glasgow has so justly provoked the Governors that orders have come down for putting the laws in execution against the Guilty with all diligence. And for that End the new Commission of the Peace for the Shire of Lanark is sent down, tho the other Commissions are only to follow.

What difficults us in the matter is, that the Squadron and The Jacobites having had so much time to prepare mens minds before our Friends came to Scotland, it has become very unpopular in the eyes of the Generality, to accept of the Office of Justice of peace, and if

the whole should stand out in any Countie, it will be difficult to put the Laws in Execution. As I know your sincere zeal for the Constitution, as weel as for your Countrie, which must unavoidably suffer should such obstinate courses take place, and as I am sensible of the interest you have with the Gentlemen of your Neighbourhood, I must beg the favour of you, that you with as many neighbours, as you can persuade to be wise, would forthwith come into Glasgow, qualifie as Justices of the Peace, and assist in the committment of such of the Rioters, as shall be presented to you by proper Informations. You have certainly heard that a good body of Troops, foot & Dragons are ordered into Glasgow, with all expedition, how soon they may arrive there I cannot with certainty determine. I incline to think that they will be in the Neighbourhood tomorrow night, or Wednesday morning, at farthest, but of this John Buchanan will acquaint you more particularly, when he dispatches this letter to you from Glasgow, and my earnest request to you is, that without loseing one moments time you would order your affairs soe, as to be at Glasgow on the day the Troops arrive, to the end that you may give Countenance to the Justices accepting & acting. For though you should not at first prevail with many to act, your own diligence & activity will satisfy those who ought to be satisfied of it, where the failure lyes. That you may not think that I am advising you to a sort of work, that I in the least decline for my own part, I am resolved to wait upon you very speedily there, in order to a thorough examination of particulars. Only as I imagine that my appearing in that place would frighten the ouvert actors of the riot, who must believe that they shall readily be discovered, & determine them

to fly abroad, I take it to be necessary that you & such other Justices as will act, should be there sometime before, that the Rioters in that class may be effectually committed. You are Justice of the Quorum & that you may know who you are to act on, I here send you enclosed a List of your Brethren I am etc

Edinburgh 5th July 1725

On Tuesday, 6 July, the Lord Advocate wrote to Scrope & the letter is of considerable interest, as showing his own view of the method of commitment which he had foreseen would be necessary. The postscript refers to his reelection for the Inverness Burghs after his appointment as Lord Advocate.

Sir

Yours of the first Instant, together with the Orders of the Lords Justices, Signified by Mr Delafay, Came to hand Sunday Night Last, by a Messenger who Like wise brought the Commissions of the peace for the Counties of Edinburgh, Lanark, Berwick, and Haddington, I have not yet Returned an Answer to Mr Delafay, Becuase the General Detains the Messenger for Some Days, in Order to Carry advices Speedily if any thing Considerable should happen in his March to Glasgow.

The people of that Town Seem at present to be under a Very great Terror, and I do not at all Doubt that when the Law Comes to be Smartly Executed there, the Neighbourhood will Speedily knock under;

As the Troops are not to be at Glasgow till Friday, I am Resolved to be there that Day; But that Some Work may be prepared for me, I have Dispatched away too Sensible young fellows before me, who have Written instructions for making

the most Accurate privat Enquiry that is possible, to the End I may know with Some Certainty where to begin, and how to carry on a Regular Examination.

It had been a point Contested I mean Extrajudicially with the Advocates my predecessors, Since the Abolition of the privy Council in Scotland, whether they as Such had a power of Granting Warrants of Committment. The Advocate's plea Was, that for Some hundred of years past, they acted Regularly as being possessors of such a power; The Objection was that the foundation of their power was their having been privy Councillors; But on the Contrary that the Warrants of Committment were Signed by them *Ho Nomine* as Advocates, they have thought fit to Continue the practice down to this hour, nor were their Commitments ever Judicially Called in Question.

The use of this piece of Story is to Let you know, that I shall find myself under Some Difficulty to Act with that Dispatch and Vigour which the present juncture Seems to Require, if I do not Continue this practice of my predecessors for the adding me to the Commission of the peace in every County, gives me a power of Committing, when I am within that County and have Qualified Regularly, Yet I doubt a Warrant Signed by me Locally in one County, could not Regularly have any Effect in an other, and therefore as I take it, it may prove Expedient, that I continue the Former practice and issue warrants for Committment, to have Effect indefinitely over all the Country wherever the offender can be found, Since it is very possible Some of the Offenders may Escape from Glasgow and thereby bring us under a Necessity of hunting them wherever they may be found, this I



thought fit to Acquaint you with before hand, Lest my proceedings may be misrepresented as arbitrary or illegall.

Who ever were the persons that fomented this Seditious disposition in Glasgow, did not Stop there, for they were as we now find, at pains to Send Messengers from Borrow to Borrow over all the Northern part of the Kingdom, to perswade the Malsters unanimously to Refuse access to the Officers, from this argument, which in their positive assurance was easily believed, that Edinr, Glasgow and all the other Royall Burrows of Scotland, had finally determined not to Submitt to the Tax, their Arguments had their Effect, for almost all the Northern Burrows Stood out, tho without Violence; But now that they find they were imposed on, I believe they will be Glad to get out of the Scrape, The Ambassadors who were Sent on this Seditious project from Montrose to Aberdeen, I am told are named Lindsay & Ramsay both Maltsters, I have directed a more particular information to be taken of their Conduct to the End they may be Seized and proceeded agt nor is it impossible, that from them some further Discovery may come

I am  
Sir

Most faithfully yours &c  
Edinr 6th July 1725

P.S.—On the 30th June I was Unanimously Reelected.

On Thursday, 8 July, when on the point of setting out for Glasgow, the Lord Advocate wrote a long letter to Delafaye ("Culloden Papers," CXIII.), describing what he had done & intended to do, which met with the entire approval of the Lords Justices ("Culloden Papers," CXIV.) He also wrote to Scrope at the same time.

Sir,

I wrote to you last Tuesday by the Common post a Letter that will not be much Sooner with you than this, which goes by the Messenger that brought us the Commands of the Lords Justices.

Everything Continues at Glasgow as it did, the persons whom I told you in my Last I Dispatched to Glasgow to pick up information are there hard at Work, But I have hitherto had no particullar Account of their Success, The troops intended for Glasgow will be Drawn up close by the Town to Morrow by ten a Clock, and I Set out out alongst with the General in Less than An hour to be With them when they take possession of the Town.

No Care or Diligence Shall be Omitted in Discovering & Seizing the Offenders, Charles Erskine [solicitor-general] would Likewise have gone upon that Expedition But I thought it was more proper he should Remain here to assist with his advice the Commissioners of Excise and the Magistrates of the City in Case of any Suddain Emergent, in my Absence, And for that End I have given him a Deputation to Act for me, Such as my Commission impowers me to give.

As the General Convention of the Royall Burrows of Scotland is now assembled here, and as the Disobedience to the Law was Chiefly fermented by a false Report industriously Spread abroad that the Royall Burroughs were unanimously Resolved to Resist; We thought it not at all improper to Bring the Convention to Such a General Resolution, as Should Lead Weake Deluded people out of their Mistake, And Accordingly after a good Deal of Jangling proposed and Carried by a Vast Majority yesterday the Resolution, a Copy whereof is inclosed. It was Remarkable the Burroughs that opposed the Resolution most

Smartly and Avowedly were Such as were under the influence of our Late Ministry in Scotland viz Dundee Dunbar Haddington & Peebles, I have Sent a Copy of this Resolution Likewise to Mr Delafay, But as very probably the Lords Justices will not Very well know what the Nature of our General Convention of Burrows is, I beg the favour of you that if you think it of any moment you will be pleased to Explain it to S[ir] R[obert] W[alpole].

When Any thing Matterial happens you Shall be Acquainted with it, this Nights post can bring you nothing from Me Because as I told you I march, I am

Sr

Most faithfully yours &c  
Edinburgh 8th July 1725.

From the Lord Advocate to the Magistrates of Inverness, dated from Edinburgh 8 July 1725, twelve o'clock.

Gentlemen

I am to return you my sincere thanks for the good will you have shown me, in trusting me once more with the honour of representing you in parliament, and I do assure you I shall think my self obliged to Employ, all the credite I may have in that station, or in any other, for the service of the Burrow to which I am so much indebted, and for the service of those gentlemen who on every occasion have expressed a more than ordinary good will to me.

I have not had one minutes leisure for some time past because of the unlucky circumstances that the Frenzy of Glasgow has drawn itself into, you have heard of the madness which they were guilty of in opposing the Malt Tax, by which they have to the last degree incensed the Government and have involved themselves in blood & confusion, The Generall is by

order from the Lords Justices to march thither with some Regiments of Dragoons & foot, and I am now in my boots ready to attend him.

It was very misfortunate that your maltsters demurred to make due entries, but that misfortune I hope will be speedily repaired by an exact compliance with the law, I have been informed that either by letters or by emissarys sent of purpose your people were induced to stand out, on a belief that all the Royall Burrows in Scotland was to do the like, as this was a most notorious falsehood and imposition, sure you owe no favour to the authors of it, and therefor I earnestly entreat you that so soon as this comes to hand you may be pleased, to enquire with all diligence into the report that I mention, and if such advices came by letters, you would make sure of the letters and transmitt them to me, or if they were circulated by persons sent on purpose, you would let me know the names of those persons together with the particulars of their message to your town and the arguments they used to back it. I am Gentlemen most faithfully

Your most obedient and most humble  
servant

Dun. Forbes.

The above letter would appear to be the original, the preservation of which among the collections is to be accounted for perhaps by the following.

To John Forbes Esqre Member of Parliament at Culloden near Inverness

Dear Brother

The Hurry into which the Madness of Glasgow has put me for many days past is the Reason that you have not heard from me sooner, and the same Hurry Continues for I am now in My Boots ready to attend the Generall, who this

moment sets out for Glasgow, at the Head of some Regiments of Dragoons and Foot, by Orders from the Regency, so that you cannot expect to see him with you in less than a fortnight at soonest.

I do not believe all this Force is necessary but as it is Resolved for the future Quiet of the Government to bring all the Offenders to Condign punishment, such a force is put as shall strike terror, and show Restless Spirits what they are to expect. The Return I Received and forwarded to the Crown Office. I am surely a Great Dale of Drink in your Debt, but the worst on it is, I cannot Pledge you, for though I be gradually Recovering I continue still so queer that I am good for nothing over Beer.

I have wrote this day to the Magistrates about the Author of these Reports that Determined their Maltsters, not to Enter their Malt. You'll call for a sight of that Letter and Encourage them all you can to do what I wish for their own sakes they may do.

I am &c

Edinburgh 8th July 1725 12 o'clock.

From George Drummond to Culloden,  
undated but written a few days after  
the above.

Dear John

John Stuart met me today to ask what he should write in answer to a letter I think he said he had from you, asking what your people should do in relation to the malt tax.

Duncan is at Glasgow inquiring into the springs of that villainy as far as he can. I believe he wrote to you before he left this, but if by any accident that letter has miscarried, I venture to assure you its his opinion that your people should not only give access to the officers & enter, but that they should give security to pay on the expiration of the 3

months as the law directs, without waiting for the Justices directing them to do so. The showing obedience to the law is most certainly the only wise course to obtain relief in a proper time.

We are told here that your people were inclined to be obedient to the laws till they received a letter from Glasgow praying them to stand out. It would be of very great service to us to be possess of that original letter; trace it anxiously & tell us what's fact in this matter, and if you can get the letter into your hands by any means, send it to us. We are in great quiet here and I hope will continue so. Glasgow repent of their folly & no one place in Scotland have been mad enough to follow their example I am

My dr Sir Yours

G. Drummond.

Nothing had been received from Inverness by 22 July, when the Lord Advocate wrote to his brother—

I must own to you I am amazed at the conduct of my friends the Magistrates of Inverness, who have given me no answer at all to that part of my letter which desired to be informed who the messengers or rather the ambassadors were that came to dissuade them from obeying the law, nor can I see any reason why they, who are to be so much benefited by barracks and the expense of the troops amongst them, should deliberate one moment whether they ought to make themselves farther favourites to the government by a cheerful compliance with the law.

There is nothing further concerning events in Inverness or in the northern counties in general with the exception of the following relating to Elgin:—

From the Provost and Bailies of Elgin to  
the Lord Advocate dated 5 July  
1725.

My Lord

Upon Saturday last wee wrote to Bailie Gordon one of our number presently att Edinburgh to acquaint Your Lordship of a slaughter which happened in our town Saturday morning last about two ocloack to one John Kay son of John Kay hyrer in Elgin for which slaughter by the informations laid before us James Woodrow officer of excise att Elgin was accused as author by giveing orders to some souldiers of the Earle Delorain's regiment who came about from Leith to Lossiemouth by sea, to fire upon any people in the streets that came near the excise office conform to a copy of John Kay the father's information herewith sent your Lordship.

By the hurry and confusion of the place which happened by this occasion and yesterday being the Lords day wee had no time till this forenoon to take any precognition of the matter, but now wee send your Lordship a copy of the corporall and three of the souldiers declarations, whereby your Lordship will best know what should be done in law. Wee have kept three souldiers in custody untill your Lordship's orders or Generall Wade's be known, so wee beg your Lordship to honour us with your answer by this express.

Wee were not able to discover that any of our townsmen were concerned in a mob nor doe wee know what the men were that engadged with the souldiers; only wee assure you that all is quiet and peaceable here since the forsaid accident happened.

