





DUNCAN FORBES, FIFTH OF CULLODEN, LORD PRESIDENT OF THE COURT
OF SESSION 1737-1747.

[*Frontispiece.*]

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«Culloden Papers»

MORE CULLODEN PAPERS

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

VOL. III, 1725 TO 1745.

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INVERNESS
ROBERT CARRUTHERS & SONS.

1927.



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P R E F A C E.

The size of this in relation to the first two Volumes is due to the comparative scarcity of additional matter between the years embraced; also it seemed desirable that Papers connected with the Forty-Five should be issued separately, as it is hoped to do at a not very distant date. The documents presented herein, despite their sometimes fragmentary nature, are more frequently of an atmosphere other than local, and as such may, perhaps, appeal to a wider circle.

The Editor's best thanks are again due to all those who have kindly assisted in producing this Volume.

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MORE CULLODEN PAPERS.

V. From 1725 to 1737.

(Continued from Vol. II.)

(2) MISCELLANEOUS, 1726-7.

The letters for the period succeeding the Glasgow Riot are somewhat fragmentary, and a few have been robbed of any interest by the fact that the names are written in a cipher to which no key has been found.

The following, dated from Beaufort 7 February 1726 and addressed to Culloden, refers to the death of the Reverend Robert Baillie, minister of the second charge at Inverness.—

Dr Sir,

It is with tears in my eyes & with the most sensible sorrow that my Soul is capable of that I condole with you & Duncan the loss of our great, & worthy friend Mr Baillie who hes not left his equal in the Kirk of Scotland, His death is the more grievous to me that I am certain he was mismanag'd & might have recovered, if he had had the comon assistance of Phisitians. But that is no help for it now, you & your Brother have lost your most steady friend on earth for to my knowledge Duncan's dangerous sickness was the first occasion of his. I go on Sunday to his burial, he left his house but this day fortnight, and was then in a fair way of recovery.

I doubt not but his enemies who are yours will think to triumph in Inverness, so I hope that you and your Brother will take early measures to crush all Cabals & designing partys. As I have on all occasions given proof that your interest was always mine in town & Country, if you think that I or any that I have

the least Influence upon, can be of use to you I beg that you may freely command me & let Duncan when he thinks fit give me his Instructions he knows that his will was a positive law to me, since ever I put myself into his hands. I give my humble duty to him, I wish God may preserve his health, & yours & I am with my ordinary zeal and respect

Dear Culodin

Your most faithfull & most obedient
humble Servant

Lovat

In a postscript to his letter of 7 July 1726 ("Culloden Papers," CCCLXXXI.) Lovat wrote—

The news in this town are as changeable as the weather. No man can give an opinion whether we shall have peace or war though the Gazette says that France is making up with Spain & that in that case we must give up Gibraltar or risk the being dropped by France. The house news are yet more ridiculous. My Lord Cadogan being passed recovery [He died 17 July 1726] they give his regiment to severals. I bless God I have at last learned not to trouble myself with politics or depend on statesmen. I shall think this year happy for me & my country if the Duchess of Argyll is brought to bed of a strong boy & that his father grow less an Englishman than he is, which effect I hope a son will produce.

From Colonel Jasper Clayton (appointed governor of Inverness 31 May 1725) to the Lord Advocate, dated from Inverness 9 July 1726.

Sir,

By the last post I had the honour of yours of the 30th past, and assure you am very heartily concerned at the disagreement between the Troops and the Magistrates of Elgin, and had not those two

Companys marched on Monday, the day I received yours, would have gone myself to Elgin, to have endeavoured a reconciliation, being very sensible that nothing is more prejudicial to His Majesty's Service than differences of such kinds; I am very glad you think the Magistrates have acted contrary to the Law, and Reason against Captain Rudyard, noe doubt when they get your letter they will be sensible of it, but hitherto they thought themselves so much in the right they refused a Reconcilliation offered by Major Hart, as he writes me, when that, and the Punishment of the guilty Soldiers in a Military way, was what was determined between him and myself, in this place, but the stubbornness of the Magistrates hindered anything of that kind, for they declared they would not take it as satisfactory, but proceed against the Captain.

Coll: Grant pursuant to the Orders he received from Genl. Wade to take up all Roman Catholick Priests sent Wm. Shand to me with the enclosed letter, upon which as Justice of the Peace I committed him to the Prison of this Town. Mr Blair the Minister of Kingusy near Riven knows the man, he was by, when I examined him, and no doubt the Ministers in that Neighbourhood will be able to give you further Informations, but as I hope soon to see Coll: Grant in my way to Edinburgh, shall apprise him of what you write, that he may give you thorough satisfaction therein. I hope your health is perfectly restored to you, and that I may find it to my wishes, are the sincere desires of, dear Duncan, Your most faithful & obedient humble servant

Jasper Clayton

Anonymous to the Lord Advocate. There is no date, but the letter was presumably written about the time of Lord Cadogan's death (17 July 1726).

I had yours, & you being in the first fault ought not to have committed another before you was forgiven the first. Meantime the battles charters [Colonel Francis Charteris] had with E. of Sutherland or Churchill are too tedious for an epistle once this month [sic] you shall have all the particular circumstances, at present let it suffice to tell you that some time ago an agreement was signed in writing by which Charters on the receipt of a ginea was bound to give Churchill a £100, when he ever play'd att hazard. Charters hath since this engagement made betts on most blacks at dice, this Churchill says is hazard, Charters otherwise, Churchill demanded his money pretty ruffly at Whites. Charters told him if Law obliged him to pay it, he would, not otherwise, on this Churchill told him he would endeavour to have the same Judge, Jury & Attorney as General Harvey had (when he won a plea of the same nature from Charters), but added he was a fine man of honour to have to do with when a man must go to law with him for his money, in which Char said he was a man of as much honour as Chur, who said if he had no more honour than Char that he ought to have been hanged thirty times, on which Char ask'd him if he had a mind to pick a brutal quarrell with him. "No" reply'd Chur "for if I had any such mind I would beat every bone in your body." On which Char put his hand to his sword. Then Scarsborough & others interposed & they were parted but in different rooms in the same Coffee House were pretty loud with characteristicks of one another. Sinclair [Lt-Col. James St Clair of the 3rd Foot Guards, M.P. for the Dysart Burghs] being out of town, Tatten order'd Charters into arrest and sent an officer of the Guard to Chur, who bamboozled him & lived for some time from home,

on which Char comes out of arrest & sends Sir Alexr. Cumming with a challenge to Chur. Meantime Sir Robert, Pelham, Townsend etc etc hear of it & send for Sinclair, but before he came Walpole, taking Charles Lesly of the Guard, went to Charters' house & put him in arrest & then Sinclair went & made his arrest a little stronger. Then by concert with Walpole & Dodingtoun etc Sinclair found Churchill dining at Dodingtouns house in Chiswick with ladies, preparing to go to the Prince's where ther was a ball, and on Sinclairs comeing on look'd foollike to be catched, but Sinclair would not part with him, far less allow him to go to the Ball, but before this happen'd Cuming had delivered his message, to which Chur said he could not believe Char in earnest, but upon Cuming's insisting on time & place, Chur said he would name none, but if Char could be in earnest he might name where & when he pleased, but before Cuming got at Charters again he had a pair of centurys on him (one of them Farquhar's nephew) by Sir Robert's orders, which Sinclair took of.

Now both are confined. Sinclair named the terms of accommodation which was agreed with not a little difficulty on both sides, & so at Sir Robert's house in Chelsea, Churchill told Charters he was sorry for what had happen'd at Whites & wish'd he had not said so, but declined begging pardon, tho' in my opinion owning one's self in the wrong is pretty much the same to any man but a Charters.

Thus I have made my story longer than I intended & its probable you may have got the particulars before now, but you can have them from none more justly.

I will leave this the 25th & till then must play at Quadrille with old women, for Sinclair & Sarah are now at Stanmore with James Kenedy. Munro is in the country, Balcarres gone post, so I

am sober in spite of my teeth. Lord, how ardently do I wish to be at Steels & at your wine with Farquhar & the Jesuite etc. If I was in the wrong, I have made a good mends for a fault. Do the same.

Lovat says the Dutchess's brother is to get Cadogan's Regt. & to command in chief.

My compliments to Sir Robert's hair, if dress'd with a tupee or a bag. Let me know if he wants any bags, tupees or clock stockings, for the assembly, where I suppose there are more witches than she of Endor. I hope the Jesuite will not be idle, if theres any ground to suspect, but pray suspend his trial & Primus until the term of Lammas.

Anonymous to the Lord Advocate, dated from London 23 July [1726.]

My dear Dun,

The Peer of Lovett, and the Squire [Brodie of Brodie] having writ you regularly every post, since the Death of the Earl [Cadogan] and acquainted you with all the different surmises, and conjectures, on the subject of a Coll. to the first Regiment, I judge it needless to repeat them; therfor shall only endeavour to gratify your curiosity and anxiety by telling you what I have learned since, and how that matter appears to me at this present. Lord Orkney goes on in his solicitations, meets with civile answers from the King and Ministers, but can draw nothing like a promise from them, although they own its not disposed of yett, nor is to be in some time. His Hopes appear but small, because they will not allow of the doctrine that service or seniority is to be considered in the disposale of that Regiment; the King touched upon that Key to him as well as the Ministers. Mr [Lieutenant General Sir Charles] Wills gives close attendance at Court, and the Ministers houses, but

has not yett been with the King, he and the few underling friends he has, give out that the King will certainly at this time make good to him the promise he made him of a Regiment of Foot Guards. E[arl] Scarborough keeps from the Court and Ministers, and owns that it is because of the surmise the Town had that he was to have it, and he's determined to give our friend the D[uke of Argyll] no cause or ground of jealousy. The Dukes of Edr. and Cumberland has been talked of to it, but the ministers owne there is not the least foundation for it. Sir Robert told me on thursday last at his Levey, that he had sent for my friend the D. and that he expected him soon, the same thing he said also to Daniell Campbell a little after. E. Hlay has exerted himself more on this occasion than was expected, either by the D's Friends or the Ministers, God grant that he may continue in the right way now that he has got into it. He's not to leave this till his Grace comes. John Sylvan who knows every thing that the Viscount [presumably Townshend] does, said to one that I employed to pump him, and one that I can rely on, that the D. was not to get the Guards, but that he was to have a Regiment, and that they were in hopes that he would be pleased. Now having told you everything that has come to my knowledge that I think is materiall, I will conclude with giving you my conjecture, which is that Scarborough notwithstanding of his countenance is to have the first Regt, Wills the Second, and the Duke the Blew Horse, His Grace of Bolton getting in lieu therof the Isle of Wight for life. There are severall minute little circumstances which I have picked up here, and there, that bears it hard in upon me, that this is the present plan, & at the same time I declare to you, that I have no certain knowledge of its being so. I never in my whole life time

was possessed with so many hopes & fears as I have been since Sunday last. The whole Ministers say & swear, that they will do their utmost to satisfye him, I hope they will, for their own sakes, the Kings & Countrys sake & the honest worthy gallant mans quiet. Yours my Dear D.

London July 23rd [1726]

The Earle [Cadogan] dyed in top dress, & kept on him to the last, his Great Wig, Imbroydered Coat, Brocad Vest, Ried topt Shoes, diamont Buckles etc. St Andrew [Earl Cadogan was a Knight of the Thistle] who you know, was said or sung to be doubly crucified by dangling ingloriously by his side was brought back to the King this day by the little Coll: now Lord [Colonel Cadogan, second Lord Cadogan] and the Duke of Richmond. Lord Delawarr or Malpas gets the Robes which has been asked for by the Colonels Kerr and Cadogan with great warmth.

On 26 August 1726 Lieutenant-General Sir Charles Wills, K.B., was appointed to the 1st Foot Guards, and Thomas (Pitt), first Earl of Londonderry to the 3rd Foot in his place, while the Duke of Argyll got the 3rd Horse.

From the Lord Advocate to the [Duke of Newcastle], dated from Edinburgh 18 August 1726.

By the short hints which I have from time to time given to Mr Delafaye, your Grace will be satisfied that this Country is in a state of pretty settled tranquillity. My friends press me to travell a little this autumn, whilst no business of moment demands my attendance here, and as I expect a confirmation of my health from riding, I think if your Grace will be so good as to permit me to make a trip into the North Countrey, as the circuit I shall make will not tend to the prejudice of the publick tranquillity, but will rather I flatter myself improve it. I

know your Grace from your wonted goodness will incline to grant me your leave, if no consideration which I cannot foresee, do not prevent it. And therefore I shall begin my expedition soon, but so slowly that if your Grace have any commands for me, they must speedily reach me, and I shall be ready to execute them. If anything of consequence happen here during my absence, Mr Solicitor will acquaint Mr Delafaye, as I used to do. I am with the utmost duty & respect
Your Graces most faithfull and most obedient humble Servant.

From the Lord Advocate to C. Delafaye,
dated from Inverness 2 September
1726.

Sir

I have reached this place in my progress northwards, and am very glad to see what I believed before, that the last year's madness is altogether cooled, and that the spirit of disaffection, which formerly was very keen in this neighbourhood, has to my observation very much lost its edge. The Highlands are at present in full rest, there is not the least complaint of robberys or depredations, and a great stick is become as fashionable an instrument in a Highlanders hand as a broadsword or pistol by his side used formerly to be. But of those things I suppose you have account from General Wade, who is now at Kiliwhiman [Fort-Augustus] giving the proper directions for continuing that tranquility and good order which now prevails. I beg you will be so good as to make my complements to his Grace the Duke of Newcastle & believe me to be, Sir,
Your most obedient and most humble
Servant

He wrote also the same day to his friend, Scrope, much to the same effect, adding—
My brother John will have me even infirm as I am join in his regular bumper to your health.

From the Lord Advocate to Lord Milton,
dated from Inverness, 2 September
1726.

My Lord

It is a question whether my mare or I have profited most by the journey, which has been prosperous hitherto, and will I hope continue so till I shall have the honour of seeing you, for I wear at present my boots more than my shoes.

The people in this country continue in much the same disposition as formerly; their own opinion of their deservings and the liveliness of their expectations give me some uneasiness. Patience and the impossibility of doing every thing at once is generally the subject of my exhortation, and I am hopeful it will so far succeed that we shall jogg on as usual.

Rob: Urquhart [of Burdsyards] upon hearing of my Lord Ilay's coming down was on wing to Edinburgh, but I have prevailed with him to stay still, by assuring him that his Lordship dislikes equally officious compliments as he does assiduity—apropos [Alexander] Duff of Drummur who was buried the other day was by the appointment of the Crown collector I think or farmer of the chaplainry rents in Ross & Murray. The value of the office as I'm informed is from 60 to 80£ per annum; if Urquhart is to have a rider in the Bishop's rents, might not my Lord think of giving him this, which cannot hitherto have been thought of by anybody, and which lyes so much at a corner that it will be fit for somebody of this country more than for any other. I have not spoke a word of this matter to any one lest my Lord should have some other person in his eye, but I have hinted it in the enclosed which you will deliver or forward as my Lord is near you or remote. Pray remember to talk to his Lordship about the Con's poor sisters and do what you can to hin-

der the poor lasses from starving, by making provision for their worthless brother. My compliments to Pag. I am
Yours etc

P.S.—Drummuir had his commission in Q. Ann's Tory ministry, I think it was during life. You'll find it out at the Exchequer or at some of the seals. I wish you would cause look out for it that if My Lord Ilay is with you he may know the nature of the office & that if he is still at London, you may acquaint him with it. If it should happen that you have so much time, pray let me hear how you do.

Enclosure to the above:—

Inverness 2nd September 1726.

My Lord

After receiving your Lordship's of the 13th August at Edinburgh I profited of the allowance you gave me and took journey the next day, in which I was very much obliged to your caution against fatigueing, for by making the exercise moderate, I have mended very much, and by the reproof I met with upon the least heedless excess, I found how necessary it was to keep to your rules.

The publick peace in this country is on a very good foot, the last years complaints are pretty much forgotten, and I think the disaffection to the Government is a good deal cooler than it was.

Your interest in this neighbourhood goes on as usuall, tho there are more expectants than can be satisfied, and consequently some people out of humour a little, yet in the main they club as formerly against the common enemy, and I think you may rely on their service.

By Mr Duff of Drummuir's death there is a vacancy of a small office. He was by the Crown appointed Collector or farmer of the chaplainry dutys in the diocese of Ross and Murray, the value of the place as near as can be informed is from 60 to

£80 per annum. If necessity has obliged you to give Rob. Urquhart a rider, your Lordship will consider whether it may not be proper to add this to him. Did I not know that your Lordship will not suspect me of partiality to a relation, but will rather think that I hint this for the general service, I should not mention it; neither have I to anybody here, lest it should not suit with your other views. I am most sincerely your Lordship's etc.
My Lord Ilay

The Lord Advocate had returned to Edinburgh by 29 October 1726 when he wrote to Scrope—

I am now here after a long journey in bad roads and worse weather, which nevertheless have proved very good physic for my distemper. I am not quite well, but am so far restored that life is very tolerable to me, & if I can avoid too much business, it is probable I may do well enough.

The sum of what I have to acquaint you with from the north country is that every thing goes on smoothly & quietly, no arms are to be seen in the hands of the Highlanders, nor complaints to be heard of robberies, no clamour about the new tax.

From the Lord Advocate to the Duke of Newcastle (1726).

My Lord

Enclosed with this your Grace will find, a Copy of the Plan framed by the Convention of the Royal Burrows for the Improvement of Manufactures, etc. in Obedience to His Majesty's Letter of the —of June, Together with a Letter from Mr Drummond the Lord Provost of this City, who presided in the Convention, and its Committees. And I am hopeful that your Grace will not meet with much in the project that can be reasonably found fault with, and should ought of that kind

(which I am not aware of) appear, I dare venture to assure your Grace it is not an Error of Intention, since a better disposition in any Assembly I never saw to receive His Majesty's Goodness, with suitable duty and thankfulness, and to avoid in projecting every thing that could give offence. Its true there was a Dissent entred to their proceedings, because they would not complain of the Malt Tax, in this very Report. But when your Grace is informed that the Person who entered that Dissent is Mr Dundas the same who in Parliament dissented from all his fellow Members, from the Country, and that he could find but one man in the whole Convention to adhere to his Act, I believe you will be apt to conclude the Proceedings pretty unanimous, and that the Lenity and Goodness showed by His Majesty to this poor Country, may at last have the desired effect of softening and removing these Prejudices, and Dissatisfactions which were created and fostered by successive factions, and never were sufficiently guarded against or sought to be cured since the Union of the Kingdoms, I ought rather to have said of the Crowns. I have received His Majesty's commands signified by your Grace touching the prosecution of trafficking priests and shall execute them with all diligence. I understand His Majesty's intention of meeting his parliament the 17th of January to be a summons to me to attend unless your Grace think my attendance may be dispensed with and therefore I shall prepare myself for the journey, but if your Grace have any commands to execute before I leave this, the least signification of them shall be carefully obeyed by my Lord Duke Your Grace's most faithful & most obedient humble servant.

From C. Delafaye to the Lord Advocate,
dated from Whitehall 15 December
1726.

My Lord

I am ordered by my Lord Duke of Newcastle to acknowledge the receipt of your letter & my Lord Provost's with the scheme drawn up by the Commission of the Royal Boroughs etc which are all before the King, and his Grace delays writing to you himself till he has received His Majesty's pleasure upon them. Nothing could be in handsomer terms or better turned, & I am persuaded the whole will have His Majesty's approbation. I give your Lordship many thanks for the letter I had the honour to receive from you at the same time and am with the greatest sincerity & respect

My Lord

Your Lordship's obedient & most
humble Servant

Ch: Delafaye

You have sent up my friend Strahan quite another man. It would tempt one to go & make you a visit the next progress you make to Inverness.

From [Doctor John Clark] to the Lord
Advocate, dated from Edinburgh 31
January 1727.

Dear Duncan

When thick, foggy & rainy weather hang over you & want of health attends you, I thought you would not be to seek in joining the cause & effect together. Why seek for an obstruse cause when a plain one is at hand.

I wish your improvements may go as you expect, but as I am always diffident of it, I could wish you were so too upon the account of your health, for if a disappointment comes, you will find it worse than any change of weather you have met with.

.

John McFarlane . . . will . . . deliver you a wretched (I mean ugly) edition of Pitcairn's [Archibald Pitcairne] poems with a wretched appendix to make up a book. Tom Ruddiman wrote the preface.

From [George Drummond] to the Lord Advocate dated from Edinburgh 7 February 1727.

My Dr Duncan

I am very glad that the packets were of any use to the government: in the letter I had from my Lord Islay along with my Lord Townshend's orders about sending up the people; he says this should make us alert in searching for packets aboard of ships coming from Holland. If my Lord Townshend gives me orders to that purpose they shall be most faithfully obeyed.

Strahan, McLaughlan & Trail are in prison and they'll set out on Friday with the three messengers and a guard of a serjeant & 10 dragoons to convey them to Berwick, a corporal and 4 of these to go forward to Darlington.

Charles and I have taken all the pains we can on Strahan to induce him to tell us who Scott is, but to no purpose. The author of the duty on meal is probably the man. The two earls which form his Cabinet Council are probably Calwal and Winwood. But unless Strahan would have spoke out, we could not have been justified to act on mere suspicion, and as the offers of pardon & reward are only in the power of the Ministry, they only can prevail on Strahan, who is in extreme poor circumstances.

These 3 gentlemen I am very well informed are vastly afraid. They come now and then to their coffee house, but the pain they are in may be read in their looks.

The only other letter bearing on the above episode is from Traill himself. It is addressed "For my Lord Advocate of North Britain" & dated 24 March 1726/7.

My Lord

Sins by misfortune I was the berer of two letters one of which was directed for Messrs John Strahan & Archibald McKlachlan merchants in Edr., I thinking the contents to be their accompt and invoyces of goods from factors att Rotterdam. Sins my araiuell heir I understand that their is bien lettrs under their cuvir prejuditiall to his sacrid Majisti and Government. I do declair I know nothing of nor nevir did suspect, having never bine employed in anay such affaire in my laifetime, and knows no more then I told their Lord ships when befor them. By misfortune my ship was sailed upon the blak roks by Leith and beatt thoirra, the cargo consisting most pairtly in lintseed and flax, was all damnified and what is cum of aither I know not, being brought directly from the Spott. My misfortune has run so hard upon me that my circumstans is verey badd, and I am verey scars of money and how to be supplaid and my poor children at hom I know not. I am keepf from having convers with every parson and not allowed to wrait anay of my freinds.

I baig your Lordship will consider my circumstansis and how I am ignorantly and innocently brought in this snare by theis villans abroad with whom I never had anay consern with. I baig that you would plead my innocens, so that I might be liberatt and faind bread for my poor children and your petitioner shall in duty bound ever pray

My Lord your most obedient and
humble servant

Robtt. Traill

From John Forbes [Advocate Depute, son of Sir David Forbes of Newhall] to the Lord Advocate, dated from Edinburgh 31 February 1727.

Dear Duncan

I have just now relived myself of a plague I had for these six months past by writting you an account of the affair betwixt Mrs Margaret Robertson and her brother. You'll excuse its being writt by my servants hand, for I intended to keep a copie to satisfie her tomorrow, that I might be free of her, but her agent John Bailie having been by me at the time who cou'd satisfie her, I even sent that writt by the servant.

I send here inclosed a copie of the address of the Justices of peace signed this afternoon. I have subjoined the subscribers names and it is to lye in the Clerks hands till thursday's night because Marjoribanks and some others who were oblinded to goe to a burial in the country, made their excuse in the morning, and promised to sign when they came to the town, and it was to be carried down to My Lord Dun [David Erskine] and Forglan [Sir Alexander Ogilvy], who were not at the meeting, and you'll see that all the Lords have subscribed except the Justice [Adam Cockburn, Lord Ormiston] and Pollock [Sir John Maxwell.] The Justice exclaimed this morning against shirrefs calling a meeting of the Justices of peace, tho' upon an emergency betwixt quarter sessions no other person can convocat and neither he nor Pollock came.

The maner of manageing this affair was, that the meeting of the Lords and some others in the Burow Rooms upon Fryday last named Milton [Andrew Fletcher] Bar[on] Clerk [Sir John Clerk of Penicuik] and B[aron] Kennedy [Thomas Kennedy of Dunure] to make a draught of an address and I was ordered on Saturday to dispatch circular letters to all the

Justices qualified or not, but finding that those that had refused would only disturb I only sent to the qualified. B. Clerk had a draught to present to the rest on Munday at their meeting at three, Milton came not to town, and had ordered C. Areskin [Solicitor General] to give in one, who was not fully apprised of the design and from the Barrons draught took the clause anent our manufacturys and Kings letter to the Burrows, but did not put it in so fully as the Barron had it, which we thought was the main design of the thing and therefore ought to have been more particular; however it will doe well enoug we belive. This day Charles showed it with the amendment and gave it to Milton and he in place of meeting with his other two Bretheren to approve and order it to be writ out did not goe up in time to the exchequer Room, but sent the scroll to Barron Kennedy at dinner who had no other notion but that it was sent to him to let him know the contents. After all the Gentlemen were mett, the time was put of by qualifying Minto [Sir Gilbert Elliot] and Drummore [Hew Dalrymple] and when three was struck and no appearance of Milton, B. Kennedy told he had a scroll of the address, which I saw was that paper which should have been coppied and rather than wait longer [the Earl of] Lauderdale ordered it to be read. In the mean time the great man came in and thought it was no matter because it might be sent about to be subscribed which would have been a little indecent and not so easie don. I can not say but my patience was quite spent, I sent for Chalmers in the excise office and before it was thrice read over he came with his paper and G[eorge] D[rummond] the president and Grange [James Erskine] proposed to sit till it was writt over and carried it, which accordingly was done, but the thing lookt a little foolish, however all waited. It was proposed where

I was that Lord Islay shou'd present it, we agreed, but about the midle of the Table when the question was put by them who shou'd present, and the D. of Argyle proposed all agreed, and when Milton came up to that place, where I had gon, and asked me the question and what was the reason, I told Lauderdale had said he was a considerable heretor, but his Lordship said that was a mistake, however it was agreed and L. Lauderdale is to send it by thursday's post.