If Your Lordship pleases you may communcat this to Generall Wade Wee are  
My Lord

Your Lordships most humble servts  
The Provost & Bailies of Elgin  
Rob. Innes, Pro.  
James Anderson, Baillie  
James Innes, Ba.  
Rob. Duff, Baillie

From the Lord Advocate to the Provost  
and Bailies of Elgin, dated from  
Glasgow 10 July 1725, twelve o'clock.

Gentlemen

Yours of the fifth Instant with the Enclosed Precognition Concerning the soldiers of Earl Delorain's Regiment came to my hand here by Express this morning, I Communicated what you wrote to General Wade, by whose Orders that Small Detachment was Sent northwards, at the suit of the Board of Excise, and he is of the Same Opinion that I give you as mine.

It Seems to be Certain that the Soldiers were posted in the Shop from whence they fired, in order to Secure Goods that had been Seized for his Majestie's use; If they or that Shop was threatened—or invaded by any Multitude or number of people in the night time (for the hour is marked to be betwixt one and two a Clock in the Morning) there can be no doubt the Soldiers were in their Duty and had a title to fire Sharp, as every other private Man has, if he is invaded in his house in the Night time. There can be then no possible Question but one, Concerning their Conduct, Whether there were Actually in the Streets any Number of People at that time, who Endeavoured to insult or invade them: And as to this besides the Oaths of the three Soldiers, who positively Swear they were invaded, you have the Natural presumption, that no men in their Senses



would have fired Sharp without provocation, and you have the Accident that happened, that here was an Unlucky poor Lad in the Way, who Could Scarce Reasonably Speaking have had any other Business in the Streets at that time.

As for your Conduct, Gentlemen, I cannot much Blame your Committing those Soldiers, Untill you had further advice, But if it is true as I have Since heard, that upon the Committment of the Men the Seized Goods were Carried off, I doubt that as on the one hand, it will yield a Strong presumptive Evidence, in Confirmation of what the Men Declare that there was a Mob in the Morning, So it will Subject your Behaviour in sequestering those Men, by Committing them, to Suspicion, which I Should be heartily Sorry for.

When you Consider this Matter, and find that there were actually Disorderly people in the Streets that morning, on which the man was killed, I take it to be your Duty, to Discharge the Soldiers, who were prisoners, and to make all possible Enquiry, after the Actors in that Tumult, as well as after those who Carried off or Rescued the Seized Goods. I am, Gentlemen,  
Your most Obedient and most humble  
Servt.

It appears by a letter from Delafaye to the Lord Advocate, dated from Whitehall, 20 July, that the Lords Justices had ordered Delafaye to write to the Magistrates of Elgin "requiring them to forbear putting in execution any sentence that shall pass upon certain soldiers who are seized and imprisoned there"; & the Lord Advocate was now commanded to defend them, if prosecuted, "so far as they shall appear to you to have done their duty."

To this the Lord Advocate replied, 27 July, that though he had heard of the con-

duct of the Magistrates "in committing the soldiers to gaol, who in place of being faulty were clearly within their duty in using their arms in defence of themselves and the goods seized for the King, committed to their care, when they were attacked by an outrageous mob in the night season"—yet in deference to his own letter to the said magistrates the soldiers had been set at liberty "and they have been for some days past in this place with the companies to which they belong." As the intention of the Lords Justices had thereby been answered, the Lord Advocate would have stopped the letter and returned it "but as it is not in the General's hands or with the commissioners of excise, where I hoped to find it, it must go forward." It was eventually found in the post office as appears by a letter to Delafaye of 29 July) & detained by the Lord Advocate, awaiting further instructions, which eventually came ("Culloden Papers," CCCLXXVIII.) to the effect that the letter was to be returned by him, the Lords Justices being "extremely well pleased with the Magistrates' ready compliance with what you recommended them."

The only other town concerning which there is any consecutive correspondence (other than Glasgow & Edinburgh) at this period is Dundee.

From the Lord Advocate to Scrope dated from Edinburgh 7 August 1725.

Sir

This serves only to signify the Receipt of yours of the 3d instant, and to acquaint you that every thing continues here in the same situation as when I wrote last with this difference, that the Insolence of the Maltsters seems rather to be greater, their example has pretty much inflamed the neighbourhood and was the Reason as I believe, why the mob at Dundee on the 4th Instant, attacked

Mr Scott of Logie, Member of Parliament for the County of Forfar, as he was passing through that Town in his Return from the Election of Cowpar where he had Acted as an overseer, The mob first Accused him as Accessory to the Malt Tax Bill, and then fell upon him in So Violent a manner, that had he not been Rescued by Some Soldiers, who Casually were near, he must have been put to Death. I have the News of this Insolence from himself by a Letter (which he was not able to write, or Subscribe with his own hand) just this moment, he knows none of the Rioters who abused him, and I am Resolved to Require the Magistrates of Dundee to Enquire into the Matter, which is all I at present can do, when my hands are so full here. I do not know whether I told you that Earl Rothes's Friends gave up the Election at Cowpar, So that the Election was Unanimous.

I am

Most faithfully yours &c.

Endorsement:—Copy Letter to the Magistrates of Dundee concerning the mobs insulting Logie Scot 1725 (9 August).

Gentlemen

I have Diverse advices of a Very new and uncommon piece of Insolence Committed on the 4th Instant in your Streets by the Mob, against Mr Scott of Logie, Member of Parliament for the County, who accidentally Only Escaped being Murdered by the fury of your people.

As he is said to have been attacked by the Mob because of his Character of Member of Parliament & Justice of the peace, And as the Maltsters of your Town, are as I am informed to your knowledge, Obnoxious to the Law, in having Refused hitherto to give Obedience to the Act, made in the Last Session of Parliament for Granting a Duty

out of Malt to his Majestie, I dare Say you have been So mindfull of the Trust Reposed in you as Magistrates, as to have made a strict Enquiry, after the Actors in and Authors of this Riot, in order to have brought them to Due punishment.

The Occasion Gentlemen of my giving you this Trouble, is to desire that you may transmitt to me an Account of your proceedings in this Matter, that I may assist you in prosecuting the Offenders.

And if, What I hope is not the Case, you have been So unmindfull of your Duty as not to have made hitherto any enquiry into this matter Then to Require you, that immediately upon the Receipt hereof, you do set a foot an Examination, in the Strictest manner, in Order to the Discovery of the Offenders, and that you do immediately Seize & Secure them, in order to their being tried.

It will be proper that you do with all Convenient Diligence, give me an Account of your proceedings, Since as there are Troops in your Town, who are ordered to assist you in Suppressing all Riots, you have not the Same Excuse, for Neglecting to Do your Duty, that Other Magistrates have Endeavoured to Cover themselves by. I am

Gentlemen

Your most humble Servant

From the Magistrates of Dundee to the  
Lord Advocate, dated 12 August  
1725.

My Lord

I received your Lop.'s, and am heartily sorry that Logie should have met with any such Insolence or abuse; but immediately upon notice of the committing thereof, the rest of the Magistrates and I conven'd to make enquiry about the matter: And being informed that Mr Auchinleck, Logie's nephew, and Mr

Gentleman his Landlord, had been conveying him to the Port, when the Abuse was committed, We caused summon them to compear before us; and examin'd them upon oath as to what they knew of the said Matter, or if they knew any of the Offenders. And, as you'll see by the Double of their Depositions here inclos'd, they could give up no account of any of the offenders. And we have ever since been enquiring after them, but as yet can get no account of any of them; there haveing been none present, as it seems, at the time but themselves, and done in a verry decayed place of the Town. For your Lop: may be assured, that if we could get account of any of them, we should be most willing and ready to have them brought to condign Punishment, and doe all we can for suppressing and discourageing such vitious practices, and preserving the Peace of the Burgh.

As for our Maltsters not giving Obedience to the Law as to Duty on Malt, we can assure you Lop. 'tis none of our fault, for we have pressed them again and again to give all due obedience that way.

The rest of the Magistrats and I offer our most humble Duty to your Lop: and with all due respect I am

My Lord

Your Lop's most humble servant

G. Ramsay.

The following letter, giving some account of events in Glasgow prior to the arrival of the Lord Advocate is addressed to the principal sufferer, Daniel Campbell, at Edinburgh.

Dr Sr

I have just now putt into Mr Buchanans hands a List of Such of the towns Robers as have as yet come to My knowledge: With a list of proper witnesses for proving the facts to be charged

against them, I was to have sent you the List by ane express this day, Altho' Mr Buchanan had not come here, I doubt not but in a few days I shall be able to discover more, which if I do you Shall have notice. In the list sent you the pairtys I told were for most pairt prinll Actors, who carried of Bank Notes Gold Jewells & other Valueable things, who by a pretty lucky Accident I discovered, of wh I shall acquaint you more particularly at meeting. Danie Campbell has been abundantly Active in making discoveries, but as I had some Jealousys of his Master I did not think fitt to intrust him much with the Secret, I had likewise a List of a few pairtys & witnesses from Peter & M'Caulay who were assisted by Nicolson the Taylor And 3 or 4 from Jas Anderson I hope a sufficient proof will be gott to bring those Rogues to deserved punishment: And give me leave Sr to Say, those Miscreants as the Executioners only of a project formed by others (who are to be punished ad terrorem) are less to be regarded, then those whose villany & Ingratitude (covered with a mask of Religion) I hope & have no doubts will appear in its true light in due tyme. Sr I hope you will not doubt but that I'll make it no small pairt of my bussiness to endeavour as much as in me lyes to be at he Botom of such ane unhear'd & Unparalleled peice of Villany, And a Barbarity: with wch I believe wee can Scarce challenge the Heathen world. I have not been much affrayed to give them my Sentiments of it in a pretty Warme & open maner, for shall wee hold our peace at such a tyme, wee may Justly either be said to give our Assent, or at least be overmuch affrayed. I rejoyce much att the letter Mr Buchanan shows me from the Secretary to the Regency, I think its so much to your honour that it deserves a place amongst your best papers, and will be a lasting honour

to your family when you are gone, Messrs McLouran & Wishart have done & Continou to do their duty in a handsome manner on this occasion, Other two of them I have hear'd who in my hearing took no notice of what hes happened; I was told that Mr John Gray gave you the assistance of his prayers on the fast day, By praying for the Gentleman in the place who had mett with ane Unusuall Accident: What hes happened Since Messes Buchanan & M'millans coming here I presume theyl write you, I hear that the rooff of the house is Just now repairing by the Magistrats orders, I shall not fail to putt them in mind to take care of your own Effects.

Dr Sr, Such treatment cannot but Affect me when I reflect upon the Ingratitude of Such a wicked people, I pray God make them sensible of their folly and the ruin they are like to bring upon the place which I'm affrayed you'll Scarce be able to prevent, And may I never live longer then that I shall be able to say from the heart that I am with the utmost affection

Dr Sr.

Your most Oblidged & most obedient  
faithfull Servant

David Blair.

I Offerr my most humble duty to My Lady The Lady Dutchess & rest of the good family.

I'm Surprised to observe the Caution & Reservedness of Some of their friends now in the country, youl know whom I mean. Mr Kennawie desires me to offer his compliments to you & my Lady.

(B) THE LORD ADVOCATE IN  
GLASGOW.

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From the Lord Advocate to J. Scrope  
dated from Glasgow 9th July 1725.

About 2 a Clock this afternoon General Wade Marched the body of Troops, that he had Disposed previously for that purpose, into this Town in so Good Order and with So much Solemnity, that an Univer-sall Consternation Seemed to Seize the most obstinate, and I verily believe the Spirit of Mobbing, has fled from the Neighbourhood as well as from this City. The Troops are now in their Quarters, without any Manner of Disturbance, and Strong Guards are posted in proper places.

By the Diligence of those whom I told you two post ago I had Sent before me to Glasgow, I have already picked up informations against a Great many of the Ouvert Rioters and I have given Directions to prepare the proper Warrants, for their Commitment, But as these fellows are probably on their Guard, Ready to Escape on the first whisper of Danger, it is the Generals Opinion as well as Mine, that we should Suffer them to Live a Day or two in the apprehension of Security, to the End they may be found at their houses, And the Intermediate time, we Shall employ as well as we Can in perfecting our informations against the offenders of higher Note, and giving a proper Course to the Collecting the Malt Tax.

This Day we have Drawn in five Justices of the New Commission of the peace to Accept, Some of whom appeared very unwilling.

Sir John Shaw is very hearty He had made already Some progress in the Irish Trade, and has been a Volunteering in the Malt Tax.



When we have brought any thing to perfection you shall hear of it, if it appear of Moment, by Express, I am not Sure that we shall find Evidence of the Magistrates actuall accession to the Riot But I am Confident we shall find what will Justify the Commitmt and Deprivation of some of them, But this Commitment we propose Shall be the Last Part of our Work here, I am

Most faithfully yours

From the Lord Advocate to J. Scrope  
dated from Glasgow 12 July 1725.

Sir

After acknowledging the Receipt of yours of the 6th [A short letter, containing nothing of importance] for the Contents whereof I Easily guess to whom I owe the obligation; I had resolved to give you a particullar Account of our Transactions here, But I find my Self So much out of Order and Fatigued, That it's quite impossible for me to give you any Just Satisfaction by this Nights post.

The Sum however of the Success of this Expedition is that we, from the Danger of Carrying off the Stock in hand, forfeited throw not due Entry, have prevailed with all the maltsters, to open all their Kilns & Barns to the Officers in Order to a Survey, and in Consideration of their Ready Obedience, which by its Example must effect all their Neighbourhood, The Commissioners have agreed, that th<sup>e</sup> Justices shall Mitigate the Penalties to be Sued for to the True Value of the Duty, and a Trifle more for Charges; this favour Shown to the Maltsters here, who so Little Deserve it, has prevailed with Some of the Neighbouring Justices to accept of the Commission of the Peace, which in the General Dislike which the people show to that Commission is Luckie Enough.