I tell you these particulars that you may guess at the spirit of some and see what situation we are in when anything is to be don. He called at the Clerk for the draught which B. Kennedy gave in, which was the only one, and when I asked it of him, and promised it back in an hour, intending to take a copie, he told me I had nothing to doe with it, as if I could not have got a copie from the principall, which I have sent you I am

Yours etc:

Jo: Forbes.

From [Dr John Clerk] to the Lord Advocate, dated from Edinburgh 9 March 1727.

Dear Duncan

I thank you in name of the body for the London Gazette as a very great compliment in return to our dull letter, for tho' we read the foresaid Gazette in the coffee-houses the post before, yet it was satisfactory to have it from an authentick hand. I designed to have sent you a much more valuable piece, I mean Lucky Macleod's last speech, but to save you the trouble of opening two letters (for less than two could not hold it) I must refer you to Skipp's [Campbell of Skipness] copy, if he do not make a secret of it. She behaved with a resolution even superior to her speech & to her last breath denied not only the crime she suffer'd for but all other crimes, sins &

faults but such peccadillos as mere human nature cannot be free from; she marched decently dressed with a fan in her hand which she fluttered frequently & drop'd a curtsy to all the acquaintances she perceived on the way. After she had said a prayer wherein she appeal'd to God for Her innocence she ended with the Lord's prayer (but omitted the obligation to forgiveness) she discharged the hangman to touch her, mounted the ladder her self, adjusted the rope & throwing her self over, like the treaty of Utrecht, she executed herself.

Forglan [Sir Alexander Ogilvy] after 10 or 12 days struggle with death has at last got the better, at least a reprieve, for tho he & every body else think he has recovered, I think his life is but precarious. [Lord Forglan died 30 March 1727].

Yours for ever.

The above letter refers to the execution (8 March 1727) of the wife of a wigmaker in Leith, who had been convicted of fraud. (See D. Wilson's "Memorials of Edinburgh" (1886) page 192).

From [Dr John Clerk] to the Lord Advocate, dated from Edinburgh 18 March 1727.

Dear Duncan

It is not very easy to make up a Memorial, or even the Grounds of one, for the E. of Winton [George, fifth Earl] considering the Character of the man, which indeed is fully as well known in England from his tryal, as ever it was here. What I have been able to pick up from his Letters is as follows. About some more than three years ago, he gave the E. of Nithsdale [William, fifth Earl] a box in the ear upon some private quarrel, & being ordered by his Master [the old Chevalier] to beg pardon for it, he re-

fused and was thereupon banish'd Rome. He retired to St Marino that he might be even out of the Popes Territorys, but upon taking the air one day in a Chariot into his Holiness's ground, he was seized upon pretence of a Squabble with the Coachman, and carried to prison in Rome, where he lay sometime on Straw, without the common comforts of life, in spite of all the representations he made to his Masters Court, & he was even let know by his Keepers that the treatment he mett with was not without his consent. Upon his releasement he went to his former Retirement where he still lives without ever having been at Court or having any Correspondence with it since January 1724 the time of his first disgrace. Since ever he went abroad he has a pension from his Master of about 100 lib per annum which he still enjoys and without which he would starve (being the most forfeited man in Scotland) but he has been frequently threatened to have it taken away, particularly if he left Italy which he inclined to do. The D. of Gordon & E. of Eglington say they have writ to their friends at London about him, particularly the last says he wrote to the D [Argyll] & the E[ilay].

I live in great hopes to see the Improvement Bill next week in the votes.

Yours as usual.

Judge Forglen is very near his exit.

From General Clayton to the Lord Advocate dated from Gibraltar 8 June 1727 (old style).

Dear Duncan

I have had the favour of two letters from you since my being in this place, the last is 29th March. You may be very well assured that yor recommendations shall ever have its due weight with me and as yor nephew Mr Urquhart [Robert Urquhart of Burdsyards] now carrys arms in my Regiment I shall do him

all the justice that lyes in my power for both his uncles' sakes; I stand engaged to two gentlemen before him, wch I acquainted him off, as I can not breake my word to them, so I will not to him, if he has patience till it happens, but unless the Spaniards act with more vigour than they have done for these three weeks past I believe I shall have few vacancys, for tho' they plague us with their shells, their cannon is very quiet and I begin to think they do not design to hurt us wth their musquetry without their mine helps them, off which whatever they think, I putt no great stress on. Our works are by this delay of theirs put into tollerable repair, and a few days more of quiett, will make us very little worse than when they began, tho one way or other they have wasted one third of their Army and a very fine traine of artillery and stores in abundance. This is our present situation and hope what Collodine drank to, will prove fact, that whilst I live I shall never see them here. I am sure I need not remind you of poor Tirmott[Alexander Mackintosh of Termit.] I know you will do him all the service you can, if he could be once cleared of the Exchequer he might gett his living in some part of the world or other, I should be heartyly glad to give a helping hand in any shape.

Mr Ross's nephew Capt. Gillmore of Desney's dyed yesterday of a flux of wch wee have too many, both officers and soldiers ill, I heartily regret the unkle's loss, for I am told he was his favoret nephew. [General Charles Ross of Balnagowan's half-sister Grizel had married Sir Alexander Gilmour of Craigmillar].

My honble service to John; tell him tho' I can not drink a bumper, I never forget his health, for I am both his & your

Most faithfull and obedient Servant

Jasper Clayton.

The following letter to the Lord Advocate, dated 27 June [probably 1727], may be from Brevet-Colonel James St Clair, who was then in the 3rd Foot Guards.

My dear Duncan it would have been but kind in you to have let me heare from you either on the road or since your arrivall. However since you have not, we your friends here are the more oblidge to Simon Ld. Lovat, who has notified your being in a good state of health. The General of the Horse sett out yesterday morning and proposes to reach you in nine days. When he left this he was in top good humour, not seeming to retaine the least grudge at the Dukes keeping the rank of him. The Duke is ordered to review all the Regts of Horse and Dragoons that can not conveniently be reviewed by his Majesty this year, some of which I am told lye in the Bishopruck. Its probable when he goes that lenth that he will make a step further north. At our shew in Hyde Park from the King to the Coblentz we had the applause and really deserved it in all the operations of the day but the last which was our Firings, and in which the Second Regiment certainly outdid us, much contrary to their owne expectation. For both Earle Scarborough and Albe-marle told the King before we began that we certainly wou'd outdoe them in that, and every sort of dissipline. The stupidity of some line gentilmen such as Lord Duceys son has heartily mortified me, in spite of all the encouragement the King gave me, who said severall most gracious things to me, amongst others that he knew we did our bussiness much better than the other two. Sr Charles [Wills] got severall rubs, the King not being able to stifle his anger although he endeavoured it.

I am, my dear Duncan, most faithfully
yours.

(3) POLITICAL FRAGMENTS 1727-1728.

George I. died 11 June and parliament was dissolved 7 August 1727. John Forbes of Culloden who had unsuccessfully contested the shire of Inverness in 1722 had sat as member for the shire of Nairn. In the election of 1727 he was defeated for the second time by James Grant of Grant in the shire of Inverness but Duncan Forbes the Lord Advocate, was once more returned for the Inverness group of burghs. The following is his letter to the Magistrates of Inverness:—

Edinburgh 27th July 1727.

Gentlemen.

The approaching Dissolution of this Parliament makes it necessary for you to have your thoughts fixed on a person to Represent you in the Ensuing one, and if my Service, during the Course of the Parliament that is now at an End, has not been Disagreeable to you, I flatter my Self that you will not make any doubt that my Inclination towards you and towards my Country is the same.

I can with greater Sincerity than most people that use this stile Declare, that my Chief Temptation to desire to be in Parliament, is to be in a Capacity of doing some Service to my Country, and to my Friends. If you, Gentlemen, to whom I have the honour to be known pretty well, believe this to be true, you Certainly will honour me with your Choice in this Ensuing Election, and if it is not true, I surely have no Title to Represent you.

After Stating the Case thus briefly I leave it with you and assure you that I am with Great Respect and Sincerity,

Gentlemen

Your most obedient and Most humble
Servant

Dun: Forbes.

From the Lord Advocate to J. Scrope
dated from Edinburgh 29 July 1727.

Dear Sir

I have been ten days without writing to you because I had nothing particular to trouble you with.

In general everything is quiet and peaceable. The project of improvements pleases all, but those who are determined not to be satisfied and it is no small satisfaction to me to find that those estimates & computations that I was from conjecture framing about the quantity of the surplus of the malt tax came out by this year's experience to be pretty near the matter. The public will have clear of all charges £20,000 & there will remain for our improvements between 2 & 3000. Our trustees have had some meetings and are to lay a memorial before the Lords of the Treasury for obtaining the proper warrants to pay over the money destined for the improvements.

What I told you before I left London I foresaw in respect to the management of our elections I find to be the case. Most places have three or four candidates, the same interest is almost everywhere splitting & there is no mean at least no safe one to settle those disputes because if one should take the reasonable course & lean to either side, it is not certain that such measure tho perhaps the best would not be found fault with; and therefore I content myself with sitting quiet & choose rather not to be blamed for doing harm than to attempt doing some good at the expense of a certain censure.

Whether this intricacy & uncertainty in respect to our elections comes from L: I[laj]'s having framed no plan for them or if it comes from another cause, that the directions which he may have given by his correspondent here are not

much regarded, I know not, but this I am sure of that for the want of proper advice & direction, matters are like to go at sixes & sevens.

In the County of East Lothian Mr James Hamilton this Lord Belhaven's uncle stands against John Cockburn, and must carry it unless an opinion that John Cockburn is to be supported by Sir Robert Walpole disjoyn't his interest. [John Cockburn was returned.] In this county nothing was easier a week ago than to turn out Mr Dundass, but as no one is hitherto so much as put in nomination against him it will be difficult if at all possible to get the better of him. [Robert Dundas was returned.] I mention these things but by way of example. The case is pretty much the same over almost the 'whole country and if the director of these matters do not act with some greater vigour than he does chance and not forecast will return your Parliament from hence.

I observe that in this establishment for this quarter the clerk of the Justiciary is left out. As Sir Robert agreed to it before I left London, I take it to be no more than an omission that the thing is not done. In the course of my office I have pretty much to do with that officer, and therefore you will pardon me, if I entreat that as soon as conveniently you can, you will take an opportunity of setting that matter to rights.

Pray when is it intended that the new writs should bear teste?

Is there to be any great alteration in the list of our Peers?

I am entirely a stranger to what has happened with you since I left you. I dare not presume to ask you at this distance, but as you know what I wish heartily well to, if you can drop me a cordial word or two now and then do it. I am most faithfully yours etc

There are unfortunately no other letters preserved till 15 December 1727 when the Lord Advocate wrote to his brother from Edinburgh that he had been directed by Sir Robert Walpole to be up some days before the sitting of parliament [28 January 1728] & was setting out on horseback about Christmas. He enclosed a letter for the Magistrates of Chanonry, being an order "from the Lord Register to keep their registers amongst them." By a letter of 22 December 1727, also to his brother, it appears that he & James Sinclair (presumably Colonel the Hon. James Sinclair, member for the Dysart group of burghs) were "to try to ride the journey upon post horses. General Ross [member for Ross-shire] set out yesterday in the same manner."

From the Lord Advocate to Culloden,
dated from London 6 January 1728.

Dear Brother,

Last Monday Jamie Sinclair and I arrived safe in Town in sex days from Berwick, bad posting you'll say, but it was more than I expected, Genl Ross arrived the Wednesday following only, though he set out three days before, us, but he posted in shoes and spatterdashes, and its creditably reported that he brought his horse up twice to a gallop. However he is very well.

From this scene of Politicks, I can in this method of correspondence tell you very little, that is worth your knowing, only in generall, Sir R. is without any Rivall, first Minister, Sir Spencer [Compton] is [made] Lord Wilmington, and Arthur Onslow is to be Speaker. Whether we shall in the ensuing Parliament have any heats will probaby depend upon the state of foreign affairs, But whatever face they may carry, the opposition in all appearance cannot be so strong as formerly. The uncertainty of foreign affairs was the cause why the

Parliament was Prorogued, from the 11th to the 23rd, together with any Expectation that against that time, we may have some good news, which is the more reasonable that France has ordered its Minister at the Court of Madrid, to leave the Court in 24 hours, unless Spain do directly satisfy the Preliminary articles, in proper form and in the sense that England understands them, This we believe will bring a satisfactory answer from Spain, which will not a little contribute to Establish S[ir] R[obert's] Court. I am just going out to Hampstead to see Mrs Strahan, Sandy I have seen and is very well recovered. Poor Sarah has been almost dead but is now mending, The Quaker who shovelled me on a pair of shoes, this morning, says you forgot to pay him a pair of black shoes, you had just before you went down last Summer, Let me know whether it is so that I may pay him. Tell Peter his Son Duncan is at last made a Lieutenant, aboard one of the King's Ships at Gibraltar—by sir Charles Wager, By a Bill of his I have 23£ to pay, for his accoutrements,—The enclosed Craftsman is for you, and the Bawdy ballad for Sandy Ross if he is near you, I am dear Brother yours etc.

From the Lord Advocate to his brother,
dated from Hampstead 27 April 1728.

Dear Brother

Since my last there are no sort of tidings in the Neighbourhood. The King is expected back this night at London from Newmarket. The Parliament meets Monday and I am afraid sits longer than was expected, tho' there is no probability of any Great Discussions in it. All your friends are out of Town. The Squire [Brodie of Brodie, member for Elginshire], at Black Heath with Grace Tosier—Genl. Ross at Greenwich with Genl. Villiers, Geo. Clark at Ditton with Sid-

ney Godolphin, I am here, and Sandie is at Lord Lincoln's. Poor Sarah is in 'Town because she cannot help it. Her Dropsy has at last got to such a height that no hopes are left, and a few weeks must end her. She however still retains her old spirits, and never forgets you.

Robt. Urquhart is come up here, very much to the surprise of those he has so well served, so lately,, They put in a good countenance however, but how they will use him I know not. Our Friend Clayton is talked but scurvily of, by most of the Colonels that served with him at Gibraltar, But all the inferior Officers speak contrary wise, very well of him. I am hopeful he will be found to have done well, and that all the ill nature of these people proceeds from a sort of rivalry, and resentment that they were not permitted to share with him the Perquisites, I am dear Brother
Yours etc.



(4) VARIOUS CORRESPONDENCE.

1728-1732.

From John Scrope to the Lord Advocate, dated 4 July 1728.

My dear Lord

The finding by your kind letter that you got safe & reasonably well to Edinburgh gives me great satisfaction, for myself I can only say that like an old coach horse a little rest & easo makes me fit for an other journey & I hope we shall meet againe the next winter.

The distress occasioned by the two Banks is what I always expected, unless they were wise enough to unite & content themselves with the gaines the country would afford, but that will not answer the expectation of some of your Governors, tho certainly everything must go well with you now you are assisted by Justice Vaughan, whose sagacity & great ability must extrecate you out of all difficultys. I heard not a word of that affaure till the warrant was ordered to be prepared, & you will easily guess that that promotion is to the entire satisfaction of all your acquaintance. I act in so narrow a sphere that I am not capable of acquainting you with anything that you do not find in the Prints, only that notwithstanding what they publish the subscriptions for the Bridge at Putney come in very slowly. The secretarys are removed to Hampton Court where they keep their offices. The Lords of the Treasury when they went out of town talked also of meeting some times there when they return, so that that place is like to be for some time the place of business & pleasure.

Take care of your health, think of nothing but your own business, despise the artifices of whisperers & talebearers & all

will do well with a little patience, this I find by experience. I am now perfectly at ease, for I think what you & I used to talk of is quite at an end & things are on a tollerable foot, which I shall on all occasions improve for your service.

If you see Lord Lyon be pleased to acquaint him that I had not his letter till Sir R. Walpole was gone out of town & nothing can be done till his return.

I hope your Brother is well. I take it for granted that he is in the North because you say nothing of him; pray make my compliments to him when you have an opportunity.

You shall have the warrant for the improvements so soon as the Lords meet. I am without reserve

Most affectionately Yours

J. S.

Another letter from Scrope, dated from Hampton Court 8 August 1728, mentions Francis Charteris, with whom, oddly enough, Duncan Forbes seems to have been on friendly terms, occupying from time to time as tenant his house of Stoney Hill, near Edinburgh, to the life rent of which he succeeded under the will of Charteris in 1732.

. . . only your crony Charters hath lately incurred the displeasure of the mob & his house [in London] had met with Dan: Campbell's fate, had not the civil magistrate interposed. I think his windows were demolished.

I hope you will not stay too long in the northern air which I fear will not agree with your tender constitution.

From the Lord Advocate to Culloden, dated from Stoney Hill 24 October 1728.

Dear Brother.

Here I am much the better of a very prosperous journey thro' good Roads &

in good weather, News of Consequence in my Travels you cannot expect, because you would not take it to be such if I tell you, that after parting with you, I lay successively with the Lady Brodie, the Lady Innes, the Duchess of Gordon, the Lady Forbes, the Countess of Murray, Not to mention others by whom I was entertained, with great Curtesy and much to my Satisfaction.

I was sorry to find when I came to this Country that our Neighbour Culbin [presumably John Duff, second son of Alexander Duff of Drummur] is disappointed of his Mistris; the Bargain came much nearer to a Bearing than you and I heard, before we parted, but the young Lady [Amelia Stewart] liking, it seems, Captain [Peter] Halket, Sir Peter's Eldest Son, Better than our Friend, thought fit to make an Elopement; in this she was Countenanced by her Mother, Most certainly without her Father [Francis Stewart, who succeeded his brother as seventh Earl of Moray], her Uncle or her Aunts knowledge, or Consent; and this Step of her Mothers, has given the utmost offence to Mr. Francis as well as to My Lord and My Lady [The Earl & Countess of Moray], in so much that Mr. Francis was taken ill upon it, Imagining that all the World will conclude that his Wife would not have acted without his Privity and Consent, a thing that would have been very dishonourable Considering what Countenance was shewed to Culbin. I fancy Francy knows by this time, that the Bragg into which he drew me with the Presbetry of Alford has succeeded, That the Presbitrys Proceedings are Reversed by the Synod, and that Mr [Reverend Alexander] Leask is ordered to be settled in the Kirk of [?] Towie; I am once at Shore, I shall take care how I embark again.

I have no letters since I saw you, of any moment from London, neither do I believe there is any sort of News, I still continue to think the Peace will go successfully on. I believe the Parliament will not meet before Christmas. My service to Francy [Colonel Francis Farquhar] to whom this is meant as much as for you, I am yours and his.

From the Lord Advocate to Culloden,
dated from Stoney Hill 1 November
1728.

A Run of feast days and fast Days, has kepted me out of Town this Week, The Birth day and the Preparation of the Sacraments, has employed all the Gay and all the Serious People, so much that there is not the least whisper of that sort of private Intelligence, which is as entertaining to our Street News Mongers, as it is Commonly false. As to News I know none. Every thing remains at home as it did, and is in the way of doing so, foreign things the People of this Country are not let into, but so far as we can guess, our leaders expect that matters will go well, tho' we are not to know Particulars till the Meeting of the Parliament, which probably will not be before Christmas. I am sorry that my Friend [Lord] Grange's Success in his Endeavour for his Brother [The Earl of Mar] is not so hopefull as from the News Papers was expected, tho' still there is reason to believe he may succeed in some Degree; he is not come down neither do I know how soon he will come. As Will Forbes was out of Town whilst I was in it I have not been able to get a sight of your Ferrintosh Charter; when I do I shall tell you what I think of it. Munro has been in this Country now about eight days, I had the honour of his Company here one night, and next day we went to Town together to bury poor, fat, old Captain John,

Johny Forbes's Father in law. I have not seen Royston at leisure enough to know the last Resolution of himself and his nephew about the Election of Cromarty Shire. This Day after a very hard Pull I got the better of my Son at the Gouf in Musselburgh Links; if he was as good at any other thing as he is at that, there might be some hope for him. My service to the Overseen I am sensible he has a damned Troublesome task in herding your Honour, but no Glorious Undertaking is achieved without Toil and Danger, I am yours & his &c

Two more letters from the Lord Advocate to Culloden, dated from Edinburgh 14 & 21 December 1728, tell of the probable meeting of parliament on 21 January 1729 and (21 December):—

The snow is very great & has the appearance of continuing. My Lord Lovat says the Duchess of Argyll is again with child. His chief business here at present seems to be to treat politicians & to visit Lords, since he does not risk the decision of his cause in Grange's absence.

If any coolness had existed between Beaufort & Culloden in the matter of bygone elections, it was certainly now being made up, so far as Lovat could do it, by ingratiating letters. (See "Culloden Papers," CXXXVII. & CXXXVIII.)

From William, fifth Earl of Seaforth, to the Lord Advocate, dated from Edinburgh 9 August 1729. The latter was probably still at Inveraray. (See "Culloden Papers," CXLI.)

My Lord.

There being but little done since you left this place in my affairs, I shall not trouble you with an account of what past, only begs your Lordship will take no conclusive step about Sr Robert Gor-



JOHN FORBES, AFTERWARDS SIXTH OF CULLODEN.

[To face page 34]



don till you & I meets, and has fully heard what my lawiers has to object against the validity of a claim he is so anxious to have brought to a conclusion. I know you are my friend, and as such, am the more free in telling my mind.

If your Lordship has the opportunity of seeing Lady Bute [sister of John, Duke of Argyll] an advice to her Ladyship, to be easie will be of no small advantage to one [who] struggles under so many difficulties at present.

I persuade my self the D: of Argile, who is a person of such worth, will not be backward in giving a helping hand to so generous an act, and as my Familie formerly had the honour of being intimate with his, so I hope his Grace will not deny me his good offices now, & I shall be always proud of making a suitable return, by shewing on all occasions how much I am his.

Tho I was once fully resolv'd to go North, yet your Lordship's advice has such weight with me, that I prefer the following of it to the satisfaction I propos'd to my self of injoying the companie of those I ought so much to value.

I am, my Lord, Your Lordship's most

Obedient Humble Servant

Seafort

In 1730 Lovat commenced his action in the Court of Session for the reduction of the previous decree of 1702, whereby the title had been adjudged to Amelia, Baroness Lovat, & in this cause as well as in all others he owed much to the Lord Advocate. On 3 January 1730 he wrote the following to Culloden:—

My dear Laird of Culodin

Among the great number of your friends that make you their complements in the beginning of this new year I can sincerely protest that no man hes more affectionat & sincere wishes towards

you than myself; may you live many years, my dear John, in perfect health for the comfort of your friends & relations, and a true ornament & honour to our corner of the world. I believe you have heard before now how gloriously your Brother my Lord Advocate behaved in my cause. In short he never made so long a speech, so eloquent and so nervous a speech, nor did he ever plead with so much warmth & keenness, as if the estate of Culodine depended upon it; & as he put my cause into such a clear & strong light as that I can hardly lose it, so he has to the conviction of a most numerous & learned auditory, added a great lustre to his former reputation, as a great lawyer & a great speaker. I am very well persuaded, my dear Culodine, that you will be glad that Duncan has acted such a generous part for me, since you have always taken a particular concern in every thing that regarded me essentially, and if the Frasers of my family are not ungrateful monsters, they will be forever faithful servants to your family. I shall at least leave my commands in great letters on my little ones never to forget what you & your Brother have done for me & for their standing. All the members are going up very fast & Laird of Braco [afterwards first Earl of Fife] is to take post tomorrow to demolish the Court & the Ministers. But I believe Sir Robert will get the better of the Laird & his associates & I own I wish it. All the pleadings in my cause which lasted twelve days ended yesterday & we are ordered to give in our information peremptorily the 23d of January & ten days after that the decree will be pronounced which I hope will be in my favour, the future things are uncertain. I beg to be honoured with a line from you & I be-

live that I am as much as any man
alive with much affection & respect

My dear Laird of Culodin

Your most oblidge and faithfull slave

Lovat

Edinburgh

the 3rd of Jan. 1730

Though the decree was reversed in July
("Culloden Papers" CXLVIII.), the estates
were still in question.

From Doctor John Clark to the Lord
Advocate, dated from Edinburgh 10
March 1730.

Dear Duncan you know what pains we
have been at lately to raise a fund by
subscription for erecting an infirmary
here for indigent sick people, & you may
know likewise what small progress we
made in it, the soumes subscribed not
amounting to above 2000 libs. However
upon this small fund the Infirmary has
been sett in foot. You may remember
likewise that we thought it impracticable
to carry it much further without publick
encouragement, which was scarcely to be
expected for reasons not very proper to
be mentioned. The inclosed memorial
will I hope convince you, that it may be
done without disoblising any body, ex-
cept some privat Harpyes who I hear
are to apply for it or have done it all-
ready. You could certainly not do a
more charitable thing than to put us on
a way or method to obtain the premisses
& use your interest for that purpose.
One thing attending it is the looseness of
our Society, which consists of a nume-
rous list of voluntary subscribers, who in
a late generall Meeting gave the manage-
ment of the hospital to a committee, who
pass under the name of managers (to
shun that of directors) to be chosen an-
nually. The Crown has been in use to
incorporate such charitable societies by
Charter gratis, as particularly Q. Ann

did the society for propogation of Christian Knowledge. These two favours if they could be done, would establish the most charitable work that was ever projected in this Country. Adieu.

J. C.

In my last to you I inclosed a line to W. Aikman, but since I have heard nothing of him. Is he well again? Next post probably will bring you an account of poor Kimms death. [Andrew Hume, Lord Kimmerghame died 16 March 1730.]

From Lord Lovat to the Laird of Culoden, dated from Beaufort 25 April 1730.

My Dear Laird of Culodin,

I am extreemly glad to hear that you are in perfect health, and I was very much mortified to miss you at Culodin. I have written three tymes to Inverness to know what day you would be at home at Culodin, for did design to go & pay my duty to you without lighting at Inverness, going or coming, that the visit might be solely to my dear & worthy friend John Forbes of Culodin, whom I will love & honour while their is breath in me. But since I cannot get a certain account what day you will be at Culodin, I am resolved to be at your house on Monday next in the evening & stay all night with you, If you are at home, & I wish we may not be throng that we may chatt together with freedom My Bears & I assur you of our most affectionat humble duty & I am positivlie with a sincere zeal & respect

my dear Laird of Culodin
your most obedt & most faithful
humble Servant

Lovat

P.S.—I send you four black cocks to make cock broth. Adieu mon cher amy.

From the Lord Advocate to Culloden,
dated from London 2 May 1730.

Dear Brother

I am under some concern that I have not heard from you now for two posts. John Hossack indeed tells me you are at your travells, but these seldom bring you health. For my own part I am this day very much out of order, occasioned as I think by having sat in the House of Commons from ten in the morning to nine at night last Thursday upon an accusation brought against My Lord Chief Justice Eyres of having had some correspondence with one Bainbridge, a prisoner in Newgate. After a very long examination we came to severall unanimous resolutions that the informations were wicked, false, scandalous, etc. They still talk with uncertainty whether the 8000 British troops that are in a readiness to assist Spain will be wanted or no. If they are wanted the king has agreed that the Duke of Argyll shall command them if he thinks fit. I am Yours etc.

From the Lord Advocate to his brother,
dated from London 9 May 1730.

Dear Brother

I am glad at last that you are returned alive from the kindness of your friends. The plight of your Mackays is a terrible story and must considerably hurt poor Cubin. I wish others of our friends in Inverness may not have suffered by them.

We are now drawing very near the close of the sessions, Wednesday or Thursday next will probably finish it. The votes of the house of Commons by orders for reelections will show you such of the changes as belong to that house. D. Dorset goes Ld. Lieutenant of Ireland in the room of Ld. Carteret; Ld. Trevor President of the Council; Ld Wilming-

ton, Privy Seal in the room of Trevor; Ld Harrington formerly Coll Stanope ambassador at the Court of Spain Secretary of State in the room of Id. Townshend; it is said to have been intended that Ld. Carteret should succeed D: Dorset as Ld. Stewart, and Ld Finch, now Earl Winchelsey should succeed Sir Paul Methuen as treasurer of the household, but it is also said that they both have declined to accept of those employments. I am Yours etc.

The celebrated trial of Colonel Francis Charteris took place in 1730 & on 28 July John Scrope wrote to the Lord Advocate that

Your friend Colonel C. hath found the way to my house & makes me believe he is well satisfied with the care I take of him: everybody is pulling a feather from him which is what I detest, notwithstanding he can spare them as well as any of his neighbours. His unskillfulness in business astonishes me, when I consider the estate he hath got.

Already Scrope had written to the Attorney-General concerning the estate of Charteris, forfeited on his conviction but restored on his being pardoned ("Culloden Papers," CXLIX.) In his answer to Scrope (11 August) the Lord Advocate wrote ("Culloden Papers," CL.)—

I am frequently entertained with the strongest panegyries imaginable of you by my worthy friend Col. Charteris: he swears nothing less than a divinity can forgive injuries so readily, and delight so much in doing good. He flatters me with imputing some part of your good nature to him to my intercession, & insists I should return you thanks.

From the Lord Advocate to Charles Delafaye, dated from Perth 11 August 1730.

Sir

That everything has continued Peaceable and quiet, is the reason why I have not given My Lord or You the trouble of any Letter. Since what I wrote upon my arrival in Scotland, I now pursuant to my usual Custom, am in full March Northwards, to look a little into the State of that Country where I also hope to find everything as quiet, as in those Parts, that I have left, The Linnen Trade is mightily improved in this Neighbourhood, and if His Majesty's Bounty continues under proper Care, will it is to be hoped Produce very Good effect on the whole Island. I have visited Mr Wade at his new Roads, which go on with all the Dispatch and Success imaginable. The Highlanders begin to turn their Heads to Labour, which in little time, must produce a Great Change upon the face as well as on the Politicks of this Country.

The Chief intent of this Letter is to let you know where I am to be found; if My Lord Duke should have any Commands for me, a letter directed to Edinburgh will be sent to me whatever part of the Country I may chance to be in.

Were it not I guess how great a hurry you must be in, I should complain of your unkindness in not letting me hear so much as how you do, these two months past, Pray steal a Minute to let me have the pleasure to hear that you are well, and believe me to be very sincerely Your most obedt and most humble Sert.

A rough copy of the Lord Advocate's letter to Scrope, dated from Inverness 29 August 1730, the answer to which is "Culloden Papers," CLII., apparently relates

to an enquiry which was then being held at Inverness concerning the officers of the customs there & certain frauds alleged "by a noble Lord [PEarl of Sutherland], who governs this northern part of the world, to have been committed by my brother's man." With the details of the enquiry the Lord Advocate was not concerned. He was of opinion that in the main it was directed against his brother's man, & he asked for a proper examination into his conduct (which, however, he did not suspect), for the man's own sake & because "so much industry has been used to raise that suspicion to run down my brother, who has offended in nothing that I know of, if standing in that relation to me is not a crime."

From Lord Lovat to Culloden, dated from Edinburgh 18 December 1730. (See also "Culloden Papers," CLIII., CLIV., CLV., CLVIII., CLIX).

My dear Laird of Culodin

I beg leave to assure you of my most affectionat humble duty & wish you many a happy new year & a merry Christmas; may you live long in perfect health as a comfort to your relations & friends.

I have been much indisspos'd sino I came to town, but I bless God by the help of litle Clarky I am now in prety good health. I can sincerly assure you that your Brother my Lord Advocat hes not been so strong, vigourous & healthy these several yeares past as he hes been sinc the midle of Novembre & Clarky swears if he keeps to his directions that in two yeares he will be as strong & as heal & as fit for drinking as he was twenty yeares ago. Duncan does all he can to secure the standing of my family & I have given him carte blanche to offer or give what he thinks proper to those people for their pretentions & he is not

resolv'd to spare my purse & I am resolv'd to be wel pleas'd, for he acts for me as for himself. But he told me the other day that he & I were at a great disadvantage that tho' he took full burden on himself for me yet my Lord Roistown told him that he had neither power to receive or ask & that those madmen did not seem to have trust in him to give him any powers to transact. This made me send a message by this post to my cusin the Laird of McLeod to intreat of him to let me know, who am a grandchild of his family, whether or not his cusin Fraserdale's son had really a design to agree in a friendly manner & take such a sum as he & his friends shall think proper for all his pretentions to the estate of Lovat. I desir'd John McLeod at Inverness to go to Newhall with this message & bid him tell Macleod that I have put the thorn in my enemy's syde by puting a carte blanche in my Lord Advocat's hands & that everybody knows his generous temper, so that if they refuse his offers, no man will pity them, if they want bread, & that after this season I never will hear of any agreement since in two yeares the laws will make me intirely master of the estate of Lovat without being oblidg'd to give them a sex pence, & that they will find. If you think that your writing to the Laird of McLeod could be of use to convince those madd people to agree for their own sakes, I beg of you to do it, sinc you have been allways my good actif friend sinc ever my first missfortunes began, for which I am yours forever. If I thought that my Lord Seafort would have influence on them, I would beg of you to writ to his Ldship as you thought proper & I would writ to him myself, but I leave this to your own thoughts sinc you can much better judge of that than I can; so I hope you will remember Margaret Grants Babys,

We have no news here but mariages. E. of Airley [James, titular Earl] maryied thursday to my Lord Duns [David Erskine, Lord Dun] daughter & my Lord Chrichton [afterwards fourth Earl of Dumfries] is contracted with Lady An Gordon, my Lord Aberdeen's daughter. Coll. Dalrymple [his father, who had married Penelope, Countess of Dumfries] gives his son ten thousand marks a year besides his troop of dragoons & his own principall house compleatly furnished; her portion is 60,000 marks. They talk of the Marquess of Twedale & Lady Charlotte Hamilton. I hope are luckier mariages than that made latly at Inverness, which will make both miserable. He goes to Holand & they design to keep him out of the taillie. I hope you will accept of this for four letters & belive that I am while I live with gratitude, affection & respect, my dear Culodin, your most faithfull slave

Lovat.

Concerning the revenue the Lord Advocate appears to have written very frequently and, if his views have been sometimes severely criticised, especially by those who have had the advantage of a modern training, they were at least sincere. The whole matter lay outside his own province, and was forced upon him by the new system of government in Scotland. The following upon this subject is to his friend, John Scrope, & dated 6 November 1731. The copy, like many from his more intimate correspondence, is holograph.

Dear Sir

Being returned to this country, where I meet with nobody that is able to give me any intelligence about you, you will I hope forgive me for asking in this manner how you do?

I have taken, and I continue to take, so far as without authority I can, a view

of the state of our revenues, and I am of the same mind as formerly, that so long as the customs continue under the management that they now are in, and without some amendment in the laws and regulations under which they are collected, they cannot be considerably improved and that therefore whoever would raise the revenue must turn his thoughts to those branches that are under the management of the commissioners of excise.

It was in this view that I set a foot last year the popular resolution against drinking foreign spirits, which must have had a considerable effect, had it been fairly seconded by all whose duty it was, but notwithstanding the coldness with which it was received by those who did not project it, it still had some fruit, great part of the country stick to it, and I believe it is in part owing to this that the excise upon liquor has rose above £3000 in the year from midsummer 1730 to 1731, higher than it has been for some years past.

Observing when I came to Edinburgh last summer the great remissness of the boards of customs and excise in putting the laws against uncustomed brandy in execution, which proved a great discouragement to the private gentlemen who had resolved against that pernicious drug, I called both boards together and rattled them up as well as I could. They seemed to think they had no other business but to sit at the board and sign away the ordinary letters and orders. But upon my insisting with them that it was shame they had given no orders to their officers to second the resolutions of the county gentlemen in respect to run brandy, and that it was unaccountable such quantities of foreign spirits should be run under their noses in Fife, the only country that has openly refused to

come into the resolution, without any attempt to discover or seize tho' they had troops at hand to assist them, they agreed to publish an abstract of the laws touching brandy, to issue orders to all their officers in the strongest terms to put them in execution, and to let me have some of their officers to be sent with the assistance of some troops to Fife to make a search for brandy, where I was informed it lay. Accordingly Legrand with some other officers and a detachment from Leith were shipped off in the night time and seized about 1100 gallons of brandy in St Andrews and the neighbourhood, which struck some terror in that country, and if followed by other attempts of the like kind might do much good. The Commissioners of both boards liked what was said to them when I had them together so well, that they have since that time held regular meetings, once a fortnight, but what they have done in them I do not yet know. This was done before Lord Hly arrived, and I took so much pains not to be seen in any part of the transaction that his Lordship was pleased as I am told to approve of every thing that was done. Besides the improvement in the Excise there are two other branches under the same management capable also in my opinion of improvement, the leather duty and the candle duty, As to the first it is to be done only by a clause, putting the dressing of leather upon the same foot in Scotland as it is in England, and therfor needs not be spoken of till the Parliament meet; the case of the candles is that the duty is collected in the great burrows only, and there has been no attempt for many years to levy it in the country, where most gentlemen of all ranks have the greatest part of their candles made at home, but without ever dreaming of entring them or being de-

sired to do so. I reproached the commissioners for this neglect and proposed that out of hand they should give orders to their supervisors every where to acquaint the gentlemen over the severall countys that if they did not give in voluntarily an account of the candles made in their familys without entrys, pay up the dutys and agree to make regular entrys for the future they should be sued in exchequer. The answers the commissioners generally had from their supervisors were that the gentlemen kept no account of the candles made, that the servants who had charge of making their candles have mostly been changed or are dead, so that so far as they can be informed by their servants they are willing to discover & pay, but that if they may have an ease to bygones they are willing to make entrys for time coming. I confess it to be my own opinion that considering the difficulty of a sute in exchequer so generall and so grievous to a great many low people, and considering how much the neglect of the officers has contributed to the difficulty of giving true accounts and perhaps of paying by the poorer sort, it were better to take at present such accounts as the people will give without scruple, even if they did not go above a year or two back, and to hold them to regular entrys in time coming. Could this be fairly done I believe it must improve the candle duty at least to double what it yeelds at present.

You may remember it was agreed before I left London that I should write to Sir R directly what observations I made on this subject, but as he has thought fit not to send me the letter that was spoke of, I know not how far he may not have changed his mind, concerning that service and consequently how far it may be proper for me to proceed further in this volunteering. I must therfor beg

the favour of you to instruct me in these particulars and to let me know whether his neglecting to quiet my mind by providing Robinson proceeds from pure forgetfulness or from a variation of his sentiments concerning me. I beg your pardon for so long a letter but you know how few I dare advise with. I am most faithfully yours

From Lord Lovat to Culloden, dated from Edinburgh, 7 January 1732.

Dear Sir

I beg leave in the beginning of this new year to assure you of my most humble respects & wish you many a good & happy year with the enjoyment of present health & prosperity. Your Br: Duncan has been in better health this winter than he has been since his great illness & has recovered his strength and his colour, but so hurried with multiplicity of business that he told me he had no time to himself. However I believe he will let some wild corn fall before he comes out of London, where I believe he will arrive tomorrow's night. I bid your friend & mine B[ailie] William Fraser inform you of what was doing in the marriage I design with Sir Robert Dalrymple's daughter. But now that I design to go north the next month & that my marriage is delay'd to Apryle [the next few words are unprintable.] I'll have the honour to let you know that whole story & Duncan's sentiments of it at your own house of Culodin where I shall always pay my duty to you, let my circumstances be what they will, for I bless God I have one good principle, let the politicians think of me what they will, I never did nor will forget a good service done me, tho, the person that did me that good should afterwards have no regard for me. I wish some of your new allies may be as gratfull. I am very sure they have

not been so to me. If my dear friend Coll. Farquhar be with you, I beg leave to assure him of my affectionate humble service & wish he may live long, for I do not doubt of his happiness, for he has it in himself. I hear there will be impeachments & expulsions above. I had a very kind & wanton letter from the Duke of Argyle on my marriage which will make you laugh. I am with very great respect
Dear Sir

Your most obedt. & most humble
Servt.

Lovat.

From Dr John Clerk to the Lord Advocate, dated from Edinburgh 22 February 1732. This letter has already appeared in Hill Burton's "Lives of Lord Lovat and Duncan Forbes."

Dear Duncan

I have had another patient for 6 or 7 weeks in my hands, who had very near departed betwixt his own skill & mine, Robin Wightman; he tells me his preservation at this time was much for your interest & that you are very much obliged to me for saving him.

But the terriblest patient I ever had in my life is your monster of a Landlord [Francis Charteris]. I was obliged to go 16 miles out of town to meet him on the road from Hornby, when they thought [he would] have expired. I lived two days in hell upon earth, and [brought] him with much difficulty (on Wednesday last) to Stonyhill, [where he is] dying exactly as he has lived, only I think since he was [told that he is] dying he swears little or none at all. He can[not] sleep nor eat & has no other complaint either of pain or sickness, so that he seems to be dying of a decline of nature, his blood being exhausted. I understand he [has re]membered you in his testament,

he having left you the lif[e rent] of Stonyhill with some acres about it, and 1000 lbs. ster. [to your] son. I should think the legacy is not a dishonest purchase [for] you, but what you will think of it since it comes out of a [letter torn] heap is more than I can tell, for he told me (in tal[king about] another affair) that your honesty was so whimsical that it was 45 per cent. above Don Quixote. As for his own, the only sign he shews of it was one day when he thought he was going off he ordered with a great roar that all his just debts should be paid.

I have no politics to acquaint you with, but what perhaps you know better than myself, I mean the Magic Lanthorns journey to London. [Probably Andrew Fletcher, Lord Milton]. I have heard it whispered (for it is a great secret here) that he sets out tomorrow. The pretence I hear is the business of the Royal Bank & the reason of keeping it secret only to prevent solicitations, but I have heard from some that it is private business relating to the family of Southesk, the representatives of which [Sir James Carnegie of Pittarrow, third baronet] is a near relation of his.

Is there anything yet moved in relation to the charter of the Infirmary? Is there ground for a suspicion some people have here of a reduction of the legal interest.

Yours always

J. C.

From Culloden to the Lord Advocate at the British Coffee House, London, dated 12 May 1732.

Dear Brother

I am sorie that my wyff's [metaphorical] kynd concern and myne for your health should give you any uneasiness; for which reason shall drop that subject for the future. As for your charitable

corporation, I thank God I have no concern in it and I firmly believe were all the villany committed by that hellish sett detected, they would escape as the South Sea directors did.

The clause added to General Wade's disarming bill makes a great noise in this country; whether it will answer the end or not, time must try, only the Duke's friends of all sides beneath the Tay wishes it had taken its rise from some other man than his Grace. Tho' you are very constupate as to news we are very much obliged to the Lyon for the favour he does the Collonell and me every week; for which pray make our compliments to his Lordship; for God sake, dear Brother, tell me why does Collonell Sinclair meett with such opposition to his preferment. I am sure all that know him and his service will allow he deserves a regiment as well if not better than many that have stept over his head; and other querie and I will cutt short. When there are so many regiments to be disposed of for God sake why is honest Farquhar forgott, or rather why does not the Duke doe for him? By God if he is not provyded for soon, it will be a very great blot in the Duke's escuthsion; you know Farquhar's temper as well as I, nor need I tell you that it must be grateing to a man of spirite to be neglected, when worthless fellows are taken so much care of. Do with F. R. as you please. Farquhar and I are yours. Adew.

On the death in 1728 of Alexander, second Duke of Gordon, the Duchess (Henrietta Mordaunt, daughter of Charles, Earl of Peterborough) determined to bring up her large family in the Protestant religion. She does not appear to have had adequate means at her disposal or to have met with the appreciation which might have been

expected from a protestant government. The efforts of the Lord Advocate on her behalf were unceasing, the following letter on the subject being addressed to Sir Robert Walpole.

London 31 May 1732.

Sir

When in obedience to your commands, I set me down to give the Dutchess of Gordon Notice of her disappointment, in the softest and the least Discouraging terms, I could devise, The hardship of Her case and the Danger and Inconvenience resulting from it stared me in the face so strong that I have employed that paper which was intended for her to carry some great Lines of her Case to you, in hopes that if they make the same impression on you, they do on me, it may not be too late yet to vary the Resolution.

1st. As the Dutchess has ten Children besides the Heir, most of them Infants and all unprovided, and as the change of Their religion, which has infinitely provoked their Grandmother [Elizabeth Howard, daughter of Henry, sixth Duke of Norfolk], deprives them of all hopes of supply from her, she must look upon herself as the Author of the wants and misery of her helpless family, By a Commendable Act that was intended for the Service of this Government & the Protestant Religion.

2nd. As her hopes of Support against this foreseen Calamity, were strengthened by the approbation and Gracious Countenance the Queen was pleased to show her, the Dissappointment must be in proportion more severe and she must become more desperate.

3rd. As She has for three years past been Lyable to the Reproach of the Papists and Determined Jacobites, because of the Change made in her Family, She must now become subject to their Insolence.

4th. If the Dutchess Case should move Compassion and Concern amongst his Majestys faithfull Subjects in that Country, The Jacobites will not fail to improve it to another Purpose, and to draw very unjust Consequences, to the Prejudice of Characters that are & ought to be Sacred.

5th. The Young Duke & his younger Brothers, have hitherto been secure against being stole abroad by their Popish friends, because the Protestants, who approve of the Duchess act have been their safeguard. But should the disappointment of hopes raise discontent amongst the Protestant Gordons, the children will be at he mercy of their Popish relations, and should they be secreted, as the children of other Popish parents have lately been, I do not know how the loss is to be retrieved.

As nothing but zeal of his Majesty's service which in my conscience I think is deeply concerned in this question, could move me to fling these thoughts in your way, I am sure you will forgive me, and make such use of them as you think the case requires. I am, Sir, with great truth

Your most obedient and most
humble servant

Macleod of Macleod to Culloden, dated
from Dunvegan 17 July 1732.

Dear Sir

Were I to judge of your condition by my own at our parting I should be sorrie you were in so [word illegible] a way for to tell truth I never was more realy grieved in all my life, but our case was widely different. I was in a manner going for some time out of the world & leaving all my most dear friends & comrades, you parted but with one (I shall always reckon myself so till you tell me other ways) & had severall excellent ones

left with you, tho few could be more sincere in their good wishes & inclinations to serve you, nota bene I wont answer for the abilityes—I think you desired me putt you in mind to speak to your Brother, my Lord, about my Barrack affair, & to give you full information how the case is att present between his Majestic & I & really I reckon my self much wronged & want my Friend Colloden's assistance to gett justice done me. Now, John, for my resons: first, after [Leith of] Glenkindie built the Barrack he pitched on so much ground which was to belong to them; it is such a considerable spot of the very best ground of that town of land where the Barrack stands that instead of paying as formerly 400 marks yearly, it has never since building the barrack payed but 200, so first you see Ive lost 200 marks yearly which I'll continue to do as long as it stands on the present footing. My next grievance is since the King found it necessarie to putt a Barrack on my ground, why not, but then sure I ought to be allowed to make the most of my ground & I can easily make it apear if I had not been robbed of that piece of ground I could have made that land (I mean the whole tenement) well worth 50 po. ster. a year. The last & worst grievance of all is all my tennants that are in the neighbourhood of the Barrack are oppressed & almost quite ruined by seising their cattle which comes continually on this ground, it not being inclosed, & then the tenants are forced to pay so much ere they're liberate, but this last is a good deal remydyed since Lord Advocate spoke to the Generall about 12 months ago. This is the real & the shortest state I could give you of this affair; & I dare swear my demands will apear to be but very just & resonable. They are in the first place payment for the damadge I've

already sustained & next either a competent rent for my ground in time coming or to purchase it of me & secure my people from being oppressed by the officers or Barrack Master. I might were I ane orator expatiate on the aggravating circumstances of the Government's using me thus besides anie other of the Hiland clans, since I & my people have allways been speckled birds in this corner for our loyalty, peacible disposition etc; but between you & me I blame none so much as my poultron manadgers for giving possession without sufficient payment for the ground.

I'm sure my good friend will use his endeavours to gett me justice in this most reasonable affair, theirfore I'll say nothing more of it but that the sooner its done the better, for besides the loss, one's character really suffers by allowing ane affair of that nature to lye long over.

I want to cause build a mill on the barrack ground, it being the only convenient place in that part of my estate & will be ane advantage to the Barrack folks but they wont allow me without the Generall's orders which I wish you'd procure me as soon as possible, since I've materials & workmen ready to fall to work. I'm sure by this time your weary of me & my Barrack so good by to it for once.

My heartie service to Collonell Farquhar; if I'd had a vote in disposing of Lord Mark's Regiment he should have gott it. I dare say he deserves it on every account, as well, if not better than he thats gott it. Next you'll make my compliments to Lord Advocate & lastly I assure you it will be a vast pleasure to me to hear you are all well, merrie & sober which God long continue to you is the sincere wish of, Dear John, Your most affectionate comrade and faithful slave

Normand Macleod.

The above letter is of importance as showing so early an intimacy between Dunvegan & Culloden, a fact little realised, & of much significance in the years to come.

A letter from Henry Fane, nephew to the Duke of Newcastle, dated 18 July 1732, informed the Lord Advocate that he had mentioned the Duchess of Gordon's affair to his uncle, "who says he cant yet say any thing to you upon that head." On 25 July the Lord Advocate wrote from Edinburgh once more to Sir Robert Walpole.

Sir

I give you so seldom disturbance from this place that I am confident you will forgive me if I trouble you with a line or two, on a subject that you thought important some time agoe. It is the pension for the Dutches of Gordon, which you sollicitied with so much application and as I understood it, success.

When you had obtained his Majesty's consent for making that grant out of the revenues of this country, I imagined there was nothing to hinder the executive and flattered myself that I could give the Dutches such news as would keep up her spirits, encourage her in the design she has hitherto prosecuted and effectually stop the complaints and even reproches of those who want but an occasion to complain & be angry. But I have been not a little mortified to find that tho all the other warrants I looked for are come to my hands, this still stays behind, and for ought I know may be countermanded.

What perswades me to give you this trouble is not an opinion that any thing I can say from hence will change your resolution, if it is settled not to make this grant, but purely to know what I am to say to the Dutches of Gordon when I get into that country, which will be in a few days. I have keeped her in hopes, at least I have avoided giving her dis-

couragement now for some months for reasons that you know and have approved of. It is not possible for the little skill I am master of to put her off any longer, and therefore a final answer I believe she must have, and what that answer shall be I hope you will forgive me if I beg to know from you. It is too much for me to take upon my self to guess, and from conjecture only to speak to her; wherefore as I can not possibly avoid saying something to her above a fortnight or three weeks, I earnestly beg you will be so good as to direct me what to say. I do not expect that you are to entertain an epistolary correspondence with me, but if you will either order the thing directly to be done or cause anybody signify to me your intentions you shall have no further trouble from me on the subject. Conscious of your indulgence to me, without further apology I subscribe myself

Your most faithful and most obedient
humble servant.

P.S.—Pardon me if I put you in mind that the death of Col. Egerton makes a vacancy of a regiment that would very well fit Col. Sinclair and bring him under strong ties to you.

No answer had been received to this letter when the Lord Advocate wrote to Scrope, 8 August 1712 ("Culloden Papers," CLXI.) Scrope's reply is as follows:—

The 15th August 1732.

My dear Lord

This I hope will find you much better pleased with your friends in the North than with those you left at Edinburgh. You know very well my opinion of the Court of Excheqr., & if those Gentlemen will not cease to be S—, there will be an end of the Revenue.

I don't remember that you ever said anything to me about a General Surveyor

of the Malt Duty, however you may depend on having that officer settled in any manner you desire, which I will adjust with Mr Dowdeswell if he comes to Town before I go to Bristol, which I shall do the middle of the next week. Sir Robert read your letter & insists on having the Dutchess's pension placed on the Scotch Establishment, tho there have been pretty strong objections against it; but you know the gentleman & I am very much mistaken if he has not his own way, but at present he is so much engaged with making a fine gallery of pictures to entertain the Queen etc that there is no saying any thing to him of any other business. If I hear any thing on that subject before I leave him it shall be communicated to you by

My Lord

Your most faithful & obedient
humble servant

J. Scrope.

A pension of £1000 a year appears to have been settled on the Duchess, but not till 1735



(5) LOCAL POLITICS, 1732-1734.

After his defeat in 1727 by Grant of Grant, John Forbes of Culloden did not give up hope of representing Invernessshire at some future time, and the following paper (unsigned and undated) shows the state of parties from his point of view. He refers to those he could depend on as his friends in his letter of 22 December 1732.