Neither the General nor I have Shown any Countenance to the Magistrates, who we are Satisfied from all appearances have done all that in them Lye Secretly to prevent Discovering or Seizing the Rioters; we Charged them on our first Entry to prepare private Lists of the Offenders Names, whom they could not pretend not to know, whatever Excuse they might have had for not Seizing them untill the Troops came up; They promised to do So, and after a Days Deliberation, gave us up a List of Seven persons Only, whereof four were Women, two men who did not Reside in Glasgow, and an other a Tinker, who Even as he was described in the List had no fixed Residence at all, I Laid in a few Words the folly as well as the Villiainy of this Conduct before them, which has no other Effect than to put them beyond Reply. As this was the Behaviour of the Magistrates, the Gross of the Inhabitants were no Less partial, Scarce any having Offered any information, However as the two persons, whom I told you Some posts ago I had Sent before to Gain Intelligence, had made some Discoveries, tho we know at the same time, that the most Nottoriously Guilty had fled the Town, It was Resolved to take Such as Remained Napping Sundays Night, And Accordingly Warrants, and all other things needfull having been prepared, the General made So perfect a Disposition that about 30 were Seized in their beds without any Disorder or Noise. And tho upon Reconsidering the Evidence, we may fail in proof against Severalls of them Yet I am hopefull we shall Recover proof against many of them, and by them we propose to Discover others, Whom if we Cannot Lay hold of, we shall at least bring them under an outlawery, and by that means banish forever out of Glasgow; when our Enquiries are finished, I

shall have the honour to Give you a more  
Exact account, I hope You'l pardon the  
Confusion of this Scrawll. I am  
Most Faithfully yours &c

From the Lord Advocate to J. Scrope,  
dated from Glasgow, 14 July 1725.

Sir,

I am so thorowly tired with Labour that  
I am much Less fit for Writting this post  
than I was the Last and What Encreases  
my uneasiness is that after the Trouble-  
some Examination of upwards of an  
hundred Witnesses of one kind and an-  
other, who were the most Likely to know  
& Disclose who were the Chief Actors,  
Consciencs in this Good Country are So  
moulded, that I can Scarce find proof  
against any, But Such as are fled, And  
Whom the poor Deluded Creatures fancy  
they cannot hurt; I had a Notion that  
an Oath here abouts would have bore  
Some Weight, and therefore I Examined  
all, but Such as are prisoners, upon  
Oath; But I find the Tobacco Trade has  
got the Better much of the Religion of  
this place. By to morrow's Night I hope  
to finish this Troublesome Inquisition, &  
then you shall know the Success, All the  
Maltsters here came in, And have made  
Oath, and have given Security in the  
terms I mentioned in my Last, and pro-  
fess in the Strongest terms, their obliga-  
tion for the Lenity Shown, promising to  
be Submissive for the future And the  
Adjacent Country as we easily forsaw  
has become obedient through their Ex-  
ample, Pardon the Confusion of this  
Hastie Scrawl. I am

Most Faithfully Yours &c

From [George Drummond] to the Lord  
Advocate, dated from Edinburgh 13  
July 1721.

Dear Duncan

We hear by this post that you had got  
hold of 38 of the mobbers, go on. I sup-

pose by this time you are looking after higher actors or springs. May it be amiss to enquire how the Baillies of the Regalitie behaved. They are Magistrates, & Magistrates that upon other occasion do not use to allow of the least scuffle between the burghers to go unpunished & their commission flows from the Duke of Montrose [appointed in 1717 for life Bailie & Justiciar of the Barony & Regality of Glasgow (Scots Peerage, VI., 265.)] The same sort of lies are going forward here as formerly but we are in quiet. Adieu.



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(C) DETAILED ACCOUNT OF THE PROCEEDINGS AT GLASGOW. STATE OF AFFAIRS AT EDINBURGH.

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From the Lord Advocate to J. Scrope,  
dated from Edinburgh 17th July  
1725.

Sir

This evening I Returned from Glasgow with the General half dead, and So thorowly tyred, that I am not able to give you any perfect account of our Transactions there, Nor is it absolutely Necessary I should be very particullar by this nights post, Because in a Day or two, when I get my affairs in Some Order I propose to Send up a flying Paquet, which will be with you as Soon as this probably.

The Result of all the Examinations that I took and Enquiries that were made at Glasgow was no more than to find Evidence against about Seventy obscure people, of whom I could Lay hold of 21 only, the Rest having fled or absconded and it was owing to Very great Care & Diligence particullarly in the Generall, that even these prisoners were Seized, the Whole Town & the Country around it Acting as if they had been in a Confederacy with the Magistrates & Malefactors to Elude our Search. The Prisoners however are on the Road from Glasgow, under a Strong Guard to be transported to the Castle of Edinburgh, where they will be more Secure, and Less in Danger of occasioning Tumults, than in the Common Goal, untill they can be brought to their Tryall.

As Eight Companies of foot and Some Troops of Dragons are Left at Glasgow, a Warrant is Lodged there for Seizing the Offenders who have absconded, and against whom we have Evidence if they or any of them should think fit to Return.

Upon an Examination into the Conduct of the Magistrates the Particulars whereof Shall be Transmitted by the flying paquet I have just Spoke of, we Could find no direct ouvert Act of Accession, which could bring them within the Law as guilty of those Riots, that have done so much Mischief: But we Discovered through their whole Behaviour, Such an Unaccountable Neglect and Omission of their plain Duty, and So manifest a partiality towards the offenders, as in my humble opinion will Subject them all to a Legall prosecution for Malversation in the Discharge of their Office, the Consequence whereof ought to be Deprivation and Incapacity, Wherefore, finding them in my apprehension guilty of that Offence, and being Well Satisfied, that the Committing them would Strick a terrour into all the Magistrates in the Neighbourhood who had the Like inclinations, and who might think as the Magistrates of Glasgow did that they might be neglectfull of their duty with impunity, I thought it Necessary to issue out Warrants of Committment against them, and having obtained a Sufficient Guard from the General, to Order them to be Transported to the Goal of Edinburgh.

These Warrants were Executed Yesterday at Twelve a Clock, which flung a Very General Damp over the Whole Mutinous people who were not Very much Discouraged, with the Seizure of the Score of insignificant mean fellows, and I then hoped and Still do that it may be attended with good Effects over the Country, if the intention is not Disappointed by what I am Just now to give you an Account of.

Tho the Magistrates were not Committed at Glasgow, till Yesterday at Noon, Yet this Morning Many hours before the General or I could Arrive, a Petition drawn and Signed by Mr Dun-

dass, was presented to the Lords of Justiciary, in behalf of the Magistrates Complaining of and Caviling at the Warrant of the Committment of which they had got a Copy, and Concluding that the Warrant Should be found Void, or at Least that they Should be admitted to Baill.

One of the principle Cavills against the Legallity of the Warrants is, that I as advocat have not a power to Committ, tho as I told you formerly, my predicesors have uniformly done So, and in particullar Mr Dundass who Signs the petition.

The foundation for praying to be admitted to Baill is, that they are not Specifically Charged with Crimes that are not Bailable; But with Respect to this, I found my Self under a Difficulty in Wording the Warrants Because my Information did not Come up to direct Accession, and therefore I was forced to use the General Words of Charging them with Encouraging and favouring the Riots & Tumults that Happened at Glasgow, in which the House of Daniel Campbell was Demolished, and his Majesties forces Violently invaded & assaulted, Drove out of the Town, and Pursued by an Armed force; Nota, These are as near as I can Remember only the Words, the Copy of the Warrant not being at hand.

When this petition and Complaint was Lodged, the Justice Clerk [Lord Ormiston] Showed a Good Disposition, to Grant the Desire of it instantly, But the Solicitor General having been at hand, and having observed to the Court, that the petition had no foundation, Because the Copy of the Warrant Complained of, was not attested to be a true one, as the Law Directs, they Soon found out they Could proceed no further upon that petition, and yet they did a Very Extraordinary thing, for in place of Rejecting it

as Void, which plainly they ought to have done, they ordered it to be Seen and answered by the advocat to the End there might be no pretence for Delay, when the attested Copy of the Warrant came from Glasgow, which was then Sent for by Express, and the Justice Clerk was pleased to be So Warm in his Zeal for the Liberty of the Subject as to propose they should meet even on Sunday to determine that Weighty Matter, But that was Laughed at by his Brethren.

For my own part I am not very Sollicitous, whether these people should be admitted to Baill or not, when they are once Lodged Regularly in prison, And when the Judges Consider Deliberately, whether their Crime isailable or not, But one thing I must Venture to Say, that had they Succeeded to day in their attempt and had they been Dismissed, in the triumphant manner in which it seems they Expected from the favour of the Court to be Discharged, their Insolence and that Example, would have involved this Country at this Juncture, in Numberless Confusions: But as the Matter now Stands we must do as well as we Can to prevent the doing of any thing Rashly, and as the Next Application will probably be on Monday, I shall Defer Sending off the flying Paquet till then, that it may Carry you the Resolutions of that Day.

Whilst Mr Wade and I were at Glasgow, the Same people who now Complain of our proceedings there, were profiting of our absence here, and tuning up the Maltsters, who had all fairly and Quietly Entered, not to give Security, or to make payment as the Law directs, and So far they have prevailed, that tho the Day by the Act prefixed, is now long ago Elapsed, Yet they have Actually given no Security, and they talk of General Resolutions not to give any untill they are Distressed: And if they are Distress-



ed to give over all at once Brewing, the Consequence whereof must be, that in a Weeks time there Shall not be one Spoonfull of ale in this City, and of Course no Bread, to the bakeing whereof yeast is Necessary; This they propose must undoubtedly produce a totall insurrection, and Mutiny amongst the people, who then will be in a Starving Condition, and the Effect of that again, the projectors of the Scheme do not Seem to Regard.

As I have Some Reason to think that Such projects are framed and forwarded, by Mad Men, it is Certainly proper to take Some precautions against the Execution of them, Wherefore you will Easily Believe, it will not be proper to Run any Risque, by Entering upon the Distraining the Brewers here, untill Carpenters Regiment, which by this time is at Berwick come up to us, and till as many More Troops as are at hand can be got together.

And as a Madness of this kind, Should it be General, might produce a Very great and Universall Distress, I believe it may [not] be improper if we find that Such a General Resolution is framed, to Eeize all the Brewers who are Confederates in it and hold them to Baill, that they Shall not leave the Town or Desist from their Several employments, and after those steps are taken Should they be still mad enough to pursue those measures, the Poorer Sort who must be the Sufferers by such a frolick, may I think be turned agt them.

It is not impossible, but by this post you may hear from the Commrs of Excise, That Mr Burnet one of their Number, who went to Stirling, Met with no Countenance from the Magistrates of that place, and Was forced to Withdraw from it, and Return thither, But I have Seen Letters from the Magistrates of Stirling, which Complain of his over has-

tie departure, his Stay not having been above a few hours there, And impute it to Accident, that the provost did not wait on him, immediately upon his Arrival, having been then out of Town; I take notice of this Only that you may not See things in a Worse Light, than truly they are in, and as there are two Troops of Dragoons in that town at present, Additional to two Companies of foot, who were in it before, I dare Say the Officers, when they attempt to Survey will Meet with Little opposition. At Glasgow I Saw all the Maltsters give Security for the Duties. The Best Ap- pollogie I can make for the Confusion of this Letter, is by makeing My Next more Distinct. I am Sir

Most Faithfully yours &c

On Tuesday, 20<sup>th</sup> July, the Lord Advocate wrote a long letter to Delafaye for the consideration of the Lords Justices, enclosing various documents relative to the proceedings at Glasgow.

The first paper which I beg leave to refer to is that entitled an account of the Riots and Tumults that happened at Glasgow on the 24<sup>th</sup> and 25<sup>th</sup> of June last etc marked No. 1.

This document gives at great length the official narrative, but adds nothing to what is already known.

The second paper I beg leave to refer to is that entitled an account of the conduct of the several magistrates of Glasgow, touching the late Riots there marked No. 2. ["Culloden Papers," CXV.] . . . the intent of this paper . . . is to show the particular accession which each magistrate had severally to those riots, and their acts of malversation with respect to them, upon which I thought it convenient to commit them to gaol.

The third paper marked No. 3 ["Culloden Papers," CCCLXXV.] is the examination of the magistrates taken as above, which in some measure explains and proves the part of their conduct severally, which is taken notice of in the paper marked No 2.

And the papers marked No 4 & No 5 are copies of writings produced at this examination & there referred to.

The two last are in existence. One is the letter dated 30 June, from Bailies Stirling & Johnson of Glasgow giving their own version of the riots, "to be inserted in the public newspapers & afterwards printed & hawked about in a detached piece of paper" ("Culloden Papers," CCCLXXV.) The other is the list of rioters furnished by the Magistrates, containing, as already mentioned, the names of three men & of four women, as well as eighteen names of "persons present and might know further."

The Lord Advocate went on to inform the Lords Justices of the events already described in his letter to Scrope of 17 July, but mentions the number of prisoners first taken as 36, there being, however, only evidence against 21.

The greatest difficulty we met with having been to find constables who were just as unwilling to act as the magistrates, & those constables we were forced to seize in their beds & to compel by force to do their duty.

as to the rioters who had fled the witnesses were less shy of speaking of them, so that I have recovered evidence against about 45 in that class, against whom I left warrants at Glasgow for seizing & committing them if they can be found, & if they dont appear a process of outlawry will go against them.