The old Barons of the Countie of Inverness who favour Culloden are:—

[Mackintosh of] McIntosh
[Macleod of] McLeod
[Mackinnon of] McKinnon
The Chisholm
[Cuthbert of] Castlehill
[Fraser of] Dunbhalloch
[Mackenzie of] Lentrane
[Mackenzie of] Applecross
[Robertson of] Inches
Culloden
Sir Alexander Macdonald [of
Sleat], if he qualife.
[Macdonnell of] Glengarrrie

McLeod's new Barrons are in number

6.

Who favour Grant are:—

Grant.
[Grant of] Rothiemurchus
[Campbell of] Calder
[Scheviz of] Meurton
[Fraser of] Fyers
[Fraser of] Fairfield

If Lovat directs them, the number of the old 6.

Calder's new Barrons are in number 6.

The Urquhart new Barrons are 7.

N. B. Grant has some hopes in Castlehill & I fear upon the general grounds even tho hitherto he seemd much inclined to Culloden bot as his uncle, the

doctor [George Cuthbert], Collector [James] McIntosh Ladie [Rachel Johnston], and Baillie [Thomas] Alves are the people who sway him most I fear Grant will have best right to him. But I hope McLeod having received a second challenge will goe forward and make as manie more new ones of our own without borrowing from our nighbouring Counties as will send the wholl confederat armie to the D—l. And if Lovatt is what his Lp. ought to be in gratitude and honour Fairfield and Fyers will make the balance appear upon our syde and if he does not may his Lp. be non of the sixteen [representative peers] to say no worse. It will not be right that any but you see this sheat because Grant [relies] upon some that will onlie appear against him in the proper place namelie McKinnon.

From Lovat to Culloden, dated from
Bailie William Fraser's at Inverness,
23 October 1732, "half an hour after
ten at night."

My dear Laird of Culodin

I had within half a mile of this place within this half hour the honour of your letter. I would have been this day to pay my duty to you at Culodin but that Daltalih [Fraser of Daltullich] wrot me a line yesterday that the Laird of McIntosh would be from home this day, but would wait my visit at home tomorrow. So God willing I design to drink coffee or tea with you at nine oclock tomorrow & go on to Moyhall before I dine, because it is impossible for me to reach with daylight Moyhall from Culodin after dinner. You know I always usd the same Freedom at your house as if I was at home & I will always do so as long as you will honour with your friendship. I know you are angry at my coming by Culodin in my

return from Morray but I sincerely protest it was more an unlucky accident than any design or fault in me; & as long as I live nothing will make me forget the signal & very manifest marks of friendship I received from John Forbes off Culodin & let your politicks go as they will you will always find me with a sincere affection & respect, My dear Culodin,

Your most obedient & most obliged
humble servant

Lovat

From the Lord Advocate probably to J. Scrope dated from Stoney Hill, 28 October 1732.

Dear Sir

When I have any particular ailment, you know so well that you are to be consulted, as My Physician, that I need make no apology for applying to you.

On the first news of Genl. Rosses death [General Charles Ross of Balnagown died 5 August 1732], I had a letter from Sir Robert Munro [of Foulis], acquainting me with his intention of setting up his Brother [George Munro of Culcairn], a Candidat for Ross Shire, on the Generall's Room, and about the same time John Munro [younger of Newmore], a Nephew of mine (the same to whom the King lately gave a pair of Colours on my request), came to inform me of his intentions, to stand also a Candidat, and to ask my assistance. As the period of this Parliament is very short, and as living in London might draw the young fellow into a Course of Complications and expence, that doe not suit his purpose, or his fortune, I advised him against it, and the answer I gave Sir Robert was, that my private opinion was against my Nephew's standing, that I had dissuaded him from it, all I could, and that I wished he (Sir

Robert) might prevail with him to lay aside his designe, The young fellow however pretending to be sure of a Majority, persisted, and asked of me the favour only to lye by, and not to oppose him, which it would have been very hard to deny.

By his Calculation he had a dead Majority, amongst the Whiggs, so that he was Secure, unless the Mackenzies cast the ballance and as he had been informed that Sir Robert Munro had very early wrote to the late [i.e. attainted] Lord Seafort for his Interest, with the Freeholders of his Name, He applyed to me that I would wryte to Seafort in his favours, which I absolutely declyning, he without loss of time, as he is a Clever forward lad enough, mounted his Steed rode post to Paris, where Lord Seafort then was, outran Sir Robert's Letter upon the Road, and had a favourable answer from my Lord, before Sir Robert's Leter reached him, and then returned from ther to Secure his Intrest.

Since the young fellow was as obstinat to stand I was not sorry that he showed so much Spirit, or that he was likely to have Success, because I believed he would be acceptable to the King, and absolutely was sure that so near a friend of mine, would not be dislyked by those whom I love, but I did not medle, being unwilling to enter into any gangle, with Sir Robert Munro, or to give jealousy to any one.

But now I find myself drawn into the Scrape, in a very odd manner, Hints and false suggestions have drawn the Weight of the Scots Ministry upon the boy, and for ought I know have gone higher, and hurt him elsewhere in a manner not to be endured. Sir Robert Munro you might know believed himself no favourite of E. Ilays, and with reason, the way to come at him then was,

to discribe his antagonist as my Nephew, which was true, and to discribe his purpose of Standing as a plot of mine, to raise my power, which was false, This effect however it had, that my Lord has been pleased to wryte Letters in behalfe of Munro's brother, whom he regards, I fear more for the sake of his adversary than for his own.

Sir Robert Munro's other artifice was deeper and of a more dangerous Nature, he took care Sir R. W. should be acquainted that my Nephew's interest lay amongst the Torrys, That he went over to Paris to ask Councill and Assistance of Lord Seafort, ane attainted person, that he depended entyrelly on aid from that quarter, and that a Member was not much to be trusted who had a sort of Congé D'élire from thence.

What impressions these suggestions may have made, in prejudice of the young man I know not, but surely they cannot last, nor can Munro take any advantage of them, when it is known, that the young man, is as determined a Whigg, and of as Zealous a family, as any in the Kingdome, and that his journey to Paris to ask assistance, was only to anticipate a Letter, which Sir Robert Munro wrote to the same effect, for his Brother, at the same time that he makes it a Crime in my Nephew, to have gone to Paris, he is so imprudent as to make me Master of Proof, under his own hand, that he made application there, before the other thought of the Journey.

I am so particular in these things to prevent with Sir R. W. the bad effects of the impression Munro has been giving against the Lad who deserves well, and may in time make dutyfull returns to His Majesty, for the Goodness he lately showed him, The influence of Lord Ilay's interposition in the Country will not hurt him much, and I would not

have any dispute made with his Lordship about recalling it, neither would I put Sir R. W. to the trouble of doing any thing in the matter, to favour my friend, all I wish, is, that he may not entertain any notion to the prejudice of so near a relation of Mine, for whom I make myself answerable, and if he do not think ill of him, I flatter myself he will not ballance one moment, whether to relye on Munro's Brother or my Nephew, for fidelity and honest Service, if things are but let alone as they are, he probably will carry his Election, By the length of this epistle you perceive my earnestness; pray talk to Sir R. W. and satisfie me by your answer as soon as conveniently you can.

From Culloden to the Lord Advocate,
dated from Culloden 3 November
1732.

Dear Brother

I had the pleasure this day of drinking your health with L: Lovat, Macleod, Killravock and some other friends who dyned with me, you will hear by this post from Macleod on ane affaire that nearly concerns him, and which you most undertake and decyde in, because it will be intyrelly submitted to you by both parties.

Inclos'd I send you a coppie off the first contract about the Barrack off Bernera, you may call for the originall papers from the Records of Exchequer, by which you'll soon fynd how much he has been abused.

Your advice to [George Mackenzie of] Gruinard in Seafort's affaire is exceeding good and he shall follow it exactly.

As to the Lyon's putting the E[arl of] I[lay] upon Grant, I cann say nothing certain, only it is the oppinion of our polliticians that the same pairt is acted with Grant that was with the master of

Ross; but be that as it will, I doe assure you I expect no faire play from Grant or the Lyon, and therefor am determined in all events to stand for the shyre off Inverness, as I wrote you in my last. Grant is to be soon with you as I am told and if he does not take Murray to himself, he cannot mean me any service; but notwithstanding off all the Lyons braggs let Grant and him doe ther best. If Sir Allexr. Macdonell and Macleod can be prevailed on to stand for me, I will most certainly carrie it; and if they doe not, I must be out off parliament, for I will not serve for Narn. Lovat swears as much as ever that he is my fast friend, and I am told he does the same to Grant. I begg you'll make my complements to Sir Allexr. and for God sake make a kyndly return to Macleod I am ever Yours Adew

From Lord Lovat to Culloden, dated from Beaufort 5 November 1732.

My dear Laird of Culodin

When I took leave of my cusin the Laird of McLeod I invited him to my house, but I thought he made some scruple in that; but told me that he would serve me in more essential things, if he could; perhaps his coming to see me, would lessen his influence with those that I have to do with, who are a weak suspicious people. So you may converse with him on the subject & I will freely submitt to what he thinks most proper. But in case he will do me the honour to come here I beg to know what day, that I may not be from home, for I must go tomorrow or tuesday morning to Scattwells [Sir Roderick Mackenzie] & to Fowlis [Sir Robert Munro] & cannot be home befor the latter end of this week. I got my second refusal from my Br. in law & I am not at all ill pleasd at it, for to be fleiten full is a good thing. I beg

you assur McLeod of my tender respects & that I am as affectinat a grand child to him & his as he has of his family. I hope you will forgive this freedom sinc you know that I am & allways was John Forbes of Culodin's faithfull slave Lovat.

From the Lord Advocate to the Marchioness of Annandale [Charlotte Van Lore, only child of John Vanden Bempde], dated from Edinburgh 11 November 1732.

Madam

If zeal for your Ladyship's service and for the interest of your Family shall lead me out of the way of my profession, I hope for your pardon, even if you do not approve what I am to say.

It is some time since I acquainted your Ladyship with my apprehensions that my Lord Marquis's [George Vanden Bempde, third Marquess, then aged twelve] interest might suffer by having his name drawn in politicall controversys, with which he surely at present has nothing to do, I mean disputes about elections, which seldom fail to create enmitys; but since, notwithstanding what I then hinted, I find my Lord's name and the interest of his family is sought to be made use of to influence elections, whereby (if I mistake not) he may have enemys raised to him, dangerous at this juncture, I take it to be my duty to explain to your Ladyship more fully the case, that such directions may be given as the exigence requires.

Mr [Charles] Areskin, the Solicitor General, is member of Parliament for the county [Dumfries], where my Lords estate lyes and Mr [Archibald] Douglas of Cavers for the district of Burghs in that neighbourhood. Mr Areskine was brought into Parliament by the joint interest of the late Marquis & of the D. of

Queensberry, and he was very much trusted by the late Marquis; he in his time got into possession of some of the Burghs, which he keeps for Mr Douglas of Cavers, and thereby renders very acceptable service to the D. of Queensberry and to several other persons of consideration, some of whom sit judges in our Court of Session.

The reason for troubling your Ladyship with a hint on this subject formerly was that I observed Sir James Johnston [of Westerhall] bestirring himself to set up, in the Burrows for himself, and endeavouring to twist them out of Mr Areskin's hands, in which he availed himself of My Lord's name and interest, His Lordship's friends in that neighbourhood readily thinking that it must be for his interest to oppose Mr Areskin, who is the chief lawier for my Lord Hope [John, Lord Hope, afterwards second Earl of Hopetoun], and to support Sir James, who is very zealous for the Family of Annandale; but they made no reflexion on the personall friends to Mr Areskin and Cavers whom this must enflame, nor on the influence which such a conduct might have on My Lord's cause, now in dependance.

Of late Sir James's negotiations have been more ouvert, he has made an open attempt to turn Mr Areskin out of possession of the Burghs, which, as I have already said, he keeps for Cavers, and with his assistance Mr [John] Douglass younger of Kilhead stands a candidate for the shire.

This conduct I observe is extreamly offensive to the personall friends of Mr Areskine and Cavers, some of whom as I have already suggested, are judges and have hitherto in the Marquiss causes been of opinion with his Lordship.

I hardly know how to express what I am next to say to your Ladyship. I

ought not surely to insinuate that passions or disobligations may pervert judgment, but our judges are no more than men, and I leave it to your Ladyship to consider from what you have formerly heard or experienced, whether it is prudent without any necessity, to give occasion for raising or playing with their passions to your prejudice. For my own part I should be sorry to see any of them confirmed in the belief that the setting up of the Marquis of Annandale's interest was strengthening an opposition to any of their very near friends.

What I have said explains to your Ladyship why I think it very unlucky that S. James opposes Mr Areskin and Cavers & yet more so that the Marquis's name is made use of, and that Mr Henderson as well as he, if I am truly informed, seem to make it a question of my Lord Marquiss.

If these things strike your Ladyship in the manner they strike me, it will probably be your desire that Sir James desist and that the world be put out of the opinion that your Ladyship gives any countenance to the troubles that Mr Areskin or Cavers meet with, and this will be accomplished by writing to Sir James to entreat him to lay aside his design for this time by ordering Mr Henderson to leave off those endeavours, which might be laudable on the supposition it were my Lord's interest to turn out Mr Areskins and Cavers, and by writing, if your Ladyship think fit, to me or to any other person you judge proper, such a letter as may be showed to the friends of these gentlemen to convince them that your Ladyship will have no hand in the opposition that Mr Areskine & Mr Douglas of Cavers may meet with and that on the contrary you will by all means discourage it.

The freedom & use in this letter of naming persons & things without any reserve will satisfy your Ladyship that it is for your own perusal and consideration only, and it will give you some evidence that I am with great sincerity, Madam, Your Ladyship's most faithful and most humble servant.

Dun. Forbes

The Marchioness of Annandale to the Lord Advocate, dated 9 December 1732.

My Lord

I had sooner acknowledged the great favour of your letter but for the difficulty I was under. Every body knows the great service Sir Wm. Johnstone & Sir James has done my Family & I did not know, how consistent with a regard to that I could do what for so good reasons, you advised.

Sir James has relived me by assuring me he never will do any thing in that affair to prejudice my son in any way. This instance of his friendship will at the same time convince you how justly he is intitled to my consideration, and what regard I pay to all your advices. I hope my son's affairs will have a speedy & successful end which will be a great comfort to your

Most humble Servant

C. Annandale

From Lord Lovat to Culloden, dated from Beaufort 23 November 1732.

My dear Laird of Culodine

I hope this will find you in perfect health & I assure you of my most affectionate humble duty. I was so very ill the night before last night that I sent an express by two o'clock in the morning for your nephew Duncan [Doctor Duncan Fraser, younger of Achnagairn] who came here & I grew better but my little

boy also was ill of a strong fit of a fever, which I bless God is over. I would have been very well if my Lord Lyon [Brodie of Brodie] had not come here with Sir Hary [Innes] & others. I was obliged to sit up till 3 a'clock this morning, which has put me quit out of order again so that I will not be in condition to take journey this week. My Lord Lyon talk'd to me a great deal of the politicks, but by all I can learn he would be pleased to be with you & your brother as he was before, & I plainly find that their is no design above against you or your brother so till matters comes further on & apear I humbly think that friends should live as friends together. He talk to you freely at meeting. In the mean tyme the Lyon thinks himself pretty sure of both the shires of Morray & Nairn, so that if the Laird of Grant does not get the shire of Inverness he cannot be in parliament & how that matter will come out tyme will only show, for at present I think he cannot reckon himself sure of this shire except you & he compromise it, & that you are best judge of no doubt. Your mutual friends would not wish to see a breach betwixt you. The letter that you did me the honour to give me from my cusin is full of good sense & true friendship which I only owe to you, for which I give you my most sincere thanks. I have sent you enclosed an answer in the kindest terms I could imagin. I keep the copy of it to let you see it at Culodin the beginning of the week which I hope will please you every way. I will let no mortall but Duncan see the letter I receav'd, & I beg you convey the inclosed to his hands, and as you have generously begun a good work, which if perfected will fix my family without [illegible] or contention in the estate of Lovat I hope you will put a finishing stroak to it

which must be a lasting tye on me & mine to be faithfull & constant friends to you & yours. This is what all the world will approve of that I & my family should have a gratfull sense of the greatest service can be done to me, my children & kindred. So I beg you may writ effectually about it to Duncan & upon serious reflexion I hope he will think it the interest of his family, that you & he should be the real instruments of putting my family out of the reach of my enemys or of any accidents on the change of a ministry. I leave this intirly to your own generous thoughts & I am unalterably with love & respect my dear Laird of Culodin Your most obedient & most oblidged

humble servant

Lovat.

From Culloden to the Lord Advocate,
dated from Culloden 24 November
1732.

Dear Brother

My being in Ross with Macleod last week is the reason you had no lyme from me last post. He is very sturdy against Grant, who, Lord Milton in a letter to Lovat, calls the Hereditary Commoner, for our shyre. This expression vexes Macleod so that he wants nothing so much as your advice and direction how to make Barrons, his valued rent being above eight thousand pounds Scots as I wrote you formerly. I had a second message from Grant by [Grant of] Dallrachney to the same purpose with the first, to which I return'd the same answer I wrote you, and since he does not take Murray, it is plain that the Lyon and he are in concert; and therefore you ought without loss of tyme to speak to Sir Alexander Macdonald, and to direct Macleod and me what to doe to prevent the slavery and oppression wee are threatned with.

From Culloden to the Lord Advocate,
dated from Culloden 2 December
1732.

Dear Brother

I gave you by last post the best journal I could of the Lyon; his business to this corner was to sollicite for Grant against me; he says that all the Frasers will be for Grant except Relick but I know the conterary, if I can trust Lovat and the gentlemen themselves. The Beast [i.e. The Lyon] stay'd heir two nights but not on word off polliticks, from hence he went to MacIntosh's wher he stay'd a night, but got no ground off the Laird, which vex'd him very much and from thence he went to Castle Grant, but I have not yett learn'd what was concerted there. But on thing is certain that the Lyon and Grant are in concert against me; and that Grant declairs publickly that he stands for this shyre and will not take Murrey altho he hes it in his power. Lewes Colcohune is certainly doing what you suspect. I have as you bid me put Sandie Baillie and my other friends upon the sent to fynd out if ther be any infettments yett taken or recorded on Glenmoriston's estate and if there are any recorded you shall have a coppie of them sent by nixt post.

Sandie Baillie is to send you by this post Macleod's seasime upon which he is infett. I hope that will direct you to the other writts that will make you know the nature of his holding; by his letters sent you last post you'll fynd that we only want your direction what to doe; I hope you have not forgot to speak to Sir Allexander Macdonald. I shall be glead to know his mynd; By Killravock's letter to me you'll fynd he has allreddy given the proper directions to his agents to make his son Barron in three counties, but I doe not understand why he has

not made him also in Murray unless it be to serve the Lyon. I wish you would drop him a lye on this subject. Since I began this letter Doctor Fraser tells me the Lyon had a long conversation with him on the polliticks and amongst other things told him that he was sure to be returned for Narn and Murrey and that the bustle and noise I and my clans were makeing most goe for nothing, because he had a letter from E[arl] I[lay] assuring him in the strongest and kyndest manner that he never wished to see Murrey represented in parliament but by him. I am loath to belive him but it is certain he said so; I wonder you doe not sound the Duke and Sir Robert on this subject; pray make my humble duty acceptable to my dear Marquis of Seafort. God send him soon and safe home with the olive branch etc. I long very much to know who is to be our shirive principall. I am ever yours

Adew.

From Culloden to the Lord Advocate,
dated from Culloden 15 December
1732.

Dear Brother

Alexander Baillie will send you by the post two letters from Macleod, which I wish you deliver out of your own hand, the one is his instructions to Mr John Macleod advocate, for laying his parchments before you for your directions how to make new votes to ballance the eight Grant has made on Glenmoriston's estate, the other is to Lovat. I belive it relaets to the intended agreement betwixt Lord Lovat and him. For God sake, Dear Brother, lay aside humour and doe all in your power to effectuat this thing. I am very sure it is the best service you can doe your famely.

I send you Macleod's last letter to me. By it you'll see how hearty he is to pre-

vent the slavery and oppression the shyre is threaten'd with. Therefore if you have any further directions to give in that affaire lett them be sent without loss of tyme. I wish you would mynd to give the Countes of Cromarty [Isabella Gordon, daughter of Sir William Gordon of Invergordon] all the disspatch in your power and that you would write me such a letter on that subject as might be shewen to Macleod; as to the Lyons treatment off you and me I am not at all surprysed. It has been all off a piece since ever Vaughan and he undertook to turn you out of parliament and as to the Knight [Sir Robert Munro of Foulis], I refer you to his new barrons. I think if it were possible this session of parliament to bring in a clause in some act to explaine the act against spliteing off vots it would be very just and doe good service; I wish you would lett me know who is to be our shirrive, because Munro writts to his friends in this place that neither Lovat or Colquhoon [Ludovick Colquhoun, formerly Grant] will gett it. If Grant gett it he declares openly the return will be againest, had I fifty vots to five. I have given your service to Killravock as directed. I am dear Brother

Yours

From Culloden to the Lord Advocate,
dated 22 December 1732.

Dear Brother

Yours of the 15th is now before me. I hope your late conversation with Grant has convinced you that the Squire [Brodie of Brodie] and Knight [Sir Robert Munro] have been in concert from the beginning to byte off our heads, att the same tyme they were makeing the strongest professions off friendship. The Knights pairting with you so abruptly with his hopes of setling all

maters to rights, when att London, is a plain demonstration to me that they had directions from above for ther present very odd conduct; otherwayes they never durst have attempted it in the vile maner they did.

By the inclosed letters you have the best accompt I can give you how our politicks stand att present in this countrie; by that from Macleod you'll see how sincere and honest he is to assert his liberty as a free Barron. For God sake dear brother why are you so nyceley scrupulus att this criticall juncture. Are you not to succeed me in my esteate? Is ther not extent enough to make us both Barrons, that made our father and me so, In any terms the law pleases that will be most agreeable to you and that without joynture to assert it? I begg therfore that for my sake and your own, you'll forthwith order the things to be done, that you prove not a scarecrow to others. I wish to God you would write something that I might show Macleod, not only about the things I wrote you off by last post, but also about the Brandy affaire. I gave a distinct memoriall off it to the Master of Ross when in this countrie: it is certainly the only way to prevent the brandy trade on the west coast. By Killraek's you'll find that tho I showed the parragraff in yours that concerns him, yett he is timorous and wants a furder word off comfort under your own hand. For God sake fail not to write to him, for I doe assure you ther is a good deall off treuth in what he tell you about tho E[arl] Cro[martie] his brothers inefftment is now passing. By the copy of the Squires letter to him you'll see how greedily and with what pleasure he hunts after any opportunity to pick a hole in our blankett.

I hope this will putt you on your Guard, att least so farr as to write to

Killravock. If ther be any such bond, which I really mynd nothing off, that he doe not give it up, untill we know something more of it.

You seem very positive that the Glenmoriston Barrons are not good, but whether or not, I care not. I am now so farr dip't with the honest gentlemen off this shyre who are positive to oppose slavery and oppression that I most and will goe on; and for this end Sandy Baillie is now with Macleod in order to counter the new Barrons, and I hope what is done on that head will be with you tyme enough before you sett out for London, and wee think this is the best way to secure against falss returns. I wish you would be so good as to tell us who is to be our sheriff, since we are told that Lovat or [illegible] are not to gett it. You are curious to know who I depend on as my friends. I have reason to belive that they are as follows: Sir Alexr. MacDonell (*sic*), Macleod, Makinnon, Relict [Fraser of Reelick], Dunbאלlack, Lenthorn, The Laird off MacIntosh, Castie [Castlehill] and Inches, Glengary who scrouples to quallife but I am told he will doe as others would have him doe; as to Fairfield he is now with you. When I spok to him he told me he had no vote; as to Murton if he has any, it will against us, but Lord Lovat is now with you, I beg you may receave him kyndly and doe him all the service you can; by his speaking on word to Fairfield or Foyrs they most doe as he bids them.

I cannot tell you any thing certain of the pryce Castie is to put on the pairt of his Esteate he means to pairt with by this post, but by next I will doe my best. Pray give my kynd service to my dear wyffe [special friend], I wonder I never hear from her, I wish you both mery Crimes and many happy new years

Adew

The first enclosure to the above letter from Macleod of Macleod is "Culloden Papers," CLXVI. The second enclosure from Kilravock is as follows:—

Kilraak the 19th Decr. 1732

Sir

I told you and my Lord Advocatt what I had wrote to Sir Robert Munro upon Generall Rosses death and the concert I had afterwards with the Master of Ross att Belnagowne with respect to the differences that make so much noise between Sir Rob. and Newmore in Ross Shire, in both which I thought I had acquitted myself in a way that deserved Sir Robert's thanks, butt I find he is so grand in his politicks that he must have all or nothing; as a plain truth of this I saw a letter of his to a correspondent in this countrey (whose name I must conceal because itt was given me in secreasy) wherin he makes twenty complaints and will at any rate pick a quarell with me for no other reason that I can guess, but to furnish himself with a pretence to opose my son att the Election for a new Parliament. He sees that your brother has the greatest interest with Lord Seafortth and that there come few friends and relations of my own in Ross, by all which I would have a good chance to gett the better of him with the gentlemen of the name of McKenzie and he has therefore contriv'd a new plott to divide them; Lord Cromarty has a letter of Sir Roberts procuring from a Great Man by which he is desird to stand as one of our 16 peers to the next Parliament. The Ambassador that brought this is artfully instructed to dispose my Lord to refuse the thing upon prudential considerations for the interest of his family, but at the same time to insinuate that his Lordships honour is engaged to make some gratefull return to one so much his friend and

servant as spares no trouble or expense to gett him taken notice of in the handsomest maner and the particular return of favour proposd for Sir Robert is that Mr Rorie McKenzie, Lord Cromarty's brother be made a barron in Ross upon the superiority of Delnys and Mikle Alan, which Ime told is doing, that in case Sir Robert canot cary his own point Mr McKenzie shall be our Ross member under Sir Robert's direction. By this new league Sir Robert has of the McKenzies Suddie and Beloam sure and the greatest part of the other Gentlemen of that name (att least such of them as are nice to break the unity they are justly famous for among themselves) are not to apear at all; of those he reckons Belmaduthie, Inchcoultter, Garloch, Aplecross and Coull. Now if these gentlemen stay away and Sir Robert have all that he seems att present very sure of to apear for him, such as all the Munros except Newmore and Culrain, [Leslie of] Fundrassie [Findrassie], [Macculloch of] Piltoun, [Macleod of] Gennies [Geanies], [Urquhart of] Monteagle, [Bayne of] Tulloch, Sir William Gordon and [Gordon of] Ardoch, you see he is like to make a formidable apearance, butt though his project seems to be cleverly enough contriv'd I hope itt will not be found altogether sure though my informer pretends no worse authority for the story as I tell you itt than to have seen the letters wrote to Lord Cromarty; and if Mr Rorie McKenzie be now passing a charter att Edinburgh ther is certainly something in itt. I dont know what to make of your Inverness polticks. The Laird of Grant, when I saw him, seem'd so zealously resolv'd for you that I thought nothing could alter him, and perfectly pleased with your brothers proposal for reconciling all our differences because itt ensurd his own election for Inverness,

which he swore to me (by solemn Faith) he would renounce rather than you should be dissapoynted; we have now not only new schemes but new Candidates for Nairn shire and a violent disposition in some Townes and Shires to traverse all designes that are thought or said to be the Advocats: he will know better than I can inform, from what corner this comes; pray when you write next to him give him my hearty service and tell him that I am just what I was in my resolutions, when we rode last together to Strathspey and that (for as corupt as the times are) I shall not easily depart from the resolution I have taken to exert all the pith I have for you and him when your honour or interest can call for itt. You have enclosed a letter I had last night from the Laird of Brodie and I made Hughie take a copy of my answer, which I send you too that you may know what you are to doe off which give me some account for my Government in case I find these oblidgments they say you gave. Return Brodie's letter when you have read it; if this epistle be not long enough you shall have a longer next. I am still Dear Sir

Your faithful humble Servant
Hugh Rose.