As to the malsters "I put it in their option whether they would choose to have their whole stock in hand seized and forfeited, condemned & transported to the Highlands for the service of the Highland expedition," or to have the penalties incurred mitigated to the full value of the duty. They chose the latter. After referring to the action taken against the magistrates, who had been committed on Friday 16 July at noon, he gave an account of their sending the petition on 17 July (Saturday), as narrated in his letter to Scrope of that date. This petition is the one which appears in "Culloden Papers" (CXVII.) and an account of the further proceedings thereon, with other information, appears on somewhat less official lines in the same letter to Scrope & in the one to him of 20 July printed below. Other documents enclosed to the Lords Justices were the form of the warrant on which the magistrates were committed, the second petition of the magistrates after they had obtained a regular copy of the warrant of commitment, the Lord Advocate's answers thereto (which do not appear in the collections) & the copy of his letter to them ("Culloden Papers," CIX.) A memorandum, dated 26 July, shows that a copy of this letter & copies of the first five and of the last enclosure were delivered to the solicitor-general.

The Lord Advocate to J. Scrope, dated from Edinburgh 20 July 1725.

Sir

My Last of the 17th will be with you before this by a flying packet can come to your hand, And I have nothing to add to what I then Wrote to you, Except that yesterday at 10 a Clock the Court of Justiciary met, a Vast Deal of Zeal was shown by Mr Dundass to have the Magistrates Simply Dismist upon the Road, on Account of the illegality as he pretended of the Warrant Granted by

me, And because he produced an Instrument of Protest taken against the Officer who guarded the Magistrates, upon his Refusal to Exhibite a Copy of the Warrant of their Committment, which by the Letter of the Law, he was not obliged to do; But as I took an Opportunity of Taxing the Judges with their forwardness, to favour the prisoners, in Ordaining Me, to See and Answer the Petition of Saturday [17th July], which utterly ought to have been Rejected, The Justice Clerk Showed Some Signs of Concern, and Denied they had made any Such Order, I Shewed him the Copy of the Order on the petition, which pursuant thereto was Delivered to me by the Clerk, But his Lordship was pleased to Deny that ever it was Regularly Signed, and So that dispute Ended; But as to the petition of the prisoners, it was the Opinion of the Court, it Should be Rejected; The Magistrates being thus Disappointed of their hopes, were Lodged in Goal.

Last night upon their obtaining a Regular Copy of the Warrants of their Committment, they applyed a fresh to the Court by a Petition which I was ordered to Answer, Copies of the Petition And Answers are herewith Transmitted to you Marked No/7 & No /8. This afternoon upon Considering the petition & answers, the Court admitted the Prisoners to Baill, and the Justice Clerk was hardly prevailed, at the Request of the Solicitor to Demand the Double of the Ordinary Baill, which a Clause in the Late Act of Parliament for Disarming the Highlands allows.

Tho this issue of the Committment is much more favourable, than what Mr Dundass push't at, and what the Justice Clerk Seemed to favour, yet it may be attended with ill Consequences, if those Magistrates flushed with what they will be instructed to Call a Victory, should

Go tryphant home, as they are attended whilst here by Great numbers of their Citizens; Wherefore if the Lords Justices Should not from the Detail of their Conduct herewith transmitted, and from the Examination taken by me Likewise Transmitted, think that there is a proper opportunity and Good Reason for Sending for them in Custody to be Examined before themselves, which is the Only Speedy method I can think of to prevent their Dismission's doing harm here, It will be very Necessary that Directions be Speedily Given for prosecuting them.

Talking on the Subject of Prosecutions, from what I have hinted to you of the Temper in which the Court of Justiciary is in, you will best be able to Judge, whether it is not absolutely Necessary, That the Justice General [The Earl of Ilay] Should make a Trip into this Country, Not only to Direct the Court, But to Encourage by his Countenance a World of People, who if they are not doing harme, Seem at present to be asleep, I imagine Mr Walpole, will Readily fall in with this Sentiment, and I flatter myself my Lord Ilay will not be averse to it, you will be pleased to Send to him the Copies of the papers that I herewith Transmitt to you which are in Short Duplicates of these papers which go to Mr Delafay by this flying packet, together with a Copy of the Letter which I have Writ to him, in which Since it was to be Laid before the Justices, I have not been So particullar as to the Conduct of Mr Dundass and the Justice Clerk as I have been in this and My former to you.

This morning I Received the Commissions of the Peace which were addressed to Mr Bowles, the Rest are Very much Wanted.

I am

Most faithfully yours, &c.

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"I hope," wrote Scrope 20 July, "the Commissions of the peace which I sent last week came safe; you not being in Edinburgh I thought twas best to direct them to Bowles, he being a sort of dependent on the Treasury. I always give your letters to the chancellor of the exchequer & therefore if I dont answer them so particular as I ought I hope you will excuse."



**(D) SITUATION IN EDINBURGH.**

A short note to Scrope, written 22 July, concerning the Edinburgh maltsters, conveyed the intelligence that by waiting a few days it was hoped a better temper would prevail and harsh proceedings be unnecessary.

From the Lord Advocate to J. Scrope,  
dated from Edinburgh 24 July 1725.

Sir

I have nothing by this Nights post to add to what I wrote Last, only again to put you in mind, that our Justice Generals presence will be of Great Service to the publick in the Ensuing Tryalls; I am  
Most faithfully yours &c

Since writing what is above I am informed that the Justice Clerk has obtained a formall Leave from the Lords Justices to be absent for Some months on pretence of using the Bath Waters, As his Lop is in perfect good health, I conceive the intent is that he may not be Blamed for the proceedings of the Judges or Juries, to which by him they already are, and by his Emissaries and Agents they hereafter will be pretty Much tuned; Whether upon Reflection it will be thought Convenient, to Suffer him Without a Just Cause to be absent from his duty, I, without making any further Reflection, Submit.

From the Lord Advocate to J. Scrope,  
dated from Edinr 27th July 1725.

Sir

I have Received yours of the 20th. Since the Last post I have used all imaginable Endeavours to Dispose the Brewers of this City, who are Likeways Malsters to give Security for the Duty of their Stock in hand, and to Desist from their Mad project of Giving over



Brewing On which Subject I have had two Conferences with them, But all to no purpose.

In these Conferences they Stated their Case So as to make it appear even to me to be a Very hard One, and the particular hardship of it Consists in this, that as their ale Stands already Taxed with the Excise and Towns impost, and as they are Restrained from Selling their ale at a higher Rate than two pence the pint, unless they would become Subject to A higher Excise, the whole Malt duty must come out of their Gains, and no part of it can fall upon the Subjects, who use and Consume the Drink, Contrary to the Nature of all Other Taxes, which tho they are payable by the Manufacturer or Merchant, yet in reality are made good by the Users of the goods that are Taxed.

This argument I admitted was good, tho not to Encourage Disobedience to a Law Enacted, Yet to Endeavour a Reasonable Relief by parliament and therefore I ventured to undertake to them That if they would Comply to Secure the Duties, at present, and thereby lay an Example for the Rest of the Country, a provision should be offered to the first Session of Parliament for Relief from the Grievance Complained of, by Enabling them to Sell their ale at two pence & two pennies Scots, without being Lyable to any further or Greater Duty of Excise than their two penny ale is Chargable with;

Tho this Seemed to answer that Difficulty, yet another Scruple Still Remained, That if they paid the full Duties down till the time that Such a Clause in an Act of parliament could be procured and yet were not at Liberty to Demand a Greater price, the Exaction of that Sum in the mean time, would be a prejudice that Could not be Repaired by any future Law, which Could only have a prospect in time to Come.

To this I answered, that their giving Security or not giving it could not at all alter the Case to their Disadvantage, That by not giving Security they were Lyable to immediate Distress for payment, whereas by giving it, they were Safe from Distress till the 6th of October, That by giving it they recommended themselves to the favour of the Government, to which I undertook to State their case in the most beneficial & Advantageous Light, that as the Treasury had a power to Stay Execution even upon the Securities given, it was not impossible, that upon this instance of their Obedience which would prove of Good Example to the Country, the Treasurie might oven Deferr payment, untill Some Method were thought of whereby they might be indemnified in part of the Loss that arises from their paying the additional Duty, whilst they are pinned down to the Old price, And that in General they might rely on it, that nothing Should be Omitted that Could be Conducive to Ease them of the Inconvenience Complained of, provided they did their Duty, Whereas on the Other hand, I Explained to them as well as I could, the Danger they Ran through their former Rash Resolution, Should they Obstinately adhere to it, and hinted as one of these Dangers, that they could not Even Expect to be favourably heard, upon these Very Complaints which had Something of Reallity in them if by Disobedience to the Law they held that Government in Defyance from whom they were to Expect Relief.

This Reason Seemed to astonish them a little, But as they were Ready to give Evasive Answers; I told them I would have no Answer at that time; But desired they would meet with the Rest of their Brethren, Deliberate Gravely upon what they heard, and Return to me with their finall answer at Seven a Clock this Night.

They Accordingly Returned at Seven, and said that they had been with the Greatest part of their Brethren, and found it was their unanimous Opinion, that they could not carry on the Trade, under the present duties without Loss, and that they therefore were Resolved, not to give Security as was desired, But that they were Determined to Suffer Distress, without Resistance, And after a good deal of Expostulation, which put them apparently out of a Capacity to Reply, On the footing only of their own Interest, they Stuck Still to their Resolution and So we parted.

This Resolution Most Certainly Springs from those men behind the Curtains, who have Blown the Coal every where, and when I tell you that the Same Lawyer who Drew the petition for the Magistrates of Glasgow, is one of the persons who avowedly Consults with them, you will know who I mean,

As the Execution of this Resolution, if not provided against may prove fatal, I propose whilst yet the Session Sits, which is to be but for a Very few days to apply to the Court, who as I told you before have the particullar Inspection of Provisions & Vivers Vested in them, to inform them of the Danger that may Arise from this Confederacy of the Brewers, and therefore to pray that they would take proper Measures to prevent it, by holding them to Bail not to Desist from their employments for a Determined Space of time, and from thence forward, untill they give previous notice of Such their intention Severally.

If this can be made Effectually, as I am hopeful it may, then we may proceed with Some Safety to Decree & Distress the Maltsters for the Duties that are already incurred.

But on this Subject there arises a Doubt which we can Scarce with any

Satisfaction to ourselves Answer here, and which therefore I would beg your Answer to, as Speedily as possible.

By the Late Malt Tax Bill, a penalty of £50 arises upon the Maltsters neglecting or Refusing to make Entries of Stock in hand, And the Maltster is Directed to pay or Secure the Duties within Six days after the first of July, But there is no penalty Annexed upon his Neglect or Refusall So to pay or Secure. By an other Clause in the Act, the Duties penalties & forfeitures & care Recoverable in the Same way, and by the same means, as the Duties penalties and forfeitures in the Act of the 12th of the Queen, and in the Severall Recited Acts of his present Majestie, or other Acts thereby Referred to, are Recoverable.

It does not appear, at least So far as I can Observe from the Said Recited Acts, or the Acts therein Referred to, that Stock in hand is Chargeable with any Duty or that any penaltie annexed in case of non-payment of Such Duty.

Neither does it appear from these Acts, that the Justices of Peace are Directly impowered to Order distress for Levying the Single Duties, But it Rather Seems, that their province is Confined to the Recovery of the penalties, fines & forfeitures.

If these things are so, then the Difficulty will Occur that as the Justices of the peace have not a particullar Jurisdiction given them to Recover payment of the Single Duties, that as being a Debt of the Crown not otherways provided for, must be Recoverable only in Exchequer, and Consequently we cannot have a Regular Decree for payment, against the Maltsters here, who have incurred no penalty, Sooner than November.

On the Other hand if by any of these Acts Jurisdiction for Recovering the Single Duties is given to the Justices, or

if any thing in their Generall powers comprised Enables them to Authorize and Direct the Recovering of these Duties as a Debt to the Crown, You will be pleased to mark it, that we may prevail with our Justices here to Do their Duty. I am

Sir,  
Most faithfully yours &c

From C. Delafaye to the Lord Advocate  
dated from Whitehall 22 July 1725.

My Lord

I am favoured with your letter of the 20th instant, and the enclosed papers. Nothing could be better executed or related than your proceedings about the late riot at Glasgow. I have sent your letter and the inclosed, with a letter which came by the same express to My Lord Duke of Newcastle for his perusal, whose intire approbation I doubt not they will have as well as that of the other Lords Justices when laid before their Excellencies

I am with great truth & respect

My Lord

Your Lops most obedient humble  
servant

Ch. Delafaye.

On 29 July the Lord Advocate wrote to Delafaye, acknowledging the above and giving an account of the various steps taken in regard to the Edinburgh brewers, which culminated in an act of sederunt, published that day at 2 o'clock at the "Mercat Place by sound of trumpet." As, however, he still believed they would resist, he proposed, if necessary, to single out a dozen or two of the ringleaders & detailed his suggested action as to commitment, asking at the same time for "such general directions as may guide me through the difficulties that are in the way."

The following letter to Scrope is as usual less official.

Edinr 29th July 1725.

Sir,

I send you inclosed a Copy of my Letter to Mr Delafaye by this post which will Explain to you the Meaning of the two other papers Likewise inclosed and indeed present you with a true State of our affairs at present.

I have taken notice in that Letter, that the Justice Clerk and My Lord Tweeddale were the only non Liqueur in Voting, But then I am to tell you, that my Lord Arniston [Robert Dundas, senior], My Ld Polton [Sir William Calderwood], and my Lord Forglen [Sir Alexander Ogilvy] argued as well as they Could against the Rest of their Bretheren, tho when it came to the Question Prudence I believe Determined them to be with the Majority.