From J. Scrope to the Lord Advocate,
dated 28 December 1732.

My dear Lord

I did not trouble you with any letter since Sr Roberts returning from Norfolk, because I knew not what to write, having received no commands, & not being willing to break into Lord Ilay's province; but yesterday I received from Sr Robt Walpole directions to write to your Lordp to desire that you would be here by the sitting of the Parliament, & to beg you to request the same favour of the other members of the House that are your

friends and are now in Scotland. This service I undertook with great reluctance, being unwilling to draw my freinds into the dirty roads in winter & it being the only part of the Scotch service that I have any share in.

As to the election at Ross, General Wade & I had a conference about it sometime since, & I understood that he agreed with me in opinion it was best to say nothing of it here, but for you to make the best interest you could for your freind if no [one] forbid it from hence & of this he promised to acquaint you, wch made me neglect writing to you.

I am with great sincerity and truth

My Lord

Your Lordps most affectionate &
obedient humble servant

J. Scrope.

In "Culloden Papers" (CLXVII.) will be found Lovat's letter to Culloden, dated from Edinburgh 29 December 1732, in which he states that his very complete reconciliation with the Lord Advocate was due to the mediation of Culloden, whom he names his most dear friend. The following is dated from Edinburgh 12 January 1733.

My dear Laird of Culodin

I had the honour of your kind letter by this post, for which I give you a thousand thanks; your letters have wonderfull effect with your Brother, my Lord Advocat, & he believes your sentiments to be just as to the friendship that should be betwixt your family & mine; he is firmly resolved not to depart from your opinion in that matter nor do I think that it will be in the power of any man to alter him from his present resolution, of ever being a friend to me & to my family, which I hope neither you nor he will ever have reason to regret, for besides my sincere affection to

your person it is certainly the mutual interest of both our familys. I hope you have received my packet in which was your Brs letters & mine to the Laird of MacLeod and which [*? wish*] you was so good as to send of an express with MacLeods letters, for their is no time to be lost for Hugh [*Mackenzie*] cannot live long; he is now under a course of mercury by Doctor Clarks order, but Clarky says, that he never will recover any health. I will regale you with an account of a monstrous Ingratitude that I have met with from one that you will scarsly believe it of. I beg whatever I wrot or writs to you, I beg you may not speak of it but to a most sur friend, that can keep a secret, for some people at Inverness, are upon the watch and spy every thing that passes with you to inform their friends of it. I have not yet got the better of my illness, but Clarky declares I am in no danger; I beg to hear often from you, with much affection and zeal my dear Culodin

Your affect. faithfull Slave

Lovat

Anonymous to the Lord Advocate dated from Edinburgh 25 January 1733, & addressed to the British Coffee House, Charing Cross. This letter has already appeared in Hill Burton's 'Lives of Lord Lovat and Duncan Forbes.'

Dear Duncan

I am obliged to give you an account of a political war that had very near ended in a bloody one.

When the Squire [*Brodie of Brodie*] was indisposed as I wrott you in my last, but on the recovery Lovat made him a visit of civility when I happened to be present, as were also Lewis Colquhoun, Judge Elchies & Brodie of Whitehill. While I was there nothing happen'd but common civilities, but upon my retiring

it seem'd good to the Squire to fall upon the peer as if he had really been a Lyon, he upbraided him with ingratitude for deserting his friends the Grants, rail'd at him for disobeying My Lord Ilay's orders which he said he had for directing affairs in the north & which orders he could produce & threatened to blow him up with Ilay. Lovat keep'd his temper pretty well, tho' he really gott very abusive language, with which all the company chimed in, he say'd he could vindicate his conduct very easily & defyed him to do him any harm above with any man of note whatsomever. Thus the visit past, but next day happening to meet at the cross, the Squire begun again on the same string, which so provoked the peer that putting [on a s]tern face he told him he had suffer'd too much of that already & at the same time by his posture threatned his majesty with a return which would have obliged him to draw, if some people had not interposed and parted them. Lovat in the height of his passion has wrott a long letter to the E. of Ilay in his defence, wherein he gives the squire very rough language. I hope he will mend the letter a little before he sends it, for he was in such a passion when he read it to me that I could gett nothing said to him. He assures me that tho' you and all his friends make up matters with the Squire, yet he never can, after the rude manner he has threatned him with.

I have nothing to add to what I said in my last about the intermission & I hope by this time you are easy about it. Let me hear from you as soon as you have intermitted a night or two of purgation. Adieu.

On 30 January Lovat wrote to Culloden a long letter from Edinburgh ("Culloden Papers," CLXVIII.), the keynote of which

is that "In short we all agreed that Grant should give you the Shire of Inverness, and take Moray to himself, and leave the beast [Brodie of Brodie] to his Shire of Nairn. . . ." There is no promise of support to Culloden in the event of Grant not abandoning his candidature for Inverness-shire. Grant was his brother-in-law; Lord Ilay was a great power; & Lovat was in a position of considerable difficulty. In his letter of 9 February, however, (Culloden Papers," OLXIX.) he wrote that "The E. [Ilay] denies ever giving any such orders [to keep Culloden and his brother out of parliament] by word or writ, as I am assur'd; and I truly believe he is too prudent to give such orders. I am hopeful my letter will extinguish the Beast's interest with the E. . . . That ungrateful fool has been the only occasion of all our jarrs in the north,"—which was largely true.

From Lord Lovat to Culloden, dated from
Edinburgh 23 March 1733.

My dear Laird of Culodin

I had this day the honour of your letter of the 16, and I am extremely glad to know that you are well, and I beg leave to assure you of my most affectionat humble duty, I give you ten thousand thanks for the kind concern that you take in my submission with Fraserdale & his Family, It certainly will put an end as you say to all claims on the Estate of Lovat and I can call what remains of it mine, & my aires male. I know it is what the Laird of Culodin always wished, and as long as I have my senses I shall never forget the proofs that you have given of your warm friendship & kindness for me, since the first day of my troubles till now, & I will ever have a gratefull sense of it. The submission goes on very well and your Friend my Cousin the Laird of McLeod is come to Town. I met him

that day at Mr MacLeod's and embraced him heartily, He bid me not call for him or would he for me because these people are weak & would suspect him, but I believe he will do me all the service he can, However it will certainly do me good that you shall write to McLeod in your own way & since it was he that hes convinced [? them] to submit, that it will be honourable for him to see it well ended, you know best what to say, and I know you will write anything which you think will advance the work. Since you cannot [but] be convinced that I always was and still am with a sincere love & respect

My dear Culodin
Your most obedient & most obliged
& humble Servt.

Lovat

From Culloden to the Lord Advocate,
dated from Culloden 1 June 1733.

Dear Brother

I hope you are convinc'd ere now, that for all my drunkenness I have answer'd all your queries. I have severall tymes been with Lovat, but can gett no answer from him, but that he will be determined from above; pray why doe not you send me that letter to his Lordship you seem so much to build upon. If the Duke's letter to him makes him declaire for us, wee most winn the election, if otherways I lay my account to meet with a great deall of sensless trouble.

I goe to morrow to waite off Glengary to try if I can perswade him to quallify, and to convince you how great a friend we have off Macleod, I send you his last letter to me inclosed, which pray take care off and return it, with some accompt off his pryvate bussines so strongly recommended to you, in such a sheape as I may have somewhat comfortable to write him, att least so much as

will show you are not unmyndfull off him; pray tell me when you think of being att Edr. that I may tell my Lord Seafort who longs much to see you there. I am dear Brother ever yours Adew

The above letter seems to show that at least up to this point there was no real belief in Lovat so far as the ensuing election was concerned.

From Culloden to his brother, dated from Dunvegan 22 June 1733.

Dear Brother

I have yours of the ninth instant and am very much surprised that you continue still ignorant of our fate with respect to the ensuing Election, Our Cousin William has no doubt acquainted you, that the Laird of Calder has made six new Barrons, in the Shire of Inverness to join the Triumvirate against us. I say us because my Lord Milton, when in this Countrie made it his business to have you as well as me kept out of Parliament, which I think could not be soe easily done had you allowed the Duke to write to Lovat, or to speak to Mr Campbell of Calder. I wish your being too cautious may not have hurt us.

My Charter iyes at Edinburgh; I desire that furthwith you may make yourself, & your Son Barrons, in the Shires of Inverness & Nairn; that will be good and sufficient for I will dispone my Estate to you both in any manner you think proper to make your Votes good, I have told you this more than once & therefore I beg you may lay all your Idle Scruples aside. McLeod has had Glen-garry with him here; he is very much my Friend, but says he cannot qualify, but att the same time I believe that if Sir Alexander did, that he would, McLeods last letter which I sent you, may convince you that McInnon will be with us.

How soon this comes to your hand, I hope will be at Edinburgh. I will expect to hear from you with particular Directions for my Conduct. Its very possible that McLeod and I will be together, when your Letter comes to Culloden, and therefore you may write anything that concerns him, in the same letter, if you dont think it better manners to write to him himself, I am yours Adew.

Our Nephew the Doctor is writter hier-off; The Barrons made by Mr Campbell are the Lyon and three more Brodies, one of the name of Campbell & Sir Robert Munro of Fowles.

The next letter in the series is a long one from the Lord Advocate to J. Scrope, dated from Stoney Hill 27 October 1733 ("Culloden Papers," CLXX.) He had not opposed or thwarted "the views of L[ord] I[lay] or any of his friends in any place whatever, except the Countys of Inverness and Ross, and the Burrows for which I serve." In the county of Inverness a meeting of all the barons & freeholders (totaling only 16) had met to settle the roll for the next election under the superintendence of the Sheriff (Lord Lovat) with the result that the friends of Grant of Grant

said the meeting for settling the roll could not consist of 16, all freeholders present [in which case Culloden would have been successful]; but only of 5, because no more than 5 had been present at the last election to serve in Parliament, and finding that of those 5, 3, including Sir James Grant himself, were in his interest, these 3 pretended to be the majority of the legal meeting, chose Sir James Grant Preses, and proceeded to enroll all his fictitious votes [13 freeholders], and to leave out all the real votes that were against them; tho' the other 11 Barons & Freeholders protested

against that proceeding, and required them to join with them the majority, who had chosen John Forbes to their Preses, in revising & settling the roll . . . but what is still more extraordinary, the Sheriff was, it seems, properly instructed . . . he, without hesitation, accepted the roll made up by the 3 . . . and rejected that made up by the eleven, who had admitted all the good votes, and rejected all the bad, without distinction whether they belonged to friend or foe.

Culloden did not, however, for all this give up his candidature. Proceedings were taken in the Court of Session & every other means adopted to secure his election.

On 2 November 1733 he wrote the following characteristic note:—

Dear Brother.

The Laird of MacLeod and some friends with me are drinking your health very heartily, being my Birth Day, we are to solemnize the Tenth of November at Castle Leod. In the meantime I expect to hear from you, tho' this will show that I am in good humour. Because I am
Jo. Forbes.

P.S.—Pray take notice what MacLeod wrote you.

From Culloden to the Lord Advocate,
dated from Culloden 7 December
1733.

Dear Brother .

I have yours off the first Xber with on inclosed for Kilravok which I sent him this morning. Since my last to you I have been over the hills and farr away with Macleod, and according to directions waited in our way of the Chissolme, Glengary and Foyers who are all as tight as my legg, being fully determined to

stick together and to doe every thing in concert with Sir Allexander and Macleod, and I am very sure Mackinnon will doe the same. N: B: Sir Allexander's letter has been off great use.

Since my return from my hyland expedition I have been with Killravock and discussed fully and freely over and over all our present polliticks and I most say very much to my satisfaction; I really think him a down right honest pritty fellow, a very sincere stench friend; I find he is a litle soured that his some cannot stand for Ross, but bids me tell you, as he wrote you formerly, that he will doe every thing in his power to oppose the Comon enemy, yea tho vastly conterary to his grain, for the reasons he gave you att Bunchrive. If you think it practicable and advise to it, he will stand for Ross, rather than the fatt knight [Sir Robert Munro of Foulis] should gett the better of us. Qeritur, if his being sherriff will not stand in his way. As to the shyre off Narn you know before you went south that Calder had wrote to all the Barrons for ther interest, you also know the answer I made him, Sir James [Grant] did notify to the Lyon that he stood for Murray as weell as for Invernes; this has put the Beasts beard most damnably in the buckle; Killravock told me he had been frequently with him solliciting strongly for his interest, but the honest Barron told him plainly his interest was ingadged to Calder. This very much confounded the poor brute and no wonder, when sees that unless Grant gett the better of me he must be out of parliament, and can blame no man for it but himself. I have nothing more to trouble you with this post. My kynd service to the clanns Adew.

Pray mynd poor Foyr's.

From Culloden to his brother at London,
dated from Culloden 22 February
1734.

Dear Brother

My not hearing from you by last post makes this the shorter, because if my former letters are come to your hand, I have nothing to add to them. If not, it is needless to write more, unless you give me a direction, so as what I write may come safe to you.

You no doubt know that the Lords have given an interlocutor against us in our proces, and most know the consequences of it better than I; I told Killravock that you complain'd of his sylence, and you have his answer inclosed; which I can make nothing off.

Poor Foyrs [James Fraser of Foyers] is now hier, his Chief threatens him and all the Forbes Frasers as his Lordship now calls them with uter destruction. For God sake putt my good friend the Generall in mynd of our cousine Foyrs. If some thing is not done for him soon, that poor famely most perish, pray when does your some come home, I long much to see him. I am Ever yours Adew

On 18 April 1734 parliament was dissolved, but so far as Culloden was concerned matters were at an end. For some time he had been suffering from a painful malady, and about May of this year went to his brother's house (presumably Stoney Hill) in order to be in reach of better medical advice. He never returned to the north, which would account for the absence of correspondence concerning the actual election for the parliament which met 14 January 1735.

The following is an isolated letter from Brodie of Brodie, the inclusion of which among the collections seems somewhat remarkable. It is dated from Brodie House, 16 July 1734, and endorsed "Copy Letter to Lovat."

To the Right Honourable The Lord Lovat
at Edinr.

My Good Lord

I hope this shall find your Lordship in good health, of which for the benefite of your freinds and family I wish a very long continuance.

Altho your lordship has not been so good as your word in writing to me every week, and tho this be my third, I have had the honour of hearing from your Lordship but once since our parting at Inverness in the end of May; yet notwithstanding I cannot neglect the first opportunity of congratulating your Lordship on the signing and receiving your Disposition. You are now indisputed Laird as well as Lord of Lovat. I hope it will ever continue in the person of those descended of you.

My Lord, I cannot omitt complaining very strongly to your Lordship of my freind the Lairds of Grant & Luss, to whom I have ever been ane unbyassed freind, as has my father before me, nay I have letters before me from the Brigadeer to my father, entailing a curse upon the family of Grant if ever they forgot my Fathers friendship, and I have all my life courted the continuance of it, and therefore I now address myself to your Lordship as a freind both to assist in the continuance of what I so ardently covet and desire. Sure I am our continuance in our wonted freindship will be our mutuall advantage, and no occasion hath been or shall be given by me to prevent its doing so. But to be more particular your Lordship knows the most of the ways my Cousine [Brodie of] Lethen has treated me. You know I always designed him for Nairn, if I was allowed to come in for Murray, and when I proposed him to Grant rather than John Forbes in obedience to my Lord

Islay's directions and my concert with your Lordship, Grant would not hear of him, notwithstanding of the relation of his family. But now that he is my declared foe and Duncan Forbeses firme ally, his chief agents in opposition to me are Grant & Luss, and that notwithstanding of an express agreement with Luss, Sir Robert Munro, Grant and your Lordship at Inverness, after our or rather your Lordships victory there, when you know I voluntarily engaged myself to be advised by your friends whom to bring in for Nairn, provided a barr was putt upon Duncan's friends, Calder and Lethen, and this was unanimously agreed to, and yet your Lordship has been writing Lord Islay in his favours and Grant has been with Lethen at Kiltrack soliciting the Baron for him, who always hated him, and in consequence thereof and of a letter from Calder My Lord Islay has wrote to me very pressing in Lethen's favours. But I am persuaded after what I have said to his Lordship he will no longer insist upon it with me, since Lethen's behaviour to me has been the most provoking and insulting that ever was heard of, abstracting from the ingratitude of it, nay I could give it worse names, but shall only state a few of the facts. First he undenyably owes the estate of Lethen to my Grandfather. Next, the chief occasion of my breach with the Laird of Culloden his brether, was my inclination of bringing him in for Nairn, and he trusted to it till he was freightend by the grand appearance of the Clans at the Michaelmas head court. Then he thought I had no chance of being in Parliament my self but for the shyre of Nairn, and therefore especially since I could not agree to prefer Calder to myself in case I should be elected nowhere else, he and his cousine Calder change sides and from the most inveteret

foes to John and Duncan became their most intimate bosome freinds and do so continue. Now pray, my good Lord, was this the behaviour of an honest man, to leave a man in the lurch that was fighting for him, because he suspected from the appearance of my Lord Advocate's Jacobite Popish freinds that it would not be in my power to succeed for him, and therefore he frys out against me, and even now that he finds he has taken the wrong sow by the lugg, he has never come near me, nor near my wife, and her mother from whom he received great obligations. Nay so firm a friend is he to Duncan that he behaves in the high and mighty saucy way with your freind Sir Robert Munro; for when he and I went to Castle Grant together, we found young Lethen there and when we came in he stood with his back to the fire without comeing forward to salute either of us, which Sir Robert judged he did because he was conscious of his own guilt and engagements to stand by the Advocat and his Jacobite freinds against all mankind, so that if My Lord Islay brought him into parilament it would bring in a freind of Calder and Duncan Forbeses upon neither of whom can his Lordship depend so much as upon the Squire [presumably himself.] And I can answer if my Lord Islay permits it, shall bring in a freind that shall stand as faithfully by him as I have done, and if his Lordship can find a Campbell more truely & sincerely his slave than I have been, I shall submitt. However I hope his Lordship will not insist on my doing a thing so dishonourable to myself and family, and so disadvantageous also; for if he carries, I mean if Lethen carries this question against me, my friends have told me and do now say, they will not stand by me for the future, if I am to be brow beat and cudgilled into a submission to a

rebellious cadet of my own family, who owns his being to us: besides he braggs that he will have me ordered to do it, and he with his Jacobite freinds John and Duncan will get my Cousine [Sutherland of] Kinsterie broke, if he does not vote for him, which is insolence that flesh and blood cannot bear, and is usage which I am sure no chief can countenance. I declare to your Lordship upon my honour I had not only be rather out of parliament, but I had rather not to be at all than to submitt to such a monster of ingratitude so that My Lord Islay's medleing in it can only proceed from his not being informed of the true state of the case. But Mr Colquhoun's medleing in it, when he knows the whole must be construed very unkind, and sure I am I would not treat them so, and his usage of me is very undeserved. However if my Lord Islay will but allow me to fight my own batle and not medle against me, I will be able enough to carry my point and baffle his enemy and his Jacobite popish aderents, and if his Lordship will medle against me I will have reason to say I am not very kindly used for my constant attachment to him personally as well as to the family. So that I beg your help with the peer too, and if ever I am able to serve your Lordship you may as freely command me. It is hardly possible to imagine the concern I have been in ever since the peer [Earl of Ilay] wrote to me upon the subject. He has also wrote to Kilravock to whom it is almost as disagreeable as to me, for tho he be his cousine german he always hated him and his new freinds, and so determined was Lethen to have me out of parliament that I have letters both from him and his father absolutely refusing me their interest in both shyres, and when my election happened, the young man would not favour me with

his presence, besides one thing more I can hardly forget to him, tho as a Christian I am bound to forgive, and that is his whole politicks of late has tended to make a division betwixt Grant and me. It was his governour Duncan's plot to crye out I could not be in parliament at all, since Calder and Lethen joined with Culloden would keep me out of Nairn. By this they projected to get me to brake with Grant and declare I would stand for the shyre of Murray in all events, even if he lost Inverness, which by the living God I never did nor intend, but when pressed to declare myself by some that were not his freinds, I chose not to declare myself, but to every freind of my own that I could depend upon, I made no secret of it. But I chose to have it secret, least if the Barons of Inverness should know Grant was sure of Murray, this might have made them easie about this carrying Inverness, and considering how much George & [Grant of] Dalrachnie were in Culloden's interest it ought to have been concealed from them, but it was not. Grant and Luss would not keep it a secret altho it was the chief condition I demanded upon binding myself absolutely to secure Grant in all events.

I beg pardon for troubleing your Lordship with so long an epistle, but once I beginn my heart is so full upon this subject I could not leave off, so I shall only add that Duncan's project is to separate us if possible from one another as the only method by which he can recover his lost honour in this county, and if we are wise we will be upon our guard and stick together and then no body can hurt us, and if there should at any time hereafter happen any private discords among ourselves, let ourselves meet together and take it away the minority yielding

to the opinion of the majority or if it is worth the while of troubleing my Lord Islay, let him be umpyre between us. But a difference betwixt Lethen and me is no difference amongst ourselves. It is a difference with a foe and an open declared warr has subsisted betwixt us for some time, and I had rather the Diuel or Culloden in parliament than he, for Culloden can live but short time to enjoy it.

I have now only to make offer of the kind complements of Mrs Brodie and [Brodie of] Spynie to your Lordship and beg to hear from you all your intelligence when at leasure. You can dictat a few lines to your boy for my use, when you are buckleing your shoe. I have the honour of being with great regaird my Good Lord

Your Lordship's most faithfull
obedient servant

A. Brodie.

P.S.—Calder has wrote a saucy letter, declarring he owes me no obligation for his election in Nairn. I have heard him thank God he was under the direction of noe Scots Minister but could go to the fountain. This is Duncan's talk too. Kilravock has a sort of project of bringing his son in for Nairn, which is a very idle one, considering he has no legall qualification, and tho he had I can manage him. He says his son's title is good in equity, if not in law. However he does not incline to disoblidge the Peer or differ with me tho he be vastly unwilling for Lethen, at any rate, considering under whose management he is.

The attitude adopted by Brodie towards Culloden was not easily forgiven or forgotten, as appears by the Lord Advocate's reply of 2 October 1735 to the letter from Mrs Brodie endeavouring to heal the breach. ("Culloden Papers," CLXXI. & CLXXII.)

The successful candidates at this election among those mentioned in the above letters were:—Inverness-shire, Sir James Grant of Grant; Inverness Burghs, Duncan Forbes, Lord Advocate; Ross-shire, Hugh Rose of Kilravock; Wick Burghs, Sir Robert Munro of Foulis; Nairnshire, Alexander Brodie, younger of Lethen. (John Campbell of Cawdor had been elected for Nairnshire, but preferred to sit for Pembrokeshire).



(6) FRAGMENTS (PUBLIC AND
PRIVATE)—1733-1735.

The Lord Advocate to [no name given]
dated from London 18 June 1733.

Sir

It is more than twelve months, since hearing of a proposition made by Messrs Fall of Dunbar, to turn the post road from Berwick to Haddington about by Dunbar, and to make 3 stages in place of two in that road; I wrote to the late Governor Harrison, with whom I had the honour to be acquainted, suggesting the inconveniences that would arise to myself and to all other gentlemen who rode post from Edinburgh to London, especially in the winter time. And now being informed that the same project is revived I hope you will pardon me for the liberty I take of stating the inconveniences that will in my apprehension be felt, should the design take effect.

I shall take no notice of the increase of expense to the revenue, which you are the proper judge of, but confine myself singly to the consequences that will affect travellers and which I must feel, so long as I practise riding post.

First then I apprehend carrying the road about by Dunbar will lengthen it, and tho the difference may not be above a mile, yet even that in bad weather, bad roads and a short winter's day will be felt with uneasiness.

In the next place I fear dividing the stages will be the cause of travellers being worse provided with horses. The stages of either hand of Cockburnspath are at present 14 miles each, and tho they are long, the horses are and have so long as I can remember been good, because the largness of the hire could afford keeping them in good order, but

if these 2 stages are broken into 3 small ones; the encouragement to keep horses will be less, and I doubt the horses in a very little time will be found worse and fewer in number.

But the last consideration I shall mention, and what affects me the most is, that by dividing the stages there will be one compleat stop more on the road from Edinburgh to Berwick, which one can hardly estimate at less than the expense of an hour for changing horses, securing their shoes etc. Now as for severall years past my journeys hapening in the depth of winter, I never have been able to do any more, as the road is now divided, than to get from Edinburgh to Berwick in one day, before it was perfectly dark, should I be obliged to ride a mile about and to stop an hour at a new post house, I must ride the last hour of that day's journey, which in the winter is exceeding bad & dangerous road, altogether in the dark; which you will readily perceive must be troublesome.