When first I framed the Design of Bringing the Court of Session into this Act, I Consulted with [Lord] Grange, [Sir James Erskine], Earl Loudoun [Hugh, third Earl, an extraordinary Lord of Session], Lord Milton [Andrew Fletcher], & the president [Sir Hew Dalrymple], & having met privately with them & [Lord] Kimmergham [Andrew Hume], at the presidents house Yesterday before Dinner, we agreed upon the Method of the application, & the form of the Act that was to follow.

When this was Settled the president Sent Round the proper officer to Each Judge's house to Acquaint them that their presence at three a Clock afternoon was Necessary, and all appeared Except [Lord] Pencaitland [James Hamilton], and [Lord] Pollock [Sir John Maxwell], who were indisposed, and the Justice Clerk, Arniston and Tweeddale [John fourth marquess, an extraordinary Lord

of Session], whose absence I know not the Reason of, But under the favour of their absence, the plan of the Act was Resolved on Nemine Contradicente, And Grange & Milton were Ordered to prepare the Draught, and to bring it in this Morning at Nine.

When the Court met at 9 these three Lords who yesterday were absent, appeared, And Polton & Forglen, who had Consented the Night before, begun the Opposition, But when it was found that their Arguments, did not Convince they Dropt that Side and Voted for the Question, Leaving only the Justice Clerk and Tweddale the honour of Refusing to give their Opinion, Nor did the Justice Clerk give any other Reason for Declining to Vote, But that he had not been present yesterday, tho he heard the whole matter argued over to-day.

By the Lawyer in my Letter to Mr Delafaye, who is Said to be at Work in Drawing up the Remonstrance for the Brewers, I mean Mr. [Robert] Dundas [afterwards Lord Arniston]; If he persists in his Resolution of Signing that paper, I do not know but he may draw himself into Some Scrape with the Court. I am Sir,

Most faithfully yours &c

On 31 July he wrote again to Delafaye that

when the hour for the brewers appearance came a petition signed by 65 of them was presented to the Court in a state and form that I shall trouble you with no character of, because I herewith send you a copy of the paper itself.

When the paper was read in court, it appeared to the judges that such a notorious insolence could not have been offered with an intent to convince the court, but that the true design of it was to affront the court in the eyes of the mob,

This it was certainly calculated to do, being drawn up on lines sufficiently sarcastic to serve its purpose, their lordships being therein called "the supreme explainers but not as yet the makers of laws." The result was an order that it should be burnt by the hands of the hangman, which was done.

The court showed a disposition to have enquired after the author of that petition, but the solicitor who presented it to be read, having declined giving any further satisfaction about that matter except that he had received it from one Hepburn who is clerk to Mr Robert Dundas, advocate, and in whose handwriting the petition is, they thought it was more proper to defer that enquiry to another time than to enter upon it when they had not bare leisure to finish it.

The brewers were, the letter continues, then given till 10 August & what proceedings were now to be taken depended on the orders of the Lords Justices.

Its certain no one will in this part of the Island submit to the tax without making war upon them, unless the brewers of Edinburgh are reduced to order, and as the matter is of so great consequence I humbly hope their excellencies . . . will signify to me their pleasure.

This guidance he again pressed for in his letter, also of 31 July, to Scrope asking that "directions may be given me such as may justify my conduct from these aspersions that your foes and mine will be apt to load it with." He also gave further details of the part taken by Dundas, who "boasted that to save the court the trouble of any enquiry after the author, if they would but call upon him, he would sign it in their presence."



(E) MORE CONCERNING THE  
MAGISTRATES OF GLASGOW.

The commands of the Lords Justices concerning the Magistrates of Glasgow were received from Delafaye about 3rd August ("Culloden Papers," CCCLXXVI.) in a letter approving of the Lord Advocate's conduct and ordering him to prosecute "not only the persons concerned in those tumults but also the magistrates of that town." If he thought proper to prosecute any for high treason, he was to do it. To this the Lord Advocate replied that it would be impossible to find a grand jury that would find bills against the rioters or be convinced that their offence was within the construction of high treason. The magistrates, he believed, could only be found guilty of malversation in office with the consequences of deprivation and incapacity, "but even that punishment, I am confident, will by its example do a great deal of service to the public, in convincing magistrates everywhere that it is not safe for them to be passive."

From J. Scrope to the Lord Advocate  
dated 27 July 1725.

My Lord

The papers you were pleased to send by the flying paquet came hither Saturday when I had slipt into Oxfordshire for a night or two but at my return I delivered them as you directed to the gentleman, [he] read them with your letters with great care, and upon mature consideration he directed me to acquaint you that he was of opinion that the convicting the magistrates would be attended with great difficulty & their being acquitted would be of ill consequence & therefore he thought (what ever direction you may receive from here to the contrary) it will be best for you to carry your proceedings against

them in the most dilatory maner you can contrive. This morning the Justice Genll & he spent an hour together in my closet & I think his Lordship hath agreed to go down & assist you. And as to those against whom you have full evidence I make no doubt but you will have everything ready by the time he gets to you. Of this I presume you will hear more fully from himself or W. Stewart. The Regency dont meet till Thursday when I believe you will hear from Mr Delafay that you will be protected & supported by them. I have time only to add that I am with great truth

My Lord

Yor Lordships most faithfull  
humble servt

J. S.

From the Lord Advocate to J. Scrope,  
dated from Edinburgh 3 August  
1725.

Sir,

By the Inclosed Copy of my Letter to Mr Delafaye, you will See what my directions from the Lords Justices were, and what I conceive is Possible for me to do upon them.

I am Very Glad that the Justice General Comes down which I am hopefull will have very good Effects, But, I wish I knew with Some Certainty, when I am to Expect him, Because I cannot well fix the Diet for any tryall, untill I am Satisfied about that.

Mr Delafaye in his Letter by the Lords Justices Order was so good as to make a Very Handsome Complement, upon my proceedings at Glasgow, But I must own to you, when I Compare what you wrote to me of the 27th, with what I hear reported from other people, at London, I am under Some apprehension that what I did has not been approved of by those whose Opinions I have the Greatest Re-

gard for. The only thing in which it was possible to Blaim Me was my Committing all the Magistrates, and Ordering them to be transported hither, Now as without making any Reflection on that Act you say S[ir] R[obert] W[alpole] is of opinion, that the proceedings against the Magistrates, ought to be Dilatory from an apprehension of want of Success in them, and as I hear from other hands that an other friend of mine Censures my Conduct as too forward, I am under a Great deall of impatience and Shall be So untill I know what opinion you Entertain of that Act.

As to me my motive was Shortly this, I Saw Clearly tho not by Legall Evidence, that these Magistrates were the spring of the Whole Mischief, I felt tho I could not Legally prove it, the Weight of their Influence in hindering the Detection & the Commitment of the Crimnalls, and at the Same time I conceived there was Such Legall Evidence of Malversation against them as was Sufficient to Deprive them of their Offices and to Render them for the future Incapable.

I considered that this Whole Country was attentive to the fate of Glasgow and that it would make in the Eye of the people a very poor figure if all the formall apparatus Concerning Glasgow Should End in the Seizing a Dozen or two of Rioters only, out of many hundreds, when every one was Conscious the Magistrates were the Reall offenders, and therefore I was willing to Lay hold of the Magistrates, and testify in Some Sort the !publick Resentment against them, that Other Magistrates Might be alarmed by their Example, and to this I was Encouraged the Rather, that by the Lords Justices Directions, I was Ordered to Committ the Chief Magistrate, if any Malversation appeared against him.

And as these Reasons Determined me to Committ them, what induced me to Transport them to Edinburgh, was that after the General and I with the Greatest part of the Troops Left the Town, I did not think it Looked Like Common Sense to Leave them in the hands of their Own Goaler, And I Likewise imagined, that the transporting them to Edinburgh, would have Struck a Greater Terrour into the Neighbouring Magistrates, which Certainly it would have done, had not the Justice Clerk showed Such precipitant Zeall for Relieving them, before he by Law Could.

I Trouble You, Sir, with this imperfect Story not to produce a Justification to my Self, who I dare Say, you think meant what I did for the best, But to introduce my Request to you, That you would be So good as to Let me know what S[ir] R[obert's] opinion & yours was of it, for if you think I was in the Right, it will Encourage me to go on with Cheerfulness, notwithstanding the Opposition & Contradiction I meet with Every Day, And if you Should think I was in the Wrong An Admonition Coming from so kindly hand, will Enable me to prevent mistakes for the future, and to be more wary, than my naturall keenness would otherways permitt me to be. You are Sensible I must be uneasy untill I am Resolved in this Doubt, the Resolution will do me good, and can do me no harme, & therefore, I Look for it from your goodness to me by the first post, I am

Sir, Most faithfully yours

From C. Delafaye to the Lord Advocate,  
dated from Whitehall, 5 August,  
1725.

My Lord,

I must beg leave that besides the letter I write by order of the Lords Justices ["Culloden Papers," CCCLXXVIII.] I

may trouble you with this private one to tell your Lop. that I find by what has happened about my writing to the magistrates of Elgin, that it will be of use that I direct letters of that nature under your cover, if you will please to allow me that liberty. Accordingly I now trouble you with one to the Lords of Session and another to the Magistrates and Common Council of Glasgow, and with copys of them for your information, to which I add copys of what I received from them. As I send your Lop. those copys without any order, you will be pleased not to take notice of them in any letter that I should read to the Lords Justices. I am with great sincerity and respect, My Lord,

Your Lops most humble and most  
obedt Servant

Ch. Delafaye.

The first enclosure is addressed to the Lord President for communication to the rest of the Lords of Council and Session approving of their act "for preventing the want or scarcity of ale or beer and bread in the good town of Edinburgh" and expressing their thanks for the zeal shown for His Majesty's service. The other enclosures refer to the position at Glasgow and consist of a letter addressed to Delafaye (to follow) which itself contains two enclosures, namely the address from the Magistrates and Common Council of Glasgow to the King ("Culloden Papers, CXVIII.) and the Magistrates' account of the riot at Glasgow ("Culloden Papers" CXIX).

From the Magistrates and Common Council of Glasgow to C. Delafaye, dated from Glasgow 31 July 1725.

Sir

Wee have Seen Several Accounts that have been published, of the late Tumults that happened at Glasgow very wide of

the truth, And which Seem'd Calculated to Accuse the Magistrates as Guilty of Some Accession to, or Connivance at those disorders, and being apprehensive that Some Representations not very favourable, hath been or may be made to His Majesty, or their Excellencies the Lords Justices, Of Our Conduct and behaviour, Wee Conceive it to be our Necessary Duty to offer the Inclosed humble Address, And account of these proceedings to His Majesty. And are obliged to give you the Trouble of this, and do desire you would doe us and the Town of Glasgow, the favour to Lay the Inclosed Before their Excys the Lords Justices, by which you will very much oblige

Sir

Your most humble & most obedient  
Servants

The Magistrates & Common Council of  
the City of Glasgow.

Signed by Order in Presence & name  
of the Council by

Ch: Miller Provost.

Glasgow 31st July 1725

From C. Delafaye to The Magistrates &  
Common Council of Glasgow dated  
from Whitehall 5th Augt. 1725.

Gentlemen

I have obeyed your Commands in laying before the Lords Justices the Letter & inclosed papers I had the honour to receive from you of the 31st of the last Month. Their Excys. have ordered that they should be transmitted to My Lord Townshend to be laid before His Majty., and could not but observe that the Account you send of the late Tumult in your City is widely different from that which they had received from His Majty's, Advocate, collected from Infor-

mation upon Oath and Examinations taken in the presence of Major General Wade, Colonel Spotswood and Colonel Guest.

It was indeed a great surprise to their Excys that so outrageous and unwarrantable a Proceeding should have happened in a place that had always been so eminent for its Loyalty and affection to His Majesty's Person and Government, and for the same reason, their Excys could not but wonder, that among the Professions you make upon this occasion, of your Duty to the King, you should have omitted that of assuring His Majesty of your Intention to show it by your Care and Diligence to see due Obedience paid by the Inhabitants of your City to the Laws of the Realm. Their Excys think that if you apprehend the Conduct and Behaviour of you the Magistrates may have been misrepresented, the best and surest way, to show that whatever was done amiss proceeded only from Error in point of Judgment will be, to be carefull for the future to give all the assistance you are able towards having the Laws put in execution, particularly that for laying a Duty upon Malt, which gave occasion to the late unfortunate affair that is the Subject of your Letter.

I am with great respect,  
Gentlemen,  
Your most obedient humble Servant,  
Ch. Delafaye.

(F) MORE ABOUT THE EDINBURGH  
BREWERS.

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In view of the instructions given by the Lords Justices in their letter through Delafaye of 5 August ("Culloden Papers," CCCLXXVIII.) the Lord Advocate was now in a somewhat difficult position, at least so far as the Edinburgh brewers were concerned, there being in point of fact no definite instructions. The points raised by him in his letter to Scrope of 27 July were answered by the latter on 5 August.

My Lord

As I had the honour to acquaint you in my last, the Attorney and Solicitor Genll. were yesterday at the Treasury where was also the Earl of Ilay, and upon considering your letter with the Malt Laws they all agreed in opinion, but thinking you would desire to have it in form, an Extract of your Letter was transmitted to the Lawyers upon which You have their opinion inclosed, However if you think it more advisable to proceed in the Exchequer for the Stock in hand I believe you may do therein what You please.

There is a thing hinted at in yours of the 27th that I would as a private Friend submit to your further consideration, that is, whether the people are restrained from Selling their Ale at a higher rate then two pence a pint unless they will become subject to a higher Excise. This Question I presume arises from the 7th Article of the Treaty of Union, by which it is agreed that the United Kingdom shall be liable to the same Excises, except only that the Thirty four Gallons English Barrell amounting to Twelve Gallons Scotch present measure sold by the Brewer at 9s and 6d excluding all



Dutys and retailed including Dutys, and the retailers profit at Twopence the Scots pint, shall not be lable to any higher imposition than Two Shillings Sterling, may not this be esteemed a description only of the sort of Ale that is to pay two Shillings a Barrel, and not a restriction on the Brewer or Retailer as to the price, And as plenty of Malt may sometimes make it necessary to sell the Ale cheaper, if by Dearth, Taxes, or any other Accident Malt becomse dearer, may not the price of the Ale be increased without incurring a higher Duty if it be of the same Strength, and the Barrel made of the same quantity of Malt, and if upon the present emergency the price was Increased. in an equitable and just manner, dont you think it very probable that the Parliament will give a Sanction to it if there is occasion; if you think there is anything in this thought and t'will be of any service to you I will take the opinion of the Attorney and Sollicitor General upon it.

The Commissions of the peace will be all ready in a few days, I will send them to you next week.

The Magistrates of Glasgow have by an Express, sent hither an Address to the King, full of Duty & complaints a Copy of which Mr Delafaye was directed to transmit to you. I beg pardon for making use of another hand not being very well. I am

My Lord,

Your Lordships most faithfull  
humble Servant

J. Scrope.

5th August 1725.

The Lord Advocate to J. Scrope, dated  
from Edinburgh, 10 August 1725.

Sir,

By yours of the 5th Instant I have the  
Attorney & Solicitor Generals opinion

on the point that put us here So much in doubt, I am very glad they are So Clear and Explicite in that matter, and if it Shall Come to a Question here, I Shall do all that I can to Support their opinion, tho it has been given by all the Maltsters Lawyers as Certain, that no penalties were incurred, through not paying or securing the Duties on Stock in hand.

It gave me Likewise a great deal of Pleasure to find, that you Carried the notion that I had of Relieving the Brewers with Respect to the price of their Ale, Even further than I Imagined it could go, And I thought the hint you gave me on that Subject was by all means to be improved at this Juncture, Wherefore I Called for the Brewers Agent, Expained to him first the Danger his friends Stood in, and then showed him from your Letter the Certainty there was of their being Relieved from the only thing that they in Common Sense could Call a hardship, provided they by Complying with the Law, would but Suffer themselves to be saved from Ruine; The Man Seemed Convinced. and by my allowance met Severals of the Brewers this Evening, who were Confounded, But could not be brought to Quit their Resolution, However they are to meet again to Morrow, and to Consider further, when if they refuse, it will be manifest to the whole World, that it is a motive Distinct from their Interest as Brewars that prevails with them, and of Course no Reasonable person can pity them, however Smart the Proceedings against them may be. I am

Most Faithfully Yours &c.

The Lord Advocate to C. Delafaye, dated from Edinburgh 12 August 1725.

Sir, Since my last to you I have been employed in treating with the Brewers,

endeavouring to bring them to their Duty by opening to them their interest on the one hand, and their Danger on the other, but entirely without Success; for tho' they are convinced that it does not import them as Brewers Twopence in point of interest, whether the Malt Tax is leveyed or no, because the People and not they will be the last Payers, yet they are resolved to stand out, and to avoid the Danger of Imprisonment, from whence they cannot Readily be retired, the Ringleaders, who forsee themselves to be in the greatest danger, talk of absconding.

I doubt not that we have not much to expect from the Warrants that have been given by the Court of Session, for since it is now Vacation time, the Court of Session as such, can make no fresh Orders, and the Warrants that they have given should they be put in Execution, do not promise much Success, because Imprisoning the Brewers, would do no more than furnish a Sort of Legall Excuse for their Disisting from Brewing, and when they have tryed the Effect of that for a week, they must be dismissed, if they shall think fit to give Security to continue their Brewing.

It is for this Reason, that I apprehend that it may still be necessary, to committ the Ringleaders, upon Warrants such as I have formerly mentioned, but that cannot be done prudently for 3 or 4 days, untill some Troops are moved nearer the Town, whose appearance may convince the Brewers, that the matter is past a jest, and by keeping the Mob perfectly in awe, may prevent the ill Consequences that are apprehended.

As the Delay of these few days is for the Reason mentioned necessary, it may be lucky enough in an other Respect, that the Justice General is in the meantime expected, whose authority and directions may be of great service. I am, Sir, Your most obedient & humble servant.



(G) ARRIVAL OF THE JUSTICE  
GENERAL.

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Delafaye's letter of 10 August ("Culloden Papers" CCCLXXIX) and another from him (writing for the Lords Justices) of 2 August make it clear that the Lord Advocate was to act on his own judgment in the affairs of Glasgow as well as of Edinburgh; but the arrival of the Justice General (The Earl of Ilay) on 16 August while it relieved him of some responsibility added not a little to his other difficulties.

From the Lord Advocate to J. Scrope,  
dated from Edinburgh 17 August  
1725.

Sir

Your Letter of the 10th gave me a Very great Quiet of mind as it Convinced me, that those whose Judgment I Value, and for whom I Serve, had not that harsh Opinion of my Actions, That Some people at whose hands I merited no Such thing have Expressed; The Encouragment you give will Lend me fresh Spirits, tho' my health is not very good, to go on in the Service I have Entered on, as far as Law and Reason will Carry me.

Last night the Justice General Arrived; By the Copy of my Letter to Mr Delafaye Enclosed, you'l See what Resolution he is Come to with Respect to the Brewers, I thought a Smarter Measure was Necessary to prevent the Effect of their Combination, which this leads them, if they hold to their Resolution, to put in practice; But as his Lordship insisted on this Method I gave Way.

I am apprehensive his Lordship will find Some Difficulties, as to the prosecution of the Magistrates of Glasgow, whose guilt he does not Seem to think

So plain as I do, Should that be the Case, it may be unlucky, however as he has not yet Declared any positive Resolution, and as I am to Wait of him with the papers tomorrow, I must Suspend my thoughts of that Matter till then; I am  
Most faithfully yours &c.

From the Lord Advocate to C. Delafaye  
dated from Edinburgh 17 August  
1725

Sir

I have the honour of yours of the 12 Instant Signifying to me the Lords Justices pleasure Concerning the manner of Prosecuting the Glasgow Rioters, I understood it to be the meaning of the Lords Justices former Directions, as you Very Distinctly Communicated them to me, that I was left at Liberty to prosecute for high Treason or for a Lesser Crime as the Circumstances, and the Nature of the Service Require; But Since their Excellences were pleased to mention a prosecution for high Treason I thought it my Duty before I Entered Actually upon Carrying on an Other Sort of Process, to Lay my Reason before their Excellencies, in Order to their approbation, But now Since the Matter is Explained, I am Going Directly to Work and in two or three Days, these Rioters Shall have their Indictment.

Upon the Subject of the Brewers of this City, I have Consulted with the Justice General for this part of the Kingdom who arrived here Last Night, and it is his Lordships Opinion, that we Should forthwith proceed against Some of the most Considerable of these Brewers, before the Justices of the peace, Upon Informations for Recovering the penalties incurred through not paying or Securing the Duties, to the End, that if they put their Resolution to Desist from Brewing

to Execution, they may be the more Criminal, and the more Directly Subject to the Law, in which Case So many of them, as Shall be thought Sufficient to terrify the Rest by their Examples, may be instantly Seized & Committed, when their Guilt must be plain beyond the possibility of an Excuse.

For this purpose Informations are Ordered to be Brought against Certain of these Brewers Thursday next before the Justices and to Convince the people, that it is fit on this Occasion to be Quiet, Some Troops of Dragoons additional to the present force, are to be brought to the Neighbourhood of this City.

General Wade Writes from Inverness, that the Mallsters in that Neighbourhood, who hitherto Stood out, have Resolved to give Security for the Duty. I am

Sir Your most Obedient & most  
humble servt.

From the Lord Advocate to J. Scrope,  
dated from Edinburgh 19 August  
1725.

Sir, as I hinted to you in my last, the Justice General makes some doubts, Whether the Prosecution of the Magistrates of Glasgow, should be carried on alongst with that of the Rioters. At first he seemed to have some Difficulty to come into it, that the neglects and Malversations Charged against severals of them, could legally inferr the punishment of Deprivation; But after he saw and considered the facts as they were Charged in a Draught of the Indictment, which I had prepared he seemed to give up the doubt, and insisted that as Mr Walpole was of Opinion, Dilatory Courses were to be taken, he could not consent to give them their Indictment, till first he had consulted with Mr Walpole, which he proposed to do by sending off a

flyng packet this night or tomorrow morning, nor was I at liberty to show him the last line I had from you which might have convinced him.

In what terms he will put his letter I know not, but one thing I will venture to say, that if it is admitted, that by the Law of Scotland, these Gentlemen's Crimes merite, and can be followed with Deprivation, and if they are not prosecuted & punished, here is an End, not only to this Tax, but to all other taxes, that are granted to the King. For as the Magistracies generally speaking over Scotland, are all disinclined to every sort of Tax, and Secretly pleased with the Disappointments that happen, and with the frauds that are Committed, Should the example of the Magistrates of Glasgow perswade them, that a Magistrate may with Impunity Neglect his Duty, and that he needs do no more, to be safe from Challenge, but to keep out of the way, or to go out of the way, when a Mob invades an Officer, or sett about any other Riot, I doubt in a Little time we should hear of nothing but of Mobs, and Riots from every Corner of the Kingdom, than which no greater misfortune could happen to this Country, nor indeed to the whole United Kingdom, as such Distempers are vastly Infectious. This will come later than the packet I have spoken of, but I could not with common prudence, Resolve upon a more speedy Method of Conveyance, I am

Most faithfully Yours &c.

From the Lord Advocate to J. Scrope,  
dated from Edinburgh 21st August  
1725.

Sir

The flying packet I wrote to you of Last post is gone off only to-day, The Contents I am Intirely ignorant of, neither was any Opportunity given me to write alongst with it.



It probably will acquaint you, that upon the Summons Last thursday given to about a Dozen of the maltsters, who are Brewers, the whole Brewers in Edinburgh Collectively gave over their Brewing at Once Last Night. I was of opinion, That on this Emergent Some of the Ringleaders ought to have been Committed for their illegall Confederacy in order to have frightened the Rest out of their Obstinacy, Because Should the Whole Cease from Brewing, but for four Days Longer, this City will be in Great Want, and in no small Danger, tho Yesterday and this day we have Brought in fresh Detachments of Dragoons, to keep down open Riots; But the Justice General has rather Chose to Deferr the Committing any person till Munday, And even then inclines to Employ no other warrants for their Commitment, But those Granted by the Court of Session before their adjournment, which Warrant the Detaining them in Prison no Longer than till they give Security that they Shall Continue to Brew; The Weak Side of those warrants Seems to be, that the Brewars who know that by giving Security they can get out of Goal, when they please, may take a fancy to Lye in prison for Some Days, till all the Mischief is done, that Ceasing from their Business could Occasion, and then they gain their Liberty by giving Security, So that I doubt they will not be frightened out of their Confederacy, by Seing a few or all of those Warrants Executed, But Since that is the measure Chosen, Nothing is Omitted to be attempted, that may Determine these unhappy people to Quit their frenzie. I am

Most faithfully Yours &c.

From C. Delafaye to the Lord Advocate  
dated from Whitehall August 17th  
1725.

My Lord

I received yesterday the honour of yor Lop.'s Letter of the 10th inst., by which I apprehend, that the Lords of Session do not proceed against the Brewers to punish them for their Contempt as a Court of Justice here would do, but I suppose your Forms require that your Lops. should prosecute them for their Contempt, whereas here when a Court of Justice apprehends it self to be insulted, or when its orders are disobeyed, it proceeds summarily (without any other persons intermeddling, or making any Instance or motion for that purpose) to punish the Offender by Fine or Imprisonment, or both, according to the Degree & Nature of the Offence.

You see, My Lord, that the Difference in the nature & method of proceedings in the two Countrys, is so apt to lead people here into mistakes, that were there no other Reason, This alone would make it impracticable to send you from hence particular Instructions upon every Case that shall happen. I will lay your letter next Thursday before the Lords Justices; I believe their Intention is, that such of the Edinburgh Brewers as continue obstinate in their contempt of the Court of Session should be punished, and that if you must appear in that matter you should do it. But upon the whole I do not expect, that their Excys will go further than to give you the same general orders that have been of late repeated, & upon which I am persuaded you may with very great safety proceed according to what you in your Discretion shall think best for the Publick Service. If any Expedient can be made use of to break this combination of the

Brewers, and bring them to reason, so as that few or none of them do, by their obstinacy, oblige the Government to proceed to Extremitys, no doubt it will be very good and acceptable service. Yor Lop. will pardon the freedom I take to trouble you with my own Thoughts, till I can send you the Directions of the Lords Justices.

I am with great truth & respect,  
My Lord  
Yor Lops  
most obedient  
humble Servant.  
Ch. Delafaye.

From C. Delafaye to the Lord Advocate  
dated from Whitehall August 19th  
1725.

My Lord

I have laid before the Lords Justices Yor Lop.'s Letters, I had the honour to receive, of the 10th & 12th Instant, & their Excys observed, with great approbation, your Zeal and Care for the King's Service, and the welfare & Peace of your Country. Their Excys apprehending that something might be done for the Ease of the Brewers of Edinburgh, if by the Seventh Article of the Union a Latitude is left to allow them to increase the price of what is called the Two penny Beer, without augmenting the Excise, have referred that point to the Consideration of the Attorney & Solicitor Genl, whose opinion they expect against their Meeting next Thursday, and then their Excys further Orders will be sent you. In the mean time their Excys have commanded me to signify to you their Directions, that you should proceed according to your own judgement and Discretion, pursuant to the Orders already sent you, as well with relation to

the sd Affair of the Brewers of Edinburgh, as in every other matter now subsisting, or in any Emergency that Shall occur.