I shall not lay great stress upon a separate consideration, that the new intended stage will unavoidably draw travellers into the additional expense of guides, horses & refreshments, which if they do not call for they must wait the longer for their horses, but there are people who must be hurt even by this circumstance.

At the same time that I am so desirous to prevent the alteration of the stages, I think it is very expedient by all possible means to accommodate Messrs Fall who in my opinion are very deserving with a safe & certain carriage of their post letters to Dunbar, but this I think may be easily arrived at by ordering the postmasters of Cockburnspath and Haddington to cause the mail to pass by Dunbar and to leave the Dunbar by bag at any house the magistrates shall think fit to appoint.

I beg your pardon for the trouble I have presumed to give you on this subject. I hope you will excuse it, because it is intended for the publick good. I am, Sir, with great esteem

Your most obedient & most humble
servant

Dun: Forbes.

From General Wade to the Lord Advocate, dated from Tay Bridge 5 October 1733.

My Dr Lord Advocate

I expected on my return hither to have the work at the Bridge much more advanced, than it was during a fortnights absence and since my coming hither the weather has been so excessively bad & the floods so violent that little could be done; there is now a prospect of better, and I am pushing it on as fast as possible, the monthly charge amounting to 500 m [pmerks]; this for these three months past, has drained me of all my money and credit, so that the Work must be laid aside in a fortnight longer; in which time I am labouring to get it as high as the Pavement and leave the Parapet Wall for another year. I shall continue here till the end of the next week & if in that time your affairs shall call you to Edinburgh, I hope you will pass this way, I have had so much plague, vexation and disappointments, that Staggers my Philosiphy & believe I must have recourse to Cullodens remedy a Bumper; pray give my hearty service to him, as does all our family to you both, I am ever

Your most faithfull humble Servt
George Wade.

To the Honble Duncan Forbes Esquire
Lord Advocate for Scotland, mem-
ber of Parliament, at the Lobby of
the House of Commons, London.

22nd March 1734.

Royal Bank, Edinburgh,

My Lord

Before this time your Lordship will no
doubt have seen the rude Draught sent
from this, of such Amendements & ad-
ditions to the Charter of the Royal Bank
as we wish for, and are in the firm be-
lieff we shall have your Lops Assurance
for obtaining from his Majesty what we
now want, and on the other hand we
shall assure your Lop. that far from
being forgetfull of the Conversation we
had with you on the Subject matter of
laying out the Publick Money, intended
for the Manufactures, at Interest in the
most beneficial manner, for the sake of
the Publick, that we have pretty near
agreed how it may be done to Your Lops
Contentment, and with some safety, tho'
with very small benefite to the Bank.
We may venture to say That if we can
Indemnify the Bank, so as to sustain no
loss, we will insist for no Benifite, other
than the pleasure of doing Service to
this Country in generall & the Satisfac-
tion of doing what we know will be very
agreeable to your Lordship. We are

My Lord

Your Lops most obedt humble Servants

Pat Campbell

Jo Drummond

John Philp

William Alexander

Rich Dowdeswell.

From John Forbes to his father, the
Lord Advocate, dated from Rome 19
[April] 1734. The letter is addressed
to London (via Parigi) "at Mr Innes
apothecary in Jermain Street."

Sir

We have been here for about two
months, and have gone through the ordi-

nary course of antiquity that Travellers that are not to stay a whole season use to see. And the Season being now pretty far advanced we think of leaving Rome very soon, perhaps a fortnight or three weeks sooner than we formerly resolved, but having the opportunity of very good Company as far at least as Venice, we resolved to profit of it. Which of the two Routes we shall afterwards follow by Turin and Geneva or by the Tiroll we are not yet determined, But by the Time we leave Venice we hope to have a Letter from you which may assist us in determining of that as well as the rest of our Tour. For my part after I have seen the Places that ly in our way homeward and make some short stay at Paris my Curiosity of travelling will be quite satisfied, and tho so long a stretch as betwixt this and Paris, must be very expensive it seems better to make it out at once than to spend more money and more time.

I conclude with my humble acknowledgement for all your kindness towards me and with my hearty prayers for your health and prosperity I remain,

Sir, your obedient Son

and most obliged humble Servant

John Forbes.

From the Reverend Patrick Murdoch
(tutor to John Forbes) to the Lord
Advocate, dated from Venice 7 June
1734.

My Lord

Agreable to what Mr Forbes wrote to your Lordship of the 19th April, we left Rome a day or two after. It was a little against my mind that we should leave so soon, but being positive, for the sake of the Company he wanted to go with, having given up the sight of Naples and some other places, I could not oppose him, unless I had some thing

immediately from yourself. Tomorrow we set out on our way to Geneva, where if we find it answer the accounts we have got of it, we propose to make some stay. In autumn Mr Forbes will be for drawing towards Paris, but that is an affair of such consequence that it is probable your Lordship will think it convenient to signify your pleasure therupon. I have only to add that we keep good health, and employ our time as well as we can, tho' in this unsettled way there is little else to be done, than satisfy our curiosity. Mr Forbes offers his humble duty and I remain

My Lord

Your Lordships

most obdt

humble Servt

Pat. Murdoch

From the Lord Advocate to J. Scrope,
dated from Stoney Hill 23 November
1734

Dear Sir

Not having given you any trouble for some time past, and finding my self in Circumstances that are some what particular, I take the liberty to call upon you for Assistance, and Advice, in relation to my attendance on the Parliament at its first Meeting.

My Case is this. It is above a Year, that my poor brother has been tormented with a continuall pain in his Bowels, growing probably from some sore which no art has hitherto been able to heal. About six months ago he left his own house in the North, and came hither to mine in hopes that the superior abilities of the Phisicians & Surgeons here might give him some relief; but to no purpose; his agony continues the same, and the vigour of his Constitution seems only to lengthen out a life of pain, the Phisicians giving no hopes of his recovery,

from their Skill and leaving everything to nature, which is a kind of Condemnation, so far as their Judgment can go. You can recollect that since first I had the honour to serve the Crown, I never was one day absent from Parliament, I attended the first and last, and every intermediate day of every Session, whatever calls I had from my Private Affairs to be here, whilst at the same time my Friend the Solicitor Generall was permitted to stay out the whole time in this Place; the attendance of one of us upon the Courts in term time having been always thought it necessary, for his Majesty's Service.

Now it so happens at this Juncture, that Mr. Solicitor being returned to Parliament for two different places must necessarily attend the opening of the Sessions, which he has never hitherto done, and if I should also leave this place, the concerns of the Crown will be under some disadvantage, such as they have not been exposed to since I had first the honour to serve.

You know the friendship I bear my Brother, and can easily guess how painful it must be to me to part with him, in the extremity of his distress, and how desirous I must be to remain here to attend him, But such is my sincere respect for Sir R. Walpole and my concern for his Majesty's affairs in his hands, at this juncture, which for ought I know may be virtuall, tho I hope it is not, that if he upon considering my case, shall think my attendance the first day of the Session necessary, I shall, waving every other consideration, get a horseback, and do my best to wait on him at that time, carrying alongst with me the same dispositions towards him and towards his enemys as ever, but if the Situation of his affairs, shall enable him

to indulge me, in my request of leave to stay here, you can readily guess, the news will be very acceptable to me.

What I therefore intreat of you, dear Sir, is to take the first proper opportunity, to state my Case to Sir Robert, and to receive his directions upon it. I know if his affairs permit it he will have indulgence for me, and if they do not, I desire none. It will be material for me, he be resolved as to this particular as soon as may be, that I may make my Disposition accordingly, I make no other excuse for giving this trouble, but that I am very sincerely

Yours &c.

Shortly after this letter was penned, John Forbes of Culloden, "Bumper John," died & Duncan Forbes, the Lord Advocate, succeeded to the estates of Culloden & Ferintosh; Bunchrew was already his own. He was now a landed proprietor of considerable importance in the north as well as having from his official position great influence, when he chose to use it. About this period, however, he seems to have considered himself "disabled to do good, unwilling to do harm," & even suggested retiring "from a situation for which it seems I am not fit, and in which I never enjoyed much comfort." ("Culloden Papers," CLXXIII)

With regard to the next four letters, Mr Walter B. Blaikie, LL.D., has kindly supplied the following information:—

Alexander Smith, a native of Fochabers, entered the Scots College at Paris in 1698, and was ordained priest in 1712. Returning to Scotland, he served in the Roman Catholic Mission till 1718, when he was sent to Paris and appointed procurator of the Scots College. From 1730 till 1733 he was back in Scotland. Bishop Gordon (a son of the laird of Glastirum in Banffshire) was then Vicar General of all Scotland,

and had as a coadjutor for the northern section of his Vicariate Hugh Macdonald, son of the Laird of Morar. On application to the Propaganda and to the Jacobite Court at Rome for a coadjutor for southern Scotland, nomination was given to Alexander Smith, which was confirmed by James, 18 September 1735. Smith thereupon returned once more to Scotland, and was consecrated Bishop by Bishops Gordon and Macdonald at Edinburgh, 13 November following, subsequently (on Bishop Gordon's death in 1746) becoming Vicar General of the Lowlands. He died at Edinburgh in 1766 in his 84th year. Though a Jacobite, his mission in 1735 was less political than ecclesiastical, occurring at a time when Jacobite politics were more or less quiescent. The Government seems to have been extraordinarily vigilant on this occasion, as the search really anticipated by three months Smith's actual nomination.

The Lord Advocate to [?The Earl of Ilay],
dated from Edinburgh 17 June 1735.

My Lord

This morning your Lordships of the 12th inst., with the D. of Newcastle's to you, and a copy of the Lord Waldgraves intelligence, touching the person that was to come from Paris to Aberdeen with letters and instructions from the Pretender to his friends in this country. As I am distant from Aberdeen, what appeared to me the thing fittest to be done was to write to Mr Forbes, the Sheriff, whose zeal for his Majesty your Lop knows, to look out for the Person expected from France, under the marks given in the information, and if found seize him and secure his papers, to examine him carefully and if he can give no good account of himself, and if his papers show that he has come on the suspected errand, to detain him and to acquaint me with what he has done. But as it would shorten the

enquiry much and make the Discovery more certain, if he could be met at Sea, before his letter and other papers should be disposed of, I thought of sending Captain Tucker, who commands one of the Custom House Sloops to cruise off Aberdeen, with directions to examine every Ship coming from France to that Part, and seise and secure as in the directions to the Sheriff, if the person discribed was met with, and this I imagined might be the more naturally done and with less Suspicion, that by his employment as commanding the Sloop it is his duty to enter and examine all homeward bound Ships for prohibited Goods.

I therefore sent immediately to Mr Vaughan, and upon opening the thing to him, Captain Tucker was sent for from Burntisland where he lay, received his directions and is now set out upon this expedition, in which with the assistance of the Sheriff, to whom I have wrote, its probable the Missionary if any such came over may be met with. Tho I have lost no time in doing what to me appears most feasible, for coming at this person, I confess I have some doubt the Intelligence is not altogether to be relyed on.

For knowing that Provost Cruikshanks of Aberdeen is now in Town, I took occasion this morning to meet with him, and without letting him know why, to ask some questions about the Phisician of Aberdeen, by the name of Admandie, with whom the information says Smith was to be lodged at Aberdeen. He told me there was no such Man a Phisician there. I made him name over all the Doctors Surgeons and Apothecarys in the Town, and did not appear to me the least similitude in the sound between any of their names, and that mentioned in the Information, nor did the Provost know anyone in the City or its Neighbourhood of the name of Admandie, tho

this gives some suspicion in prejudice of the truth of the information, it was an additional reason for employing Tucker, who might have some chance to meet with the Person at Sea, since if ther was a mistake in the name of the Man, with whom he was to lodge at Aberdeen, the Sheriff had a tolerable direction how to look after or find him after he landed. I am with the greatest respect, My Lord, Your Lops most obedient and humble servant

The Lord Advocate to [Captain Tucker],
dated from Edinburgh 17 June 1735.

Sir

His Majesty having received Information That one Smith Procurator of the Scotch College was to set out from Paris, as Munday was Se'enight charged with Instructions from the Pretender to his Friends in Scotland in order to embark on board a Ship at Rouen, or some other Port of France, bound for Aberdeen, and that the said Smith is a little black man, You are directed by the Commissioners of the Customs to cruise with your Sloop off Aberdeen, in order to visito and search all Ships coming from Rouen, or any other Port of France to Aberdeen, for discovering of the said Smith, and for seizing any letters or papers that may be found in his Custody, or in the Ship or in any way belonging to him. If such a Person should be found on any Ship coming from France to Aberdeen, tho, to be sure he will not go by his own name, it will be easy to distinguish him from the sailors, and if he cannot give a satisfactory account of himself it will furnish strong matter for suspicion, if you shall be so lucky as to meet with his Letters and Papers, which doubtless must discover what he is about, and which you will certainly make the most exact search for; you will take care to have them

carefully sealed up, and transmitted hither, as you will bring hither Smith himself, if you lay hold of him at sea, and if the paper found with him point him out to be the Person Described by the aforesaid Information. If he shall have got ashore before you can lay hold of him, -Mr William Forbes the Sheriff of Aberdeen, to whom you will deliver the enclosed, will look after, and if possible seise and commit him; and you will be pleased to communicate with him what Information you may receive, as he will on his part do with you. As soon as you arrive at Aberdeen, you will be pleased to let me hear from you by the course of the Post, if no extraordinary Incident should call for the dispatch of an Express. Your Zeal and Fidelity are such that I need offer you no motive for bestirring yourself in a matter of this Importance, and your own prudence will direct you to let out what you have in charge on this subject to no one but to Mr Forbes, the Sheriff of Aberdeen and to, Sir, Your most humble Servant.

The Lord Advocate to the Sheriff of Aberdeen, William Forbes, dated from Edinburgh 17 June 1735.

Sir

The Government having received information That one Smith who is Procurator of the Scotch College, or Member thereof was to set out from Paris Sometime this Week, in order to put himself on board a Ship bound for Aberdeen, at Rouen or some other Port of France with Letters and Instructions from the Pretender, to his Abbetters in Scotland, Captain Tucker has been sent to Aberdeen, where his Sloop is to be employed in searching for the said Smith, all Ships coming from Rouen or any other the Ports of France, with Directions to seise and secure all Letters and

writings, that may be found in the Custody, of the said Smith, or any ways belonging to him, that such treasonable Correspondence may be detected and prevented. Now, Sir, if this Smith the Person pointed at, by the aforesaid Information, shall have got ashore, you see it will require a great deal of address, and diligence to get hold of him, so as to secure these dangerous papers, with which he may have been intrusted, and I promise myself your Zeal for his Majesties Service will prompt you to leave nothing undone, that lawfully can be done for attaining that end. All I can tell you, about him is, that he is described to be a little black Man, and that the Information gives ground to think he is to Lodge at the House of one Mr Admandie, who is said to be a Phisician in Aberdeen; its possible there may be some mistake in the name Admandie; but still you will have an eye to such Strangers as may Lodge with any Phisician, Surgeon or Apothecary of any name that is of kin to that mentioned. You cannot be at loss to gain privately Intelligence, whether any Ship is lately come or expected soon to come from Rouen, or any other Port of the Coast of France, to Aberdeen or any other Port of your Neighbourhood, and if any such ship is expected tho not yet arrived, it will be good service to acquaint Capt Tucker, with what you learn on this Subject, that he may conduct himself in looking out accordingly. If it should prove to be the first of your enquirey to discover the Person aboard described, your first care will be to search for and secure all his Papers and Letters, and to transmit them hither, that the Government may receive all possible Information, of the Practices he may be engaged in; And you will detain the Person in Custody till he give some satisfactory account of

himself, if such a Person should appear as a Romish Priest he may be Committed Tho' no such Information as is Described of treasonable practises had been layed against him, but you will take care to examine him Dilligently, to reduce that Examination to writing, and to transmit it to me, together with such Letters or Papers as may be found in his custody or belonging to him, that they may be layed before his Majesty, I doubt not that you will give all assistance to Capt Tucker, in what may be incumbent on him, to do on this occasion I am Sir

your most humble Servt

P.S.—I need hardly tell you that this matter must be treated with the utmost secrecy, the nature of the thing speaking that so clearly.

From Dr John Clerk to the Lord Advocate (at Inverness), dated from Edinburgh 9 October 1735.

Dr Duncan

I have been at Newhall [Sir Walter Pringle, Lord Newhall] again from whence I came yesterday & left him worse & worse: every day he lives is a miracle to me & yet the same scene I wrott to you last was acted exactly over again. He was carryed yesterday up & down his avenue several times to the length of a mile & more in a hand-chair. This operation (the gentlest can be imagined) putt him so much out of breath & defeat him so much that he could neither speak nor stand. He submitts however to this fatigue every day to qualify him for his journey to town in November.

I have sent to Willy a copy of the pamphlet which he promises to send along with some other thing. It is not so incorrectly printed as you would

fancy: some of the errata in the first are mended, I am very sensible that it will take with but a few for want of the notes & proofs: I did not understand a good deal of it at first reading & still I do not understand it all, I suppose for that defect. The believers will approve it much (& I hear they do so here) but I am afraid it will make few converts, the freethinkers are an easy kind of people who I fancy read nothing twice over.

Colonel Sinclair by the days news papers (which is all the way I know any thing about him) is arrived at London from Minorca, How Sir Ja: Fergussons place in the H. of Commons is to be supplied is more than I can tell. The E. of Morray is dead.

J. C.

The above letter may possibly refer to one of the theological publications of Duncan Forbes, of which some account is given in Hill Burton's "Lives of Lord Lovat and Duncan Forbes" and in Ramsay's "Scotland and Scotsmen."



(7) ALLAN RAMSAY AND CAPTAIN
PORTEOUS—(1736.)

Among the collections are to be found numerous official papers concerning the Porteous Riot, but, though these have been carefully inspected, no fresh information can be added to that given in the "Trial of Captain Porteous," edited by William Roughead, W.S., for the series of "Notable Scottish Trials." One document alone has a somewhat unique interest, being in the handwriting of Allan Ramsay, the poet, and presumably enclosed in a letter (to follow) of 15 April 1736, the whole being addressed to:—The Honourable Duncan Forbes of Culloden, His Majestie's Advocate for Scotland, member of Parliament, London.

A true and faithfull account of the Hobleshaw that hapened in Edr Wednesday the 14th of Aprile 1736 at the hanging of Wilson, Housebreaker.

On the Sunday preceding viz the 11th, the two condemn'd criminalls Wilson and Robertson were taken as usual by four sogers out of prison to hear their last sermon and were but a few minutes in their station in the Kirk when Wilson who was a very strong fellow took Robertson by the head band of his breeks and threw him out of the seat, held a soger fast in each hand and one of them with his teeth, while Robertson got over and throw the pews, push'd o'er the elder and plate at the door, made his escape throw the Parlt. close down the back staire, got out of the Poteraw Port before it was shut, the mob making way and assisting him, got friends, money and a swift horse and fairly got off nae mair to be heard of or seen. This made them take a closer care of Wilson who had the best character of them all (til his

folly made him seek reprisals at his own hand), which had gaind him so much pity as to raise a report that a great mob would rise on his execution day to relieve him, which noise put our Magistrates on their guard and maybe made some of them unco flayd as was evidenced by their inviting in 150 of the Regement that lys in Cannongate, who were all drawn up in the Lawn Market, while the criminal was conducted to the tree by Capt. Porteous and a strong party of the City Guard. All was hush, Psalms sung, prayers put up for a long hour and upwards and the man hang'd with all decency & quietnes. After he was cut down and the guards drawing up to go off, some unlucky boys threw a stone or two at the hangman, which is very common, on which the brutal Porteous (who it seems had ordered his party to load their guns with ball) let drive first himself amongst the inocent mob and commanded his men to folow his example which quickly cleansed the street but left three men, a boy and a woman dead upon the spot, besides several others wounded, some of whom are dead since. After this first fire he took it in his head when half up the Bow to order annother voly & kill'd a taylor in a window three storys high, a young gentleman & a son of Mr Matheson the minister's and several more were dangerously wounded and all this from no more provocation than what I told you before, the throwing of a stone or two that hurt no body. Believe this to be true, for I was ane eye witness and within a yard or two of being shot as I sat with some gentlemen in a stabler's window oposite to the Galows. After this the crazy brute march'd with his ragamuffins to the Guard, as if he had done nothing worth noticing but was not long there till the hue and cry rose from them that had lost friends &

servants, demanding justice. He was taken before the Council, where there were abundance of witnesses to fix the guilt upon him. The uproar of a mob increased with the loudest din that ever was heard and would have torn him, Council and Guard all in pices, if the Magistrates had not sent him to the Tolbooth by a strong party and told them he should be tryed for his life, which gave them some satisfaction and sent them quietly home. I could have acted more discreetly had I been in Porteous's place.

The letter mentioned above, to which the foregoing appears to have been an enclosure, is as follows.

Edinburgh Aprile 15th 1736.

My Lord

I wish I could light upon any opportunity wherein I might show my readiness to serve & shew my gratitude for the regards that you have honoured me with. Will ye gie me something to do? Here I pass a sort of a half idle scrimp life tending a trifling trade that scarce affords me the needfull. Had I not got a parcell of guineas from you & such as you who were pleased to patronise my subscriptions, I would not have had a gray groat. I think shame (but why should I when I open my mind to one of your goodness) to hint that I want to have some small commission when it may happen to fall in your way to put me into it. Bookselling good for nothing, poetry thats fail'd me, or rather my admirers ceas'd to ferly

Frae twenty-five to five and forty
My muse was nowther sweer nor dorty
My Pegasus wad break his tether
Een at the wagging of a feather
And throw ideas scour like drift
Streeking his wings up to the lift
Then then my saul was in a low
That gart my rhimes sae raffan row
But eild and judgment 'gin to say
Leave off your sangs and learn to pray.

I hope to do something yet that may
 chance to please, and if I still have a place
 in your indulgence I'll be

Your Lordship's humble happy servt.

Allan Ramsay

Duncan Forbes was ever ready to be a
 patron of learning & literature & was
 known to many who were then or after-
 wards famous. The following letter is
 from James Thomson, the poet, to John
 Forbes, younger of Culloden.

A Monsieur Smith, Banquier, pour
 faire tenir à Monsieur Forbes de
 Colodden à son arrivéé à Bou-
 logne sur mer.

Richmond, Aprill the 25th 1736.

Dear Jock

I am willing to inform before you leave
 France that [torn] salmon are very salt,
 and that we often drink your Health
 with more than devotion—with Love.
 Had I time I have many things to say
 to you, but must defer them till another
 opportunity. Here are some, and Peter
 among the rest, who are heartily yours.

J. Thomson.



(8) MORE FRAGMENTS—1736-1737.

William Mackintosh of Mackintosh, who became chief on the death of his cousin Lachlan Mackintosh in 1731 & died in 1740, was a cornet of dragoons "but in 1738 he obtained a company in General Montague's regiment of foot." ("The Mackintoshes & Clan Chattan," page 322).

Memorandum concerning Wm Macintosh
Esquire [dated at London 22 May
1736]

William Macintosh Esqr, now Laird of Macintosh and Chief of the Clan of that name in Scotland has been for [blank] years a cornet in the regiment of Dragoons commanded by Major Genl William Ker.

When the estate and Chiefcy devolved upon him, by the death of Lauchlan Macintosh, the last Laird, above 4 years agoe he continued in the service, and showed a desire to do so if by his Majesty's favour he might be promoted to any station wherein he might serve with credit.

And upon stating the case to his Majesty he was graciously pleased to express favourable thoughts concerning Mr Macintosh, to signify his purpose of promoting him and to direct me to deliver a memorandum to that end to Sir William Strickland, then his secretary at war, which I did accordingly.

Mr Macintosh has upon this encouragement continued to serve as a cornet, but nothing having been hitherto done for him, I took the liberty last Wednesday to mention his case to his Majesty, who declared the same favourable disposition as before and directed me to deliver to Sir William Yonge a memorandum concerning him, to the end that being put

in mind of his case at the first proper opportunity he might be promoted. As the motive to the intended promotion is by some mark of the Kings favour, to distinguish a gentleman who by his family and interest in the Highlands of Scotland is of considerable consequence and thereby to secure him to his Majesty's service and enable him to determine the sentiments of his numerous kindred to duty and affection to the Royall Family, it is humbly submitted whether it may not be proper to move his Majesty to raise him on the first proper occasion to the rank of Captain from that of Cornet in which he has served for so many years, it being indifferent to the Gentleman if he arrives at that rank, whether it be in a regiment of Horse, of Dragoons or of Foot.

Dun: Forbes

In "Culloden Papers" (CLXXIV) appears a letter from Arthur Onslow, Speaker of the House of Commons, telling the Lord Advocate that he had just received the linen and wished "to make a return by way of present for this which the Royal Burghs have sent me." The following explains the matter.

Endorsed:—Copy letter to the Right Honble Arthur Onslow Esquire, 2d December 1736.

Dear Sir

I have the honour of yours of the 23d November, by which I perceive that Mr Lindsay's letter has laid you into a mistake which has given you some uneasiness. But I cannot say I am sorry for it because that very uneasiness tho' founded on a mistake is to me a fresh instance of that generosity and disinterestedness of temper in you, which begun my esteem for you. You have understood Mr Lindsay, as if the linen

had been to be paid for, out of the funds destined for encouraging our manufactures and on that supposition I who have the honour to know you should not at all wonder that you should be scrupulous of accepting a present which would be taking away much from so usefull a design or if you did in compliance accept of it, that you should think of returning it, in so handsome a manner as you have proposed. But when you imagined that this money came out of the funds destined for improvements, surely you forgot that I was one of the Trustees for these funds, whose duty would have led me to prevent the making any presents out of them; and indeed these funds are entirely out of the question. The linnen sent you has been paid by the Convention of Royall Burroughs out of moneys raised by themselves (which they annually by their constitution do) for answering their publick occasions and not out of any moneys applicable to manufactures or improvements of any sort. This convention is an assembly of all the Royall Burroughs in Scotland by their deputys or commissioners who have severall powers and authorities by law committed to them, and who observing the candour and friendliness with which you have at all times treated every person and thing that had any relation to their country, particularly the later endeavours to promote Fisheries and Manufactures there, have longed for an opportunity of showing their sense of your goodness to them, and being informed that you wanted a supply of linnen from home for your table, which they took to carry a favourable intention to them, as it must show their manufacture to the best company in Great Brittain, they layed hold of the opportunity and ordered it to be made after a particular pattern, fit to show the coun-

try it came from, trusting to Mr Lindsay and me that we would explain the motive to their action, and make their compliments to you in such sort as you should at least excuse their zeal. It is from them, Sir, this small present comes and they will think themselves overpaid by your favourable acceptance, but cannot possibly take the money again, which they believe they have laid out so well. And this being the case you see the manufactory funds have nothing to do with it. Tho I do not very well know whether, if we the Trustees lawfully could, we should not have laid hold on the money you have sent down as a punishment for your parting with it so easily. But indeed we have no authority to receive or apply donations or any other moneys but such as are appropriated by Act of Parliament and therefor, Dear Sir, we cannot if we would rob you of what you are so willing to part with. If there is any thing of what I now write in a hurry so ill expressed that you cannot understand it, I shall have the honour to explain it at meeting; till then and always I shall be what I am, Dear Sir, with very true respect

Yours etc.