I am with the greatest truth & Respect,  
My Lord

Yor Lop.'s

most Obedient

humble Servt,

Ch. Delafaye.

From the Lord Advocate to C. Delafaye  
dated from Edinburgh 24th August  
1725.

Sir

I am honoured with yours of the 19th Wherein you take Notice of the Steps taken by their Excellencies the Lord Justices towards affording the Brewers of this Coutry Some Relief with Respect to the Limitation they Seem to Stand under from the Seventh Article of the Union, and I am satisfied that A Direction given to the Commissioners of Excise to Charge the Brewars here with no higher duty of Excise than is now payable upon ale Sold at twopence, tho their ale Brewed of the Same Quality Should in Retail be Sold Some what higher then that price, would as it is Just in it Self, quiet the minds of the Brewers over the Country, when once the mutineers here, are brought to Obey, tho I Doubt the most advantageous Conditions proposed will not Damp the Spirit that is up in this place, till Experience has Convinced the Offenders of their folly.

For upon some of the Brewers having been Summoned before Some Justices of the peace, as I told you in my Last of the 17th Instant was intended, the whole of the Brewers within this City and it's Liberties, (Excepting one) gave over Brewing on the 20th and Continue to this hour in their purpose of not Brewing

Excepting only two or three Women that have been prevailed with to promise to Return to their Business.

Upon their taking this Step it was thought proper to Committ five of them upon Warrants, which as I formerly mentioned to you, Were issued by the Lords of Session before the Vacation Commenced for taking up Such Brewers, as Should neglect to give Security for Continuing their trade and to Detain them in Goal, untill they should give Such Security, But the five brewers So Committed, have Shown hitherto a Great deal of Obstinacy Neither has that Act of Severity, had any influence to Deter the Other Brewers from their Resolution, probably because they apprehend the Danger not to be Great, Since they can get rid of the imprisonment whenever they think fit, by giving Security to Continue their Brewing.

For this Reason it is that by the Advice of the Lord Justice General Indictments are preparing against the Brewers now in Custody, for the Conspiracy and Combination So often mentioned to you, which now they have by their Actual Deserting their Business, given Compleat Evidence of; This Method of Proceeding will it is true take up some time, And will unless the Brewers Sooner Repent, Leave the City Subject to the Danger with which it was threatened, But the Best care possible is taken to prevent Tumults and Disorders, by a fit Disposition of the Troops and to prevent absolute Want amongst the People, by Setting up new persons to Brew and by Securing what provision of Drink can be had from the Neighbourhood.

From the Lord Advocate to J. Scorpe,  
dated from Edinburgh 24 August  
1725

Sir

I have yours of the 19th and am very Glad that the Lords Justices have taken

the Article of the Union Under their Consideration, Because tho I Despair of their favourable Directions doing any good with the Madmen of this Town, yet when their fury is humbled, I am Hopefull it will be of Service in Bringing the Generallity of the Country to Reason.

In my Last I told you, that the Brewers here had at once Desisted from Carrying on their Trade at friday night, and they Continue to this hour on the Same Disposition; Yesterday five of them only were Committed to Prison on the Warrants Issued by the Lords of Session to make an Experiment, whether that would not terrify the Rest, But as I Conjecture, they agreed to Laugh at their punishment, Because they Could get Rid of it when they Would, and in place of Absconding after the warrants were out, Appeared in the Streets in Order to be Seized; The Rest of their Bretheren in place of being frightened, Seem at present to be out of humour that they are not honoured with a Commitment also. What this will End in I know not, in two Days this Town will be in Want, But we have Troops at hand, to prevent mischief as much as possible; The Justice General, whose Choice this Method of Proceeding Was, talks of Indicting Some of the Offenders and of prosecuting them, But as those Tryalls will take up Some time, I doubt the Terrour of them Only will Come too Late to prevent Inconveniences here.

Tho I write Regularly by the post, because you perhaps may Expect to here from me, yet I doubt not you will be Earlier informed of those things by Expresses, Sent from hence; Did I know when they go, I should Choise to drop you a Line Now and then by that Sort of Conveyance; But as I am not admitted into the knowledge of that, Nor indeed Consulted on any Occasion, I

must Content my Self with a Bare Relation of facts, by the Course of the Common post, I need not Acquaint you that it is unnecessary to take any Notice of this Last line. I am

Most faithfully Yours &c.

From the Lord Advocate to J. Scrope,  
dated from Edinburgh 26 August  
1725.

Sir

We are in the Same Situation here as when I wrote Last, with this Difference Only, that the Scarcety of Drink begins to be felt, and if we can defend ourselves from the Bad Effects of it in the way of tumults by the Assistance of the Troops, we are hopefull the Anger of the people may turn it self against the Brewars, who are immediate authors of the Distress And a Great many of Whom Seeing that matters come to a push, Seem to be Weary of that Resolution, to which they have Stuck hitherto So Obstinateley, and would Gladly have an Excuse for breaking in upon it.

These are our hopes, But for any thing that we yet See, this City will be in Great Distress before it can be properly Supplied, for hitherto the Brewars have Religiously adhered to their Resolution and when yesterday they appeared before the Justices of the peace upon an Information Brought for Double the Duty, as the penalty for not paying or Securing the Dutys of Stock in hand, they objected to their Jurisdiction, and insisted that no Such penalty was incurred by Law, But upon their Being overruled in that matter, and being told that in Compassion to their Ignorance, the Justices would Mitigate the penalties, to the Value of the Single Duty, if they would now pay or give Security for that Sum, they unanimously Rejected that proposition and Suffered Sentence to pass for

Double the Value of the Duty, But appealed to the next Quarter Sessions in hopes as they Said of Relief, But in this they probably will be Disappointed at next Quarter Sessions, which by adjournment meets this day Sennight, And I am Very hopefull, that before that time their Rage will Cool, if as I have already observed, we can prevent the Bad Effects of it till then.

My Being a Little out of Order is the only Excuse I have for using a borrowed hand.

I am Sir most faithfully  
Yours etc

Two days later he wrote to Scrope, 28 August, that

as the want of drink increased our precautions against violence and tumults were doubled and care was taken to make some small provision of drink for the troops, so that the populace beginning at last to be out of humour a good number of the brewers foreseeing that their obstinacy would produce no ill effect except against themselves began last night to brew. . . . As the brewers hopes and our fears are now abated, we shall proceed regularly before the justices to recover the penalties of double the duties, unless they prevent us by giving voluntary security for the single duty . . . .

I do not choose to write to Mr Delafaye on this subject because it would look a little foolish to have accounts of matters from me to be laid before the Lords Justices, two or three days after they are at London by flying packets that I have no access to write by. I take notice of this only, that I may not be thought slack or neglectful by those whose censure I regard.



From J. Scrope to the Lord Advocate,  
dated 24 August 1725.

My Lord

I am extreemly glad to hear that I could contribute to your quiet. I wish twas also in my power to give you health & strength to go through the troublesome business you are ingaged in.

This place affords no news but that the D: of Roxburghe hath at last obtained leave to retire: of this Mr Delafay will give you a more particular accot & how that office is to be managed, which don't please a friend of ours.

I came out of Oxfordshire this morning before eleven o'clock which hath made me unfit for any thing but going to bed & therefore I hope you will excuse my enlarging. I am wth great truth,  
My Lord Most faithfully Your Lordships

J. S.

From J. Scrope to the Lord Advocate,  
dated 26 August 1725.

My Lord

I had not yours of the 19th till the day after the flying packet came to which a return is to be sent tomorrow. This day I had an opportunity of showing Sir R. W. your letter who I believe will give that affaire such a turn as will please you: he upon all occations expresses the utmost regard & tenderness for you, but so much use hath been made on the other side of the water of Ld. I. going at this time to Scotland, that you must not be uneasy if some things from hence may want explanation. When the present disturbance is over I doubt not but things will be settled perfectly to your satisfaction.

I hope the commissions of the Peace came safe to you tho you say nothing of them I am

Most faithfully Yours

---

From the Lord Advocate to J. Scrope,  
dated from Edinburgh 31 August  
1725.

Sir

By yours of the 24th & 26th which I have received I am thoroughly sensible, how much I owe to your care and to the good will of Sir R. W. My friend here goes on in the same manner as formerly, keeping every thing a secret from me, in so much that tho' I understand he received last night, an answer to what he wrote by express, concerning the Magistrates of Glasgow, and tho' I desired he would be so good as to give me Directions, in that Respect, he waved the Discourse, & put off the talking to me on that Subject, for some time. I am perfectly well pleased with what Mr. Delafaye writes me about the Method into which Scots business is to be flung, because it yields a prospect, that for some time at least, we shall not be troubled with that nuisance, which we so long have complained of, a Scots Secretary, either at full length, or in Minature, if any one Scots man has absolute power, we are in the same Slavery as ever, whether that person be a fair Man or a black Man, a Peer or Commoner, 6 foot or 5 foot high, and the Dependence of the Country will be on that Man, and not on those that made him.

Our Brewers frenzie is I think now over, I believe they will voluntarily give Security tomorrow, to carry on their Brewing, and in a Day or two more will in like manner give Security for the Duty, and when that is once over we shall speedily bring to obedience the Country, who cannot fail to be Discouraged at the Loss of that Pillar to which they seemed to trust not a little

I am Most faithfully Yours &c

A short letter from Delafaye of 26 August acquainted the Lord Advocate of his having laid before the Lords Justices his letter of 17 August which met with their entire approbation. Delafaye had also written, on 24 August ("Culloden Papers," CXX.) concerning the removal of the Duke of Roxburgh, by which the affairs of Scotland fell to the two English Secretaries of State, Newcastle & Townshend. Through the absence of the latter, Scotland was now managed nominally by Newcastle, secretary for the southern department, who himself wrote to the Lord Advocate, 24 August ("Culloden Papers," CXXI.)

The following is the Lord Advocate's answer, dated 31 August 1725.--

My Lord

I have Received the Letter which your Grace did me the honour to write to me of the 24th, and with it a Great deal of Joy, to find that this part of the United Kingdom, is no Longer to be governed by a District Ministry, But that our affairs are to be managed by the Very Same persons who Conduct the publick affairs of England, So much to their own honour, and the General Satisfaction of the people.

From henceforth we flatter ourselves all faction & Contention betwixt his Majesties faithfull subjects in this Country will Cease, Your Graces Disinterestedness, will soon put an End to all party Views & projects, and your Discerning will speedily Convince all those who would make their way to the Royall favour, that they can come at it in no other Road but that of Reall merit, and attachment to his Majesties Interest.

As to the Difficulty that may Lye in your Graces way, in Executing the Charge of Secretary of State for this Country, from the particullarity of the Laws, & Constitution here, it is what your Graces application and great abili-

ties, will in a Very Small time get the better of, and I do assure you, it would be a pleasure to me additional to what may Result from my faithfull Discharge of my Duty to his Majestie, if I could hope to be able on any Occasion, to make the Charge Easy to your Grace, by Stating to the best of my understanding, the Law of this Country, as it Shall appear to me to be, upon any Doubt that may arise to your Grace, in the Course of Business.

When anything falls out here, that is of Consequence Enough to merit your Grace's attention I shall not fail to transmitt accounts to your Grace.

It is unnecessary to trouble your Grace, with any account of the turn, which the affairs of our Brewars here took, Because I understand Earl Ilay has Acquainted your Grace therewith, At present we are under no doubt, that we Shall be able to Bring them all in, to give Security against their playing any Such mad tricks for the future, and Likewise to Give Security for payment of the Duty, and we are hopefull to Bring in the whole Country, without much Disturbance to due obedience to the Laws, Neither Can I Conceal it from your Grace, that the putting the administration of the publick affairs of Scotland in the hands in which it is now Lodged will Very much Contribute to the Reducing this Country to Reason, Because the people Cannot Expect from your Grace any partiality in their favour, which perhaps they Vainly flattered themselves with as matters Stood Some time ago. I am with Great Respect

My Lord

Your Graces most Obedient & most  
humble Servant

The Lord Advocate also wrote 31 August to Delafaye in answer to his two letters of

24 and 26 August ("Culloden Papers," CXXII.) in which he mentions Glasgow once more, that the magistrates

begin to be insolent in hopes of impunity, which I cannot well imagine how they have conceived; but their trial, when I am allowed to go on with it, will convince the world whether I have been in the wrong to them, as they willingly would have you, it seems, believe I was.

This passage refers to a private letter from Delafaye, dated 25 August, as follows.—

My Lord

I have received a second letter from the Magistrates of Glasgow, which I laid before the Lords Justices who you may believe gave very little attention to it, and made no manner of order upon it. I send you a copy of it for your own information only, and as I have no direction for so doing, I chuse to inclose it in a private letter, such as your Lop. will give me leave to trouble you with some times when what I write is not by any order nor to be entered in our books.

I am with great truth & respect

My Lord

Your Lops

Most obedient humble Servant

Ch. Delafaye.

The enclosure has been preserved, endorsed "Copy of a letter from the Magistrates, etc., of Glasgow to Mr Delafaye, dated Glasgow 14 August 1725."