In Mackenzie's "History of the Mackenzies," page 461, it is stated (but without authority given) that George Mackenzie of Gruinard "married secondly Elizabeth, a natural daughter of President Forbes of Culloden." From the following it would appear equally possible that she was daughter to his brother, "Bumper John."

Endorsed:—Accompt the Laird of Culloden to Mr Daniel Clark school fees for Gruinnard's sons 1736.

Accompt of college dues for Gruniorts sons John and Duncan Mackenzies and

Hector Mackenzie Gruiniorts nephew entered by the late Culloden [that is John Forbes] into my school.

Sterling
£ s. d.

Pettie June 18th 1730. Entered John and Hector Mackenzie and continued since till June 1736, being 6 years at half a crown per quarter each inde ...	6 0 0
July 11th, 1732. Entered Duncan Mackenzie son to Gruiniort and continued till June 1736 being four years at half a crown a quarter inde	2 0 0

8 0 0

June 18th 1730 Received of the above by the hands of Mr John Clark from the late Culloden	0 5 0
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7 15 0

Nota. The above John Mackenzie was two years King of the Cocks which the late Culloden promised to satisfy me for

Daniel Clark.

The above was paid 5 March 1741 by Duncan Forbes, then Lord President.

From John Hossack to the Lord Advocate dated from Inverness 20 May 1737.

My Lord

The whole country is amused with the proceeding against the City of Edinburgh [concerning Captain Porteous] and the Judges, and there is an universall discontent.

My Lord Lovat is alarmed by a letter he says he got from a friend in London, acquainting him that there is an information given against him to a Secre-

tary of State of his having talkt contemptuously of the King and Government and his being engaged in a plott and as [Fraser of] Castleleathers is come from London he has conceived a jealousie against him and designs forthwith to turn him and all his concerns out of his lands. [See Lovat's letter to Lord Hlay dated 27 May 1737 (Mackenzie "History of the Frasers")]

Its talkt that the house of Assint is burnt and [Mackenzie of] Ardlochs Cattle haught; this is supposed to proceed from the contention betwixt two great men [? The Earl of Cromartie & the attainted Earl of Seaforth] about the estate of Assint.

I am, My Lord, Your Lordships Most
faithful Sert.

John Hossack

Lord and Lady Doun are in Darnaway

From John Hossack to the Lord Advocate, dated from Inverness 10 June 1737.

My Lord

The priviledges of the Royal Burrows of Scotland which must be as precious as that of the Royal Mother City is upon the spirit of all Scots men, a poor victim to the arms of Great Brittain in so many years. Mean time all true Scots men, 146 commoners & Lord Mark Kerr are drunk to in full bumpers.

Lord Lovat set forward this day to repay a large sum to the Bank, and pay a part to Fraserdale.

While the jealousies of common rights continue, discontent renders every good-thing which we enjoy less comfortable. All friends are well

I am, My Lord,

Your Lordships most faithfull Servant

John Hossack

The above letter refers again to the proceedings in parliament against the City of Edinburgh with regard to the events of 1736.

On 9 June 1737 the Lord Advocate spoke in defence of the rights of his country, concluding his speech with the following words:—

It is more than probable, Sir, that I shall never trouble you again with my sentiments upon this or any other subject, but my conscience would ever afterwards have accused me if I had quitted my seat before I had given my reasons why I think the present bill should not be committed.

On the death of Sir Hew Dalrymple, Duncan Forbes was appointed Lord President of the Court of Session & took his seat 21 June 1737.



VI. From 1737 to 1745.

The appointment of Duncan Forbes as Lord President of the Court of Session was almost universally approved. Ramsay ("Scotland and Scotsmen") states that

The Faculty of Advocates congratulated him with great affection on that occasion. . . . When he spoke which was generally last, there was a universal silence in the house, everybody being disposed to regard him as an oracle that never deceived. . . . This great and good man lived in very trying times, when prerogative and patriotism were striving for the mastery. Instead of running into either of these extremes, he conducted himself in the conflict with such rare temper and good sense, that if he did not please both parties equally, he did not lose the esteem of those whose sentiments differed from his own.

The part which he played in the Forty-five has become to the casual reader the main achievement of his life. In many respects it was so, but during the preceding eight years, when he was first law officer of the Crown in Scotland, he dealt with a variety of vastly important matters, some arising out of the high office he held and others referred to him on account of his known integrity, patriotism and honesty of purpose. It has been said of him that the Bench, when he took the chair, was in its lowest state and that before his death he had "brought it to a condition that it has perhaps never equalled since."

Other matters in which he was concerned were the preservation of the national records, the roll of the Scots peerage and the state of the revenue; and arising out of the last the encouragement of the linen and other industries and the suppression of smuggling. It is to be regretted that in connection therewith much of the correspondence has disappeared.

(1) FRAGMENTS 1737—1742.

The following letter to which reference is made by Hill Burton ("Lives of Lord Lovat and Duncan Forbes"), concerns the Reverend John Hutchinson, of whose particular system of theology the Lord President was an exponent in his "Letter to a Bishop" and "Thoughts Concerning Religion Natural and Revealed."

To the Rt. Honble Duncan Forbes Esq
Lord President of the Session at
Edinburgh

Walton upon Thames Septr 16, 1737.

My Lord

I ask pardon for presuming to trouble your Lordship, but you will (I don't doubt) more easily excuse the liberty I take with you when I tell your Lordship that my wife is a relation of our deceased friend Mr Hutchinson, and I one of his greatest admirers and most zealous disciples. If he left no will with your Lordship I am afraid there is none at all. He told me when he lay ill that if you liv'd, as you had a general idea of what was to come, we shou'd have it. From a full conviction of the truth and importance of what he advanced, I am extremely desirous of having the rest of his incomparable works. The papers he has left will, to be sure, explain what is dark in his writings, and complete many things that are but just mentioned in the books he has published. If your Lordship has no formal commission about his papers I most humbly entreat you to interpose and to use your endeavours that they may be preserved and published. Mr [Julius] Bate [another follower of Hutchinson] has a design of getting all his books and papers into his possession. He is one I had always a good opinion of, but yet shou'd be loth to see so im-

portant a trust committed solely to him. If your Lordship will permit me to give my thoughts, if you will not be so good as to take this affair into your own hands, I humbly propose that the books and papers be purchased of the administrators (if they will not make a present of them) and a little society formed of Mr H's friends, who, in conjunction, may have the care of publishing what he has left, and of carrying on and conducting the great work that is thus far advanced. I mention this with the greatest submission to your better judgment and shall entirely acquiesce in your Lordship's determination. I beg the favour of a line from you and am, My Lord, though unknown to you, with the highest esteem
Yr Lordships most obedient and most
humble Servt

W. Gardner

Mr Spearman [Robert Spearman, pupil of Hutchinson] is of the same opinion and joyns with me in most humble service to Your Lordship.

The writer of the next letter, Henry Fane, was brother to the eighth Earl of Westmorland and nephew to John Scrope of Wormsley in Oxfordshire, to which property he eventually succeeded. While his uncle was a joint secretary to the Treasury, he was chief clerk to the Treasury Board. This letter to the Lord President is dated 11 October 1737.

My Lord

It was a great pleasure to me to hear yesterday by the honour I received of your letter, that you are well and that I am believed to be (what I would always endeavour to support,) a man of gratitude and fidelity, by him whose good opinion and freindship I am endeavouring to obtain; I hope what I promise to do I shall to the utmost of my power per-

form, and whatever professions of freindship I make, those I make them to may rely on them.

You are extremely kind in taking care of the Church, for which you will no doubt have their secret prayers; the publick ones are for their Lords.

I wish I could say any thing tending to a reconciliation amongst us; matters are kept still open and I believe next session there will be warm doings. I hear the C. List is to be warmly attacked, and the project is to give the K. £800,000 a year out of those revenues and the overplus to the P. This at first may seem plausible, but if it is considered that this is making the Father account to the son, I believe the project will not be so easily carried into execution. Some people advised him [The Prince of Wales] to go into the City and set up his sadler's trade, but had he gone to live there he might have made some people very uneasy. The true friends of the family wish matters could be made up, lest advantage may be given to the common enemy.

Without doubt you have heard of the late alterations, viz., Mr Chandler, Mr Somers, Mr Campbel, Mr Hotham to be commissioners of the Customs instead of Mr Trelawney, Mr Drummond, Sir James Campbel, and Sir Charles Peers; that Mr Gambier succeeds Chandler as solicitor of excise, and Roger Manwaring (a Richmond Park hunter) succeeds Gambier as treasurer of the salt office. This alteration of Chandler is to make room for Gambier and Manwaring. Tudor is to be Hotham, and Bowles to be Tudor, but who is to be Somers we dont yet know.

My uncle and brother present their humble services to you, and bid me assure you that they voted heartily and conscientiously in the affair of the Nether

Bow port. I am with the most perfect
 esteem and respect, My Lord,
 Your Lordship's most faithful and most
 Obedient humble servant
 Hen. Fane

Anonymous to the Lord President, dated
 18 October 1737.

My Lord

I had the honour of yours at Minto last
 Friday so could not give you this trouble
 sooner

Your old acquaintance Mr Reshie [The
 Reverend John Ritchie, minister of
 Minto] was sick the first Sunday of
 August, at [illegible] the first Sunday of
 September, he did not read the act the
 first Sunday of October, and on Monday
 sent My Lady a sett of tea equipage she
 had given him some years ago, since he
 must now take himself to another way of
 life that would not afford the expense.

Last tewsday befor I left Minto he came
 to the judge [Sir Gilbert Elliot] with
 great concern in his countenance to
 acquaint him of a fixt resolution he had
 taken, and the cause of it, viz., that he
 was to resign his ministry, because a
 new king was very soon to be crowned at
 Scoon, who was to be a protestant, but
 as he had sworn to our lawfull sovereing
 K. George, he would not serve as a min-
 ister under the new King. This ridicul-
 ous conceit was, they say, coyned at the
 hill preachings that have been lately
 made all over the South country by
 Ebenezer [Erskine the seceder] and his
 brethren at a national fast apoynted by
 ther own authority wherein the people
 were entertained with severe enctives
 against government; but its hard to
 imagine aney purpose that could be
 answered by amuseing the poor country
 people with so foolish a story as this
 which poor Mr John so firmly believes.

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From Sir William Yonge, secretary at war, to the Lord President, dated from London 24 January 1737/8.

My Lord

It is the greatest pleasure to me, whenever I can have the satisfaction of acquainting you that any of your commands are obey'd, as I now can that Cornett [William] Mackintosh [Chief of the Clan] is made a Captn: in Brigadier Montagu's Regiment, which is now quarter'd at Exeter. If this should occasion his coming into those parts, I can assure him they are good quarters, and in the Neighbourhood of your humble servant.

This promotion has enabled me to serve another friend of ours Sr Arthur Forbes [of Craigievar] Brother, who is made a Cornett in Genl. Kerr's Regt: in the room of Mackintosh, which Sr Arthur told me would be agreeable. Not having the pleasure of seeing Sr Arthur in Town, nor knowing how to direct to him, I must beg your Lordship to acquaint him with it.

As to Mr Innes, I think in your last letter (which I have unhappily mislaid) you desire he may be provided for in Britain, and had rather wait a little for that purpose, there is at present but one vacancy and I cannot answer for that, but if the King pleases to promise him the first that falls or to appoint him now to some Regt. abroad, till he can exchange for one here, I hope it will be satisfactory, and am sure nothing shall be wanting on my part.

We had a very full meeting last night, and I believe shall have a full house to Day The King's Speech which I suppose you will have by this Post, is very short, & both that and the Address so unexceptionable that I believe we shall rise very early, however I write this in the morn-

ing for fear I should want time. It is now generally believed we shall have a quiet session, without the warmth we had last year, which I earnestly hope, as all honest men must. I am with great Truth and Respect

My Lord,

Yr. Lordshp's Most obedient Humble
servant,

Will. Yonge.

From Provost John Hossack to the Lord
President, dated from Inverness 27
February 1738.

My Lord

William Fraser the Town Clerk sets out to-morrow morning, and has lost no time, to waite upon your Lordship and proceed, as you will please to order. He carries coppies of the memorials and acts of approbation of the overseers with the abstracts of the accounts, etc., all subscribed by me as just coppies, and Mr Fraser has compared them with the books to his own satisfaction.

Lord Lovat is come in to save money and live upon his tools in this town. I hope the persons that are now fond of his support will soon look as contemptibly upon him as of their own conduct.

The honest men in this town do make their thanks to God in publick and privat for your Lordship's recovery and they pray for your continuing long to be a blessing to your country. I am my Lord

Your Lordship's most

Faithful servt.

John Hossack.

From Captain John Rutherford to the
Lord President, dated from London
8 March 1737/8.

My Lord

Your Lordship will pardon the freedom I take in committing to your perusal this short abstract of my descent to the title and house of [Lord] Rutherford.

I have qualified my selve before the Lord Chancelor. A certificate with the seall and proxie I have sent by this express, and I hope the clerks will not refuse to enroll me, since the other [George Durie] stands only there as having served to the Earl of Teviot. I humbly beg pardon for this trouble and am wth the greatest respect, My Lord,
 Yours Lops most obedt faithfull
 humble servt
 J. Rutherfoord.

Of the then two claimants the writer of this letter would appear to have had the better right (if any existed) to the title. See Riddell's "Scottish Peerage and Consistorial Law" and Robertson's "Proceedings relating to the Peerage."

The following account is illustrative of one of the journeys from Edinburgh to Culloden:—

Endorsed:—Accot of debursmts

1738			
Apr: 11	To the horses att Leith ...	0	2 6
„	To the bill at Kinghorn ...	0	5 0
„	To a bottle of zerry att [illegible] ...	0	2 0
12	To the servants & horses at Faulkland ...	0	14 0
„	To the horses at my Lord Leavens ...	0	8 0
„	To the porter there ...	0	2 6
„	To the bill at the bridge of Earn ...	1	1 6
	To the Custom at do. bridge	0	1 0
	To the boatmen at Dunkeld	0	4 0
13	To bill at Dunkeld ...	2	11 9
14	To the bill at Blair ...	2	7 5
	To the porter at the Castle of Blair ...	0	5 0
	To the man that opend the gate there ...	0	2 6
	To 5 bottles of wine at Dalnacardoch ...	0	10 0
	To the bill at Dalwhiney ...	1	2 8
15	To the bill at Ruthven ...	3	0 1
	To the bill at Agimore ...	0	6 6
	To the bill at Corribrough ...	0	10 6

To a bottle of wine at Dal-			
magerry	...	...	0 2 0
To John Donn horse hyrer	...	...	1 5 0
			<hr/>
			15 3 11
Recvd.	...	...	10 10 0
			<hr/>
Balance due	...	...	4 13 11

From George Ross to John Forbes,
younger of Culloden, at Culloden,
dated from London 22 April 1738.

My dear John

Your regard for me calls on me to make you share with me in my present happiness. Last Thursday by the advice and approbation of your worthy father and Mr Davidson, I was married to one of the best women I ever knew, who in her qualifications and appearance is inferior to few, and whose fortune will I hope enable me to be usefull to my friends, more particularly to your father, to whose goodnes I ow all my good luck. I propose (God willing) to be at Edinr as soon as your father.

Thomson's play [Agamemnon] has succeeded to our wish, but is not yet printed: when it is you shall have it sent you I am my Dr Sr

Yours

Geo: Ross

Your friend, Mr Mitchell [afterwards Sir Andrew Mitchell] came in just as I was finishing this, and begs his compliments to you. Adieu mon cher ami.

The writer of the above letter was George Ross, the Scottish army agent, afterwards of Cromarty. The marriage is referred to in the next letter.

From William Forbes to John Forbes,
younger of Culloden, at Culloden,
dated from Edinburgh 27 April 1738.

Dr Sr

I have yours of the 22nd currtt for whirh I thank you, seeing it does me the

pleasure to show me that you are engaged with Jo. Monro, in demolishing a rump & strong ale, those known enimys to mankinde; and I wish this undertaking of yours and your friends may be as successfull as it is generous. You noe doubt know that [James Erskine, Lord] Grange is secretary to the Prince & that D. Queensberry etc, etc are of the Bed Chamber; but I think George Ross has made a better bargain, for tho he is only lately named a gentleman of the Bed Chamber to Miss Kelly, a privat lady, he gets £5000 in hand & hes a prospect of getting £10,000 more, and I doubt if any of the prince's Bed Chamber men will make so much of it, as such.

We have a loud talk here of the D. of A[rgyll] loosing some of his employments, but speak of this to none.

This day the Synod of Midd Lothian assolzied Princll. [William] Wishart from the articles of accusation laid against him by his worthy bretheren. Its thought the parliament will not sitt long now. I am exceeding glade to know that my Lord President is weel. I am Dr. Sr.

Yours to serve you

Will. Forbes

Macleod of Macleod to John Forbes,
younger of Culloden, at Edinburgh,
dated from Dunvegan, 27 June 1738.

My dear John

Your very laconick epistle was very agreeable as it brought me very glad tydings of your Fathers being well & in top spirits & I hope he will never tyre of thressing att his drolls till he bring them to the consistencie he & all good men wish; he then if he so wills may retyre gloriously. Your snuff is most fragrant. I'm glad you liked the cheese, tho the fellow tells me it was much spoiled in the carriage. Maconill I fancy will see you att Colloden if you're there the ordinarie

time in August, if not farther south, for he quitts this enchanted ile for this year att least. I envy you att present for nothing so much as the opportunitys you have of hearing the D. of Argyle & your Fathers conversation. Tho the drovers are broke I'd give a score of cows for your place; Pray tell me what you know of his stay in Scotland & of the goodmans motion after the session is up. You & Lockhart would caird finly thorow other for if you're brief he's prolix; here is cold weather with rain once a day but a hugeous quantity of grass & a great apearance of corn. You don't so much as tell me if Coulnald is with you; lett me be remembred by you & Stola Saturday in a bumper. I pledge you both my dear John I am your most affectionate comrade

Nor: Macleod

Write first post. Tell the President if my man here had gott his commission from the Customs he could have seised three notable smugglers one with brandy & two with salt & tobacco since I came home; however I did what I could to prevent there disposing of much of these cargoes here abouts.

The above letter again shows the intimacy of Macleod of Macleod with the family of Culloden, and the complimentary reference to the Duke of Argyll & to the Lord President is highly suggestive. Macleod and John Forbes younger of Culloden were contemporaries, being aged at that time about 32 & 28 respectively.

From the Duchess of Gordon to the Lord President, dated from Prestonhall, 12 December 1738.

My Lord

Last post my chamberlaine, Mr Hamilton, sent me by ye berar Mr Macray ye inclos'd memoriall to yr Lordp. and the

other trustees, at ye same time he assures me the berar is a very industrious, laborious man and has brought ye linning manufacture there to sum perfection, though its very plain no place in Scotland is more proper than Huntly for such an undertaking, those people having been famous time out of mind for fine spinors, and ye ground is admirable for lint, and fine rivers and brooks for bleaching, so yt I shall only now recomend him as a proper person to be encouradged by yr Lordp: he tells me he made last year six thousand marks worth of good Scots Holland, which was sold in ye contry, but when I have ye good fortune to see you here, I shall more fully give you my opinion of linning and wollen manifactorys (*sic*), which I hope you'l sum time encouradge as much in ye North as you have done in ye south. Lord Forbes is one that will joyn me in recommending the berar, he being married to ye daughter of one that was his minister. I take this opportunity to return you thanks for yr favour done Mr Paterson. I hope he has behaved well and made out what he undertook. He is a laborious industrious man, and cane be of great use in ye Northern counties, were they not very wrongly left out by parliament from ye encouradgement given for ye wollen manifactorys. Strathspey, Stradown and Glenlivet, Morray and Inverness being famous sheep contreys, where we have all a good interest to promote yt benefitial branch of trade in its utmost extent. I shall refere further to ye berar's representation, and am with great esteem, My Lord,

Your most oblidged and most
humble servant

H: Gordon

I begg when you writte to your freind the Duke of Argile that you'l make my compliments to his Grace, the Dutchess and all the young Ladys.

From the Duchess of Gordon to the Lord President, dated from Prestonhall 8 January 1739, concerning one of her younger sons, possibly the person named in the famous song of later years, "O send Lewie Gordon hame."

My very good Ld & friend

It gives me no small trouble, that amongst so many disapointments, ungratitude & ye Follys, Roguerys yr Ldpp meets with in this vexatious world, that ye freindshipsp you have so long, and to so many good purposes, honored me with, has of late, so much added, by having a feeling for a tract, of unfortunate and foolish transactions, in such a number of undutyfull folish children as have been my ilk-fate to have. Though (I thank God), I have that unparalell'd happyness, that I have dume my part which I hope such a freind as you are, and a very few more will doe me ye justice to belive.

As to ye folish Boy in question, though almost a man in age, I found him at London, in a very badd and dejected state of health, I had an impariale character of him from ye worthey Mr Poyntys, to be sure in ye most favorable sence, he was 3 months with me at London, indeed I was much surpriz'd at his childish trifling mannor of passing his time, in company of children, far younger than fiimself, he has also ye misfortune to be of a very fretfull pivish temper, but as these are naturall infirmities I bore with them, and till he had been at Kelly for 14 days, he always behaved with dutyfullness to me, and affectionatly to his sisters, and when he pleased was very mannorly, to everybody, and regreted exceedingly at London and Gordon Castle ye undutyfull behaviour of his eldest Brother, But when we came to South Dundee, ye first compliment he made to one of his sisters was what have I to doe with yr damd [?] Handkishive, keep it to

yr self, from that day to ye morning he went to Edingburgh, has been a dayly sceen of ye undutyfullest ye most ungratefull unmanerly and undeasent series that a monster of Nature could be capaple off (till very mortified) flesh and blood (brought even to ye last extremety) could no longer bare, and even then, I writte to Honest John Gordon, wine marchd, acquainting him that as I had my self, no mannor of corespondance, either with my eldest son or ye Earle of Aberdeen, I desired he would acquaint his Lordshipp, with this youth's behaviour, which I also desired ye favour of his Lordpp to acquaint my son off, that he might in conjunction, consider, where he show'd be sent, for yt to be mistris of my eldest son's estate, I would not undergoe what I have dune, since July last, that I meet him at Kelly and yt would his Lordpp take upon him his manedgement till ane answer from his Brother came; I show'd take it as a singular favour, but if not, I show'd have so long pastience, but no longer for ye universe, for after such a storm and such an infection, next to witchcraft from ye walls of Kelly which no Quarantine cane make safe Good Lord Ever deliver me. Good prudent, wise and discreet Lady [?] Fraser was with me a month before I left London, was then acquainted with ye prospect of a melancholy sceen which is now come to a very sadd end; but in hers & my opinion, most sadly manedg'd quit contrary to both our sentiments, but what came be say'd in such devisions, and indeed most unnaturall, but we know, by an unering precept, what must be ye sadd fate of a house devidid against it self, however, this worthey Lady was by good fortune ten weeks with me at Wallyfourd, and two weeks here, wittness to this undutyfull boy's behaviour, as every liveing sole in my famley have been. I belive yr

Lordshipp who has so great a pleasure in
doeing good to all mankind, suposing all
as you would earnestly hope they dis-
arv'd would not desire my Death, for an
ungratfull silly boy, when its possible,
I may doe sum small service to a part of
my children, who still disarve my care
and assistance, which is truly ye pre-
sent case with, My good Lord, she, who
is with all possible esteem and gratitude
Your most oblidg'd faithfull humble
Sert & freind

H: Gordon.

Its the prevailing fashion, in Aberdeenshire, with the great ones to be undutyfull to a mother and rude and disafectionate to sisters, so ye poor silly boy must also be in fastion or all must goe wrong, in ye opinion of sum; I am exceedingly impatient for an houres discourse when it cane be had, with out inconveineney.

From the Lord President to Charles,
eighth Lord Cathcart, dated 13 December 1739.

Endorsed:—Copy Lord President's letter
to Lord Cathcart 13th December
1739.

My Lord, Tho' I cannot boast of having much lessure at this day of the year yet there are no Commands of your Lordship that I would not willingly accept, I have therefore upon receiving your Lordships letter of the 4th instant sent for Mr Ker the Minister of the Episcopal Meeting in this place, in which only the King is by name prayed for, who performed the Ceremony of the marriage between Mr Patrick & Miss Montgomery, and Doctor Alston, who I was informed was a witness to it, and the only one who was not a near Relation to Mr Montgomery. I interrogated upon all the circumstances I could think of, and what Mr. Ker said

amounted to this, that he had heard for about a year and a half, by common report, that Mr Patrick had an inclination to marry Miss Montgomery, that the 17th August last Mr Patrick sent him an invitation to come & dine with him, that when he came Mr Patrick acquainted him that the Banns between him & Miss Montgomery had been proclaimed that he showed him the Certificate of the Proclamation, & prevailed with him to perform the Ceremony, that after the Ceremony performed the Company went to Dinner, and that every thing was transacted with great order, and Decency, that after dinner Baron Kennedy who as he was told had been invited to dinner, but had excused himself, came and staid with the Company some time, and that he observed no sort of disorder in Mr Patrick during the transaction he spoke of, he said indeed he took notice he was rather gay[er] than usual, & that his Spirits were up, but that he imputed to the Occasion, and did not hear any report of his being distempered till afterwards.