Sr

This is to acknowledge the receipt of yours of the 5th Currant, and to return our thanks for the honour you have done Us by laying the Address, & account of the Tumults that happened in this City, which we transmitted with our last, which was the 31st of July, before their Excys. the Lord Justices. We are heartily sorry, that the Account sent from His Majty's Advocate to the Lords

Justices of these Tumults should have differed from that Account which we had the honour to transmit to you, but we are very much mistaken if our Account does not perfectly agree with the Examinations taken by His Majesty's Advocate when he was pleased to allow us to be present, as for other Examinations which his Lop. may have thought fit to take in presence of Majr. Genl. Wade, Col. Spotswood & Col. Guest, without allowing Us to be present, or acquainting us of such Examinations, we can say nothing about them, neither knowing the persons Character Examined, nor the Questions that was put to them, tho' We might have hoped, his Lop. would have done us that piece of Justice, as either to have allowed us to be present when such Examinations were taken Or that he would have allow'd us a Copy of them that at least we might have had an opportunity to have observed to himself wherein they might have been defective, or might have set matters in a bad light by neglecting to take notice of facts which perhaps might be material for Discovering the Naked truth. We Cannot think my Lord Advocate will give the name of Examinations to some discourses past betwixt his Lordship and some of the Magistrates in a Tavern when the Honourable persons, you mention were present, it may be indeed if my Lord Advocate has transmitted any thing of what happen'd at that time, the reports may not be so favourable as the fact truly Stands but we hope his Majesty will notice the Examinations Taken openly by my Lord Advocate and from thence a true judgment of their behaviour will be made; And therefore seeing we apprehend from what you are pleased to write that His Matys. Advocate has not transmitted the Examina-

tions themselves, but an account Collected from them. We ask pardon for troubling you with a Copy of the Examinations taken when we were present, as they were delivered to us by my Lord Advocate himself and hope they will support the account we have humbly given of these unhappy Tumults. Wee would not presume to take any further Examinations without Receiving their Excellency's Commands to that purpose, But we are very willing how narrowly the matter be Inquired into providing it be in an open way so as the whole facts may be stated in the plainest manner, and the most agreeable to the truth, since a very small variation in the way of putting Questions or in the words of the answers makes a Considerable difference in the Evidence.

Wee have Indeaored as far as in uslys and as far as in prudence we durst attempt, Considering the ferment that the unhappy incidents which attended these Tumults had put the Inhabitants of this City into, To impress their minds with the obligation they are under to give due Obedience to the Laws of the Realm. And we did not doubt his Majesty's Advocate had done the Malsters in this City the Justice to represent That in Conformity to the Law Imposing the Malt duty They had given Security for the Duty of the Stock on hand, and of all grain malted from the 23rd day of June last, and that the Officers of Excise have free Quiet and Ready access to all their barns as oft as they Require it.

Wee Still hope from his Majesties great goodness and the former behaviour of this City That his Majesty will be Graciously pleased to put the most favourable Constructions on our actings and we hope upon all occasions to give proper proofs of our firm adherence and unalterable affection towards his Ma-

jesty's Sacred person and Government  
and of our due Regard to the Laws of  
the Realm; wee are with very great Re-  
gard.

Sr

Your most Obedient & most humble  
Servants

The Magistrates & Common  
Councill of the City of  
Glasgow.

Signed by Order, in presence, & name  
of, the Council by

Ch: Miller.

Glasgow 14th August 1725.

To the Honble. Charles Delafaye Esq.  
Secretary to their Excellencys The  
Lords Justices.

The enclosure referred to in this last letter contains the examination upon oath taken 17 July before "Mr Duncan Forbes His Majesty's advocate and one of the Justices of the Peace for the County of Lanark," of the persons who were "called at the suit of the magistrates." Among them were John MacGilchrist, deputy town clerk of Glasgow; Robert Alexander, late bailie of Glasgow and Colin Campbell of Blythswood. This is the last echo of Glasgow so far as the present papers are concerned. Lord Hlay had taken the affair to himself & the trial of the magistrates never took place.

Matters were now nearing an end, and the Lord Advocate received letters of thanks and congratulation from Scrope, Walpole, and the Duke of Newcastle ("Culloden Papers," CXXIII., CXXIV., CXXVI.), as well as an appreciation from the Lords Justices in a letter from Delafaye of 2 September, officially acknowledging the letter of 24 August. His health had for some considerable time given cause for anxiety, and by the beginning of September he was unable to attend to business. On 7 September he wrote to Scrope:—



Sir

The reason why I wrote not to you since the 31st August, was that indeed I could not. That night I was seized with so severe a choleek that for about five days I slept none, and am now as my Physicians say recovering, I cannot if I would express the sense that I have of your friendship and of Sir R. W's goodness to me. If I recover as I am hopeful and as our foes are afraid I may, there may be a proper time for making real acknowledgments, I am most faithfully yours etc.

Owing to his illness very few letters are to be found at this period. An affectionate line of sympathy from Delafaye was written on 11 September, but the Lord Advocate does not appear to have been able to attend to any correspondence till 21 September, when he wrote to Scrope:—

I am sorry that I cannot tell you that I am better, because I own freely to you that I have strong desires to recover health that if possible I may be able to convince you that by truth & sincerity I wish to testify my gratitude for the many favours you have so disinterestedly done me, but as my physicians talk but dubiously about my case I must recommend myself to your goodwill in this manner & beg that you would believe that the sense of your friendship will not leave me but with my life.

He enclosed an answer to Walpole's letter telling him

The part you take in looking into & so warmly approving my behaviour is I own to you a strong inducement to me in my present circumstances to wish that I may get the better of this illness & live, that I may have an opportunity to show you how strong in my opinion the bonds are by which you have knit me to you. I

never courted office or promotion, I have dreaded dependence on the great, but as your friendship found me out & marked me for your service & as your conduct towards me flows still in the same channel of friendship, I feel the same familiar sentiments of love & goodwill grow upon me when I think of Mr Walpole as if Mr Walpole and I were in every respect equal.

If I recover, Sir, I hope to give constant & undoubted proof that what I say to you now is true, if otherwise, you'll accept of my hearty thanks for all your favours in this manner, together with my most sincere wishes that all your endeavours for your country's service & for your own honour may be crowned with success.

From J. Scrope to the Lord Advocate,  
dated 28 September 1725.

My Dear Lord

I delivered your letter to Sir R. W. who directed me to give you his humble service & thanks for it, & to assure you that no friend you have is more concerned for your wealthfare, or more sincerely desires your health which he thinks of the utmost importance both to himself & the publick, & therefore he begs you will incumber your thoughts with no sort of business, and think of nothing but restoring your strength, which he is of opinion that an easy journey will contribute much to, & wishes you would trye what the air of the south will do. I believe the Bath waters would be serviceable to you, tho I cant but wish you was at Wormsley where I should have you under my own care, & where you would be within the reach of the advice of this place & Oxford. This I should not write to you did I know where your Brother is, who I should importune to bring you out of the way of thinking of

any thing but your health, which is the most desirable thing this life affords both to your self & friends. If I have said more than I ought to have done I am very confident you will impute it to the affection & concern of My Dear Lord  
Your most sincere friend & faithfull  
humble Servt

J. Scrope.

The advice offered in the above appears to have been taken, as permission was given to him (4 November 1725) to go to Bath to take the waters. (State Papers, Scotland, Public Record Office).





Corrections to the Original  
"Culloden Papers"  
(1704-1725).

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(XL. TO CXXVI. AND ADDENDA  
CCCLXIX. TO CCCLXXIX.).

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XL.

Page 42, line 2, for "Kill" read "Kill."

XLI.

Not found.

XLII.

Page 33, line 9, for "Prestonall" read  
"Prestonhal."

Page 33, line 14, for "wh" read "wt"

XLIII.

This is dated from Culloden.

Page 33, line 11, for "Kinnarids" read  
"Kinnaries."

Page 33, line 16, for "whatelse" read  
"what ever."

Page 34, line 5, for "Glendarnell" read  
"Glendaruell."

Page 34, line 16, for "returns" read  
"retours."

XLV.

Not found.

XLVI.

From Sir Robert Munro of Foulis.

Page 37, line 4, delete brackets; after  
the word "Son" insert "Colline."

Signature is "R. Munro."

XLVIII.

Line 7, the asterisks here denote one or  
two words which are quite illegible.

L.

Line 1 for "feemes" read "seemes."

## LIII.

Three lines from the end, for the asterisks substitute "Phopaky."

## LIV.

Page 42, line 12 of second letter, for the asterisks substitute "Faa."

## LV.

Line 13 for "Scalwell" read "Scatwell."

## LVI.

This is the enclosure to LXII.

## LVII.

After fourth paragraph insert:—

None more intimate with the commander in chiefe then Termit and T. Robinson by which means the Col: Dun: hath lost the good effects be expected from a feast he made for the sd commander: it was trully plentyfull and without extravagancy might for a diet have served half a regiment.

After "for the ready money" (para. 6) insert "but peats are very scarce."

After seventh paragraph insert:—

I hear the horses for carrying baggages to Ruthven are countermanded; with the next you may expect the certainty. Yesterday I went in company with a great many to the funerals of Calder, where the entertainment was sumptuous.

## LX.

Line 7 for "from our Castle" read "of our Castle."

## LXI.

Not found.

LXII.

Not found.

LXIII.

Not found.

LXVI.

After fourth paragraph read:—  
Jameson is once gone, when he shall return I know not. General Cadogan went yesterday to Cromarty and is to return this day.

LXVII.

Not found.

LXIX.

Not found.

LXX.

Not found.

LXXI.

Last line. After "No news" read "your wigg was sent down by the carrier ten dayes agoe."

LXXIII.

At the end read:—

The King does not go abroad till the beginning of next month: all things are preparing for his journey—the parliament will sit yet a fortnight.  
The letter you sent me pleased me, and my friends they are of use. Give my service to Brent and all our friends. I wish I were well back with you again.

LXXXI.

Not found.

LXXXII.

First two paragraphs not found.  
Page 62. Third paragraph missing.  
Page 63. Second paragraph missing.

Page 63. From sixth paragraph to the words -"D of Athol" in second paragraph of page 65 has been compared with what appears to be a rough or earlier copy. The remainder is missing.  
 Page 63, first line of sixth paragraph for "ane" read "any."  
 Page 64 line 9, for "and there" read "and [blank] those"  
 Page 65, line 5, for "G—" read "Glen-gary."

## LXXXIII.

Page 66, line 6. From after the words "Mr Strahan told your" is missing.

## LXXXV.

Across the address has been written "Free. For present at Inverness Ja. Anderson. Mr Munro pray take great care of this letter J. A."

The ending is "Your Slave Bethaven."

## LXXXVIII.

The initial of the first signature is doubtful—appears to be "D."

## XC.

Not found.

## XCII.

Not found.

## XCIV.

Line 5 for the asterisks read "Tomni-hurih."

Postscript, line 2, for "Dunbalah" read "Dunbalak."

At the end of the postscript read:—

Mr Monro the postmaster being dead I beg you may speak to Mr Anderson and tell him that the Duke of Argyle's friends in this place would take it very kindly if he would name William Culbert, a very loyal man and was with us all last year; and I would take it as a singular friendship done to me;



since all the Culberts are much adicted to my interest, and were to your Brother's on all occasions. Suffer me to give my humble service to Mr Anderson & I beg you manadge this busines. I hope my dear General will take care to deliver as soon as possible my muster rolls to Mr Mcpharlan and that he get them dissipated, for my company's subsistance is stoped for want of them.

XCV.

Add at end:—

Tis thought Oxfoord will be tryed & if so I cannot be with you so soon as I designed, therefor refers the affairs of Inverness entirely to yor management.

XCVIII.

Second paragraph, line 4, for "heard" read "word" and line 6 for "craggs; but he bit" read "Crages, but he has bit"; and line 10 for asterisks read [?] "Skipnes."

C.

Line 2 for "W. B." read "Mr B."

Line 10 for "will" read "shall"

CI.

Not found.

CII.

Not found.

CV.

Not found.

CVII.

Not found.

CVIII.

The date is 1715.

Line 5 for asterisks read "Alexander."

CXI.

Where the asterisks occur insert:—

The commissions of the peace for the shires of Edinburgh and Lanark are

sealed and will be sent up by this express if the dedimus's can be got ready. Some others are preparing and my Lord Chancellor told me they should be all got ready as soon as Lord Ilay's instructions came to him.

There is a postscript as follows:—

The commissions for Haddington and Berwick go also with this, and the rest you will soon have. I have done my utmost to get the messenger soon dispatched.

CXIII.

There is a postscript:—

P.S.—Your letter of 30 Juno signifying the Lords Justices pleasure concerning David Ogilvie's petition came to my hands, and so soon as the petitioner or any person in his name applies to me I shall make the proper enquiry and report.

CXVII.

Heading:—For "John Slark" read "John Stark."

CXXIV.

Not found.

CCCLXX.

Signatures: for "Tulloch of Fanochie" read "Tulloch of Tanochie." For "Davson" read "Dawson." For "Achnailich" read "Achnaich." For "Teaninish" read "Teaninich." For "Kilsehoan" read "Kilchoan." For "Folly" read "Tolly."

CCCXXI.

In place of asterisks read:—

If my letters to you are not miscarried which I can not lett myself belive, since all I have wrote to my wyffe came safe to hand, you must by this time be convinced that your complaint for my

---

silence is not weell founded, this being my fourth or fift to you since the beginning of Appryle and some of them particularly these about Foyers *ad longum* to express my mynd, so that now I have nothing to add on that subject. I had a lyne last post from Foyrs, but will give him no answer till I hear from you, that what answer you must have alraddie given him and what I make him may correspond.

I doubt not but this will find you in the north: thierfor desyrs you may give the proper directions for manadging my affairs particularly what concerns my terme business to the best advantage. I shall direct my next to you at Edr. I have sent your wigg to Capt. David Munro.





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