Dr Alston with whom I am not personally acquainted but whose integrity I have from those who know him a very good character[sic] says that he was an acquaintance of Mr Patricks, & of Mr Montgomery's, that he heard of the project of Mr Patricks marriage, many months before it happened, that on the day of the marriage being desired by Mr Montgomery he came before dinner to Mr Patrick's house that he was witness ther to the solemnizing of the Marriage, by Mr. Ker and dined with the married couple. That Mr Patrick seems to be very fond of the Bride and in acknowledgment to him for his giving himself the trouble to come thither, on that occasion made him a present of Pines Horace, that from Mr. Patricks behaviour he had not the least suspicion that he had not the full Exercise of his

understanding, as usual, That after Dinner Baron Kennedy came to wait of Mr. Patrick & his bride, Excusing himself that it was not possible for him to come to Dinner, and that Mr. Baron Edlin was expected tho' he did not come whilst the Doctor was there, and as he heard did not come till next day.

Mr Baron Kennedy assured me that about a week before the Marriage Mr Patrick acquainted him with his intention, that he prayd the use of his Chaise to carry Miss Montgomery to the Leith Races in, which he readily granted, that he had the same favour from Mr. Baron Edlin for another day, and that when the marriage was celebrated he made him and the Bride a visit to wish them joy. What your Lordship mentions of the character of Miss Montgomery I am of all others the most unfit to give you an account of, my way and that of the way of Ladies lying very far wide of each other, in general I can say this, that I never heard anything to her prejudice, and if the testimoney of the Countess of Eglington whom your Lordship knows as well as I do, but who is universally respected on account of the prudent care she has taken of the Education & conduct of her own Daughters is to be regarded, I am assured by her that Miss Montgomery was of a very unblameable character, and that any Impeachment of it is highly unjust. Whether what I have written your Lordship now will answer what you expect from me I cannot tell, I have not leisure for minute Enquiries, I report to you the Result of all, the Inquisition of the load of business under which I groan permits me to take, I am sure you will excuse me for adding no more to this, but that I am sincerely My Lord Your Lordships most obedient & most humble Servant.

From Macleod of Macleod to the Lord
President, dated from Dunvegan 31
December 1739.

My Lord

Ive felt and seen too many convincing proofs of your great Friendship for the Knight [Sir Alexander Macdonald] & me to doubt that the information come from Ireland anent us has given you a deal of concern on our account. All I will say (& I hope its enough to you) is, that we are intyrlly innocent of the crimes laid to our charge; Inadvertency or headlessnes we possibly may not be intyrlly exempt from but if that can be charged on us, I'm sure its all that in justice can.

You know better than I that were we never so innocent, a prosecution would be attended wt a multitude of inconveniences & ought in my weak judgement to be shunned if possible; you not only know best if it can be shunned but likewise the proper means how to shun it & are the only person in earth we would mostly nay intyrlly rely on, do theirfor in God's name what you think best for us.

Should you think proper anie of us came to you nay went to London wt proper instructions from you we are ready.

It gives me a certain degree of pain to think this must add to your fatigue, I know well you have enough, nay too much att this time in doing what you make duty of, your Friendship for us must lead you thorow the addition now made to it.

We only knew two days ago of this afar. I cant doubt but John MacLeod & Sr Alexrs doer Mr Mackenzie waited of you how soon they were aprised of it, if not you'll probably find it convenient to call for them.

I'll detain you no longer only I'm quite sure whatever prosperity or adversity

may hapen me, while I have being I will
continue in the usual sincere manner

Yours

Normand Macleod.

The above letter refers to a report that people from Skye had been forced to go to America at the instigation of Sir Alexander Macdonald and Macleod of Macleod. See Lady Margaret Macdonald's letter to Lord Milton, dated 1 January 1740 in "Culloden Papers" (CXCV.).

From Macleod of Macleod to the Lord
President, dated from Dunvegan 30
June 1740.

My dear Lord

Last post I had yours of the 19th. The Knight & I were together, he promises to obey your orders & the directions that came alongst, which if he does it must compleat his cure, for the cold bath into which I plunged him sore against his will has made him a deal better than he was when I wrote you his case.

As to what relates to my wife [Janet, daughter of Sir Donald Macdonald of Sleat] I had before I write the letter to her that you saw, seriously thought of that matter & intended by it she should come home, meaning in the most ingenious manner what I'm sure is said in that letter to do all in my power to make this place as agreeable to her as possible, so you may wt freedom give her your advice to come home.

Sr Alexr & I intend to endeavour to introduce the linnen manufacture to this country as I dare say you'll approve of. All that we will aply for to the Trustees att present is a woman to teach a spinning school wt some wheels & reels. If thats granted we'll purchase 1000 weight of Dutch tow to begin wt wh we are told is full as proper as fine lint for novices, for the further prosecuting the dif-

ferent branches of this affair we'll say nothing till some of us have an opportunity of getting your advice at Culloden where I hope you'll have more respite then I dare say you enjoy at present.

I envy no sort of thing about you at present but the hapines that some folks will have throw their acquaintance wt you of hearing the D: of Argyle clatter now and & then. If you had not always indulged me in a more than ordinary manner I surely ought in a most formal way, to ask pardon for teasing you so long, considering I know how much you are now employed. I am while I have anie share of common sense Yours

Normand Macleod.

The last words of the above letter are again of great significance, and it is of interest to know that the Lord President was himself consulted in regard to Macleod's separation from his wife, an affair which appears to have been dealt with by most writers only from her point of view.

The curious and isolated document to follow is endorsed "Coppie state of the Shire of Argyll October 1740," and another hand has added "Campbell of Kirnan." This would appear to be Duncan Campbell of Kirnan, who on 29 June 1741 set in tack to Donald Campbell, merchant in Kil-michael, the lands of Kirnanmore & Kirnanbeg etc excepting tacks already granted by him or Robert Campbell, late of Kirnan. ("The Clan Campbell—Sheriff Court Books of Argyll," 219.) Kirnan is in the parish of Glassary, the proprietors of which were among the old heritors & from whom sprang the poet Thomas Campbell. (Ibid, "Ducal House of Argyll," 350.) The Lord President appears still to have acted from time to time on behalf of the Duke of Argyll, whose perpetual absence in England may have caused abuses of which he himself was ignorant.

MEMORIAL OF THE PRESENT STATE OF THE
SHIRE OF ARGYLL.

It's very remakable that in no country in Scotland there appears so much harmony as in this shire of Argyll, altho' its but too true, that no set of men in the kingdom have weightier complaints or greater reason to oppose the measures that oppress them; but they are ruled by so high a hand and their chains rivetted in such a manner that they are content to murmur their grievances in private, having no hopes of redress.

The memorialist, sensibly touched with the wrongs of his country and relations, was ventur'd to risque his welfare in the shire, by laying open the many oppressions that country labours under, in hopes that at this juncture when his Grace of Argyll is playing the champion, as he pretends for publick liberty, measures may be fallen upon to oblige him to act consistent with his pretences in restoring his native country to the common priviledges of mankind.

It was the fate of the family of Argyll to be frequently forfeited, and by the feudal tenures, the vassals were always forfeited, if the superior was, whether innocent or not. The family had always the address enuff to be restored themselves, but made this conscientious use of it, either to keep the vassals estates to themselves or making them pay dear for a renewal of their charters as a reward for their firm attachment to the family when in misfortune.

In this righteous manner was the gross of that overgrown estate raised, upon the ruins of the fortunes of the ancient inhabitants of that country, whose posterity to a man wish for an opportunity to shake off the tyranny and humble the pride of that haughty family. These are by far the greatest number of the

gentlemen of the shire, especially when we consider that the most considerable gentlemen of the name of Campbell both for family and estate are disgusted at the Duke on account of disappointments in the way of preferment or as being sufferers in large sums as security for the late Marquise of Argyll, out of which sums they are kept for this religious reason, that he holds his estate in right of a gift of forfeiture.

These are the private disgnsts, but there are others of a more publick nature that quicken the resentment of the shire against the Duye, such as the misapplication of the publick funds, particularly that of the revenues of the two bishopries of Argyll and the Isles, appropriated by act of parliament for the use of schools in these remote corners, which is shamefully embazled, not 70 £ a year being laid out as the act directs, but to the Duke's deputes and other creatures.

The manner of levying the land tax is an other grievance, The shire is cessed by what they call the merk land, an old valuation in Scotland, but no where in use but in that shire, and only used there for a cloak to the imposition of the collector who must always be the Duke's depute; he not only takes care to have the Duke's land cessed less in proportion than the rest of the shire, but has the conscience to levy at least a shilling for himself for every one he collects from, a scandalous imposition and the most clamorous as it falls heaviest on the smaller estates.

An other grievance & that not the least considerable is a tax which his Grace claims (whether legally or not the memorialist will not pretend to determine) at 16s & 8d per ann. out of every herring boat, which to these poor people is a great sum, and consequently a discouragement to a branch of trade the

most beneficial to the country, for as those poor wretches must pay this tax whether they have success in the fishing or not, they rather choose to starve at home, than by going to fish subject themselves to a certain loss, when the gain is very precarious.

After a detail of so many depressions, its a natural question, how it comes that the shire is so passive and the Duke so absolute. The arcanum imperii of the Dukes government is his heritable jurisdiction of high justiciar; his Court, where he is himself judge, names the pannels & picks the Jury from whose sentence there is no appeal, but the distant & expensive one of the House of Peers, he makes the issue of his absolute power. For as they are not obliged to have their indictment found by a grand jury, the officer of this court sets up for inquisitor general and never wants the ingenuity by some prick or quick to punish a man with terrors of this inquisition, if he happens to be guilty of the heghnous crime of opposition to the absolute commands of their soverign Duke & his prime Minister; if a tryal was all they had to fear, that might not be so terrible, but confinement in a loathsome dungeon for several months without obtaining a tryal, must shock the most hardy. There has been instances, when a supposed criminal in these circumstances has by petition to the sheriff, begg'd for God's sake either to be tryed or hanged.

This is the secret bugbear that awes this country into slavery & poverty. They allow themselves to be robb'd and their chains rivetted for fear of being hang'd or worse than hanged, a melancholy case for a people and his Majesty's natural subjects and entitled to the protection of the same government with the rest of the Kingdom.

The memorialist is humbly of opinion that proper measures might be used to encourage the shire to lay open their grevances to the ensuing session of parliament.

A parliamentary inquiry into the application of the Bishop's tyths & other publick funds and the same inspection to the right his Grace claims to the fish tax and a clause for a new valuation of that shire in the land tax bill, would redress these grievances, and if by act of parliament the shire was allowed the benefite of a grand jury and the benefite of the Habeas Corpus Act, extended to them in a more especial manner, it never would be in the power of his Grace to exercise that absolute dominion over his fellow subjects, which the fear of that blessed court at present supports.

Such happiness communicated to the shire must beget in their breast the utmost gratitude towards their deliverer which they certainly wou'd express by a zealous attachment to his Majesty's august family & government.

The interest of that country is not only concerned but its the interest of the state to restrain the absolute power of this heritable jurisdiction, which deprives his Majesty of the allegiance of so many of his subjects, and transfers it to one who may have it in his power to disturb the state. This jurisdiction is the source of all the followers that has constantly attended the disturbance raised by that family, and the fear of these, the source of that adulation which the Scots must pay to their haughty head; but if these enquirys were enter'd upon and these priviledges granted the shire, men's eyes would be open'd, the cause taken away, slavish dependance would cease, and his Grace be obliged to lay aside the monarch, which he now affects to mimick, and return to the more natural and private state of a subject.

From James, thirteenth Earl of Morton
to the Lord President, dated from
London 23 January 1742.

My Lord

Tho my eyes are so tender as to prevent my being able to write my own hand, yet I cannot omit acknowledging the honour your Lop has done me by writing to your Great Friend in favour of my Bill, [to secure once more to his family Orkney & Shetland] tho before the receipt of your Lop's letter, trusting to the plainness of the case, I had ventuerd to lay it before his Grace who gave me all the assurances I could desire or expect of his friendship. However I am not a bit the less obliged to your Lop's goodness for interesting yourself in my behalf. Your Lop will hear from much better hands the push that has been made against our mutual friend Sir Robert Walpole in which he prevailed by a very small majority of three only: There were indeed twenty one of his sure friends absent and I believe few or none of the others, in so much that Sir Wm Gordon, that worthy patriot, who cannot, its thought, survive the middle of next week, came down to the House in his night cape There were 507 members who all voted besides the Speaker which was the fullest house that has been known. If the news which has arrived this night prove true Sir Robert may yet have a chance to stand upon his legs; for its said the Queen of Hungary's General Kevenhuller has kill'd and taken 14000 French commanded by Broglio near Lintz and her army in Bohemia has routed the Bavarians, and lastly, which is certainly true, the French bills are protested all over the world for want of the Galleons arrival. The post hastes so I must conclude with being at all times, My Lord, Your Lops most obedt

& obliged humble sert

Morton

In February 1742 Sir Robert Walpole resigned and a new period in Scottish affairs began.



(2) MISCELLANEOUS, 1742 AND 1743.

With the fall of Walpole, the office of Secretary of State for Scotland was revived in the person of John, fourth Marquess of Tweeddale, who immediately wrote to the Lord President asking him to come up to London, "being . . . well assured that your opinion must be of great weight with those who have now the honour to be employed by his Majesty." He at the same time informed him that he had also written to Lord Arniston ("Culloden Papers," CCXX.) The invitation was unwelcome to both on the score of health (Ibid CCXXI.), though Forbes did not absolutely refuse. On 9 March 1742 Henry Fane wrote the following to him:—

My Lord

I have the honour to receive your Lordps commands, which I must execute both for my self and my uncle [John Scrope], he being shut up in the House of Commons to assist [Sir Robert Walpole now] Lord Orford in the attack Mr Dodington and Lord Limerick are to make on him to-day. He bid me acquaint you that your friends are not so much dismayed as they are represented to be in the North, and if you thought proper to look southward, you would find some still that would be glad to see you and receive you with the usual freindship and affection. Our affairs are very much unsettled; and when they will bē otherwise wiser heads than mine cant say; at present we are like to lose the assistance of Mr [William] Pulteney [soon after Earl of Bath], who this morning lost by a violent feavour a daughter abt 14 years old, who was not to be match'd for beauty, sense and good nature, in all of which she shone far above every one of

her sex. Her Father is inconsolable and when he will be able, or ever, to recover his grief is a great question.

I am with the most perfect respect and regard My Lord

Your Lordships most obliged & most obedient humble servant

Hen. Fane.

It was perhaps the resignation of the Duke of Argyll on 10 March which decided the Lord President to keep out of the chaos of party politics, if possible. A week later Lord Tweeddale wrote again ("Culloden Papers," CCXXII.) repeating his request, but the answer, dated 1 April (Ibid CCXXV.) is practically final & contains the following remarkable passage.

. . . I guessed that what induced your Lordship and them to pitch upon my Brother [Lord Arniston] & me, as the fittest persons to advise with in regard to the interests of this country was, the notoriety that in our political capacity, if I may so speak, whilst we attended Parliament we were generally adversary to one another; the notoriety, that in our present stations we have dismissed all views of that kind; and the probability thence arising, that such sentiments as we agreed in would be well received, & not lyable to much exception on account of any suspected partiality.

On the same day he wrote to Andrew Mitchell, Lord Tweeddale's secretary (Ibid CCXXVI.).

. . . I cannot tell very well how far I might, or might not, have been of use, had I been early with you; but as things are at present, I am afraid the coal is too hot to be touched; and I have frequently seen that meddling with it in that condition makes it blaze the more.

To which Mitchell replied (Ibid COXXVII.) that his reasons for not coming to London were unconvincing, and that he himself was greatly disappointed. Thus the matter ended so far as Forbes was concerned, and he continued to devote himself to the many matters demanding his attention in Scotland. Cartaret had now become prime minister, but the government had obvious signs of weakness.

From Macleod of Macleod, now member of Parliament for Inverness-shire, to the Lord President at Inverness, dated from London, 1 May 1742.

My dear Lord

On my return from a jant in Oxfoord-shyre I had the pleasure of yours of the 13th ult. and this will I hope find you in health agreeable amusing your self twixt the two hills of Culloden and Bonchrew, I wish with all my heart I made one their, for I am heartily tyred of the dust & sweat of our house & the more so that we do very odd things their, in a very odd manner, everything att this moment looks more Perplext & misterious than they did the time of our first Recess, & its no wonder they look so to me when they apear much in the same light to our worthy friend, whose knowledge and Penetration you are sufficientlie acquaint with. I could tell you severall pritty odd storys with respect to individuals, but it will be as proper to reserve that for a Chatt att meeting wh I long for.

We had a pritty smart Debate Wednesday about raising 7000 more Troops but it was caryed by a Majoritie of 91 to have them. The Call of the House is put off for 17 days and no Member to go away, without leave of the house. The Secrett Committee aplied for Leave to examine three of our Members in the most solemn manner which was agreed to by the Gentlemen them selves in their Place.

Two Regiments are actually aboard Transport, but what they or those that its said are to follow them will do or can do is extreamlie misterious.

The Duke is very well & in top Spirits, as his daughters are Perfectlie recovered, the Duchess and they were last night at Court, & most graciously received. Mrs Sands [presumably wife of Samuel Sandys, afterwards first Lord Sandys] was not taken notice of by his Majesty which occasioned much Specculation, amongst the Butterflies & Expectants of all Sides, I believe we will have Hessians moved for, or we Part, the talk of ane Indemnitie sleeps at present. [Fraser of] Foyers had a promise of me for my little interest, for being Collector of our Cess, but if I remember well you told me you was not for meddling with the present one, for this year. If that is so I hope he wont attempt it, & if Lovat speak to you of it, it will be easy to diswade him, if its your inclination. I ever am my dear Lord

Unalterable Yours

N. M.

Home is in a fair way to gett or rather sure of Hugh Fraser's company Dunbaloche's brother, he pays for it.

From J. Buchanan to Cornet John Forbes
(younger of Culloden) at St Albans,
dated from London 12 August 1742.

Dear Sir

It is most certain the D: of Argyle was in the King's closet and Lady Caroline is to be a Duchess. Major Jenkinson is come to town, & shall see him to morrow. Yesterday I dined with Dickie, Marcham & Turner at the Guildhall Coffeeshouse, had a beef stake and admirable port with some good stories. Cadogan's & Cope's are on their march for embarking. This morning I saw George Ross and made him pay a crown for Daniel's horse and

boy. Mr Buchanan had a letter from the captn of his ship, taken by a Spanish privateer in the Mediteranean, giving an account of the engagement which was very brisk; his ship had only sixteen hands and twelve guns; the privateer 20 carage 12 swivel, 120 men, the merchant lost his first mate & carpenter, killed & wounded twentytwo Spaniards but was at last overpower'd by numbers & carried into Malaga where he is well used and prisoner at large.

A memoriale is presented by by Lord Stairs in order to regulate the paymt of the troops in Flanders. My compliments to Mr Galbraith and all other friends. I dare not venture to enquire about my horse for fear of bad news. I wrote by last post to you & Galbraith & expected to hear from you Dr Sr

Your most humble servant

Jo: Buchanan

No exchange or coffehouse news.

From Henry Fane to the Lord President,
dated 9 November 1742.

My Lord

In answer to the honour of your Lordships Letter I can with pleasure acquaint you that my Uncle [John Scrope] is perfectly well and would be as happy did he not feel some soft heart aches for the poor Publick, whose Cash he is sorry to see is much wanted. Our Friends seem sure of a good Majority, in the House of Commons

[George Bubb] D[odington] [afterwards Lord Melcombe] is to be the great Champion for the dear Country, how well he is fitted for a Leader, those who are and have been in Parliament know better than me, As an instance of this aiming at being a great man, he has owned his Marriage to Mrs Beaghan [Katharine, Mrs Behan], who has lived with him these

17 or 18 years. I don't think he intends to imitate Lord Or[for]d in this . . .

I did not till a few days ago know that George Ross [afterwards of Cromarty] had lost his Wife, when I asked him for whom he was in mourning, I have not heard whether her Father is living and what he has got by her, but if the Stories told of her are true he has not any loss in her going.

I am glad those common Disturbers of the Peace of Europe have made so wretched a campaign in Bohemia, they have made a pretty Emperor without any Land, or money, and I could wish to see (what I fear I shant) him dethroned & the D of Lorrain in his place.

I most sincerely wish your Lordship all manner of health and happiness, and with perfect esteem and respect, My Lord, I am

Your Lordships most faithfull obedient
Humble Servant

Hen. Fane

Anonymous (but probably Dr John Clerk)
to the Lord President, dated 5 May
1743.

Dear Duncan

I congratulate you on your safe arrival in good trim, which I see you ascribe in part to the renunciation of bumpers, if this was a new discovery, I would expect some amendment of manners & health from it, but as it is a truth you have had conviction of many times & many years ago, & as much forgotten as the mystery of the cherubim, by Jews & Gentiles, I dare not hope for any reformation of continuance. The sickness of this place is much increased before my own is quite gone off, so that after walking for three days (in very fine weather) I was obliged to return to my chair yesterday, not being strong enough to bear the fatigue.

No deaths but of a few tender or old people. Our neighbour John Keir died this morning. It is talked as certain that [The Hon.] Charles Hope [Weir] is to beat [George] Dundas in West Lothian, which I hear displeases a brother of yours very much. There is a doubt started about the new act whether it takes place just now or not till after the Michaelmas head-court. I hear nothing of the D of A[rgyll]'s motions, so that I take it for granted he go's not to Bath, as being too late in the year. The death of his housekeeper here will give him a little concern as all the family had a great kindness for her. You see by the news papers that the K was fonder of seeing Vaderlandt than the highland regiment. Very few of our members are arrived, but I hear of severals on the road. Minto is in town from Air, but is obliged to go to Glasgow, contrary to agreement. I saw a letter from the Lyon this morning, quite devoid of news: he says the K & his retinue carry over above 600 horses.

Adieu.

Anonymous [?copy] to the Lord President, dated 24 May 1743, apparently concerning the Duke of Argyll.

My Lord

I am greatly obliged to your Lop for the honour you did me by your letter of the 8th Aprile, the short answer I made was only to Mr D[unba]r & told him by suspicion of your friend's not going to B[at]h, which has accordingly fain out as I suspected. Tomorrow the Lady returns. She will find him a great deal better than when she left him; he then had a sallow complexion, but now, I thank God, its grown clear, and has his usual lively countenance, tho' very thin. Till within these three weeks he had not been over the door for two months . . .

he now and then walks for an hour in the garden & sometimes goes out in the coach

he has lived on white meat for these four monthes past, but now he begins to taste mutton at Dr [?Simon] Burton's request:

. . . Dr Burton etc now press him to go to Cheltenham and say it is the best water in England for his present distemper: I wish they may prevail, but I am very doubtfull of it. I remember the last time he had this illness on him, with great difficulty they perswaded him to leave London & come to this place but were not able to move him anywhere else all that summer. The recipe for the electuary is inclosed. He has taken no other medicines for these five months past. I hope your Lop will at a distance ask a few questions at your next door neighbour [?Dr John Clerk], and then I beg the man in the world your friend has the best opinion of, will write a second time to him, but let his intelligence be from hearsay, let the letter come under my cover and only desire me to deliver it and to ask some answer.

It is a great concern to me to see him indulge so much, he cares for no company even those he has been intimate with, and declines all sort of business to that degree that every thing both here & with you is at a stand, tho they are business of consequence to his family. I know I am censured for not answering letters on business, when I ask what returns I shall make, he tells me none at all.

Yesterday morning I found him in so good a way, I laid before him a submission with Lamont, a presentation to Mr James Forbes and three tacks sent to me by Mr Dunbar, but he order'd them to be carried away again and said he cou'd not medle as yet with any thing of

that kind. If your Lop designs to shew the recipe, I beg it may be put in an other hand writing and after you have made your own use of this, let it be committed to the flames.

I have the honour to be with the greatest respect, My Lord,

Your Lops most dutifull & most obedient humble Servt etc

I would never be forgiven if it was known I had wrote this.

From [Dr John Clerk] to the Lord President, dated 29th September 1743.

D. D. I performed my journey to Lethington on thursday, & returned on Friday, very successfully, & got the two finest days that could shine from the heavens, When I say successfully, I mean it did me no harm,

But upon the frost coming on Mondays morning, I found myself considerably better, since that time I have had no sweat

& as the frost still continues I have great hopes a few days more of it will sett me to rights, at least till the rains come on, when I am resolved to creep into my chair, if I have any business to take me abroad. I have no complaint at present but that trickling heat in my ankles, in a much less degree than formerly & what I had almost forgot to tell you, because it [is] almost quite away today, a little cough which attacked me, on monday the very moment the sweat left me. What you write of the D. of A. is very true

his legs are swelled. I was informed of this last circumstance by the Justice, two or three days ago, who asked me as if in some concern what it meant I told him it promised nothing but good, tho' I

am afraid it will alarm the patient, he having advised me about the same symptom, in a small degree, about three years ago, when he was otherwise in very good health.

I have a letter this post from my son Rob, dated from Worms, Sept. 14th N.S. two days after my Lord Stair sett out for Holland. As he stayed in the Marechalls Quarters, you will know the style of the family from his reflections on our situation & past conduct. "Both before and after the Battle our conduct has been all of a piece, our communication with Hanaw & Frankfort was cut off with a few insignificant Hussars, our Army was frequently starving and in such a situation that had the D. de Grammont obeyed Marechal Noailles orders in drawing up the troops with the morass before them, we should have been in a very bad way, But after we had gained the Battle, by their mistakes and the bad behaviour of their infantry, why we did not pursue them and make a better use of our Victory, why we remained in the Camp at Hanaw near six weeks, and allowed the French to leave the other side of the Mayne & pass the Rhine, without so much as disturbing them in their march, and why we have spent our time as we have done from the 27th June to this present day, I would be glad to hear a good reason. None I have heard as yet, but many to the contrary. Several other things I could tell, if it was fit to trust them to a letter." By Letters from Lord Stair he was to sett out as yesterday from the Hague for England. If the patriots have any heads they may make some noise this winter. I could not make out my jaunt to Pennicuick this week, being detained in town by Locheals Children in the small-pox, but if nothing intervenes, I design to sett out on Tuesday next. My agree-

ing so well with the cold weather encourages me to it, but if the rains come on, I will be confined to the House, which I cannot be in Town. Adieu. Rana salutes you who goes along with me.

The rain begins to fall very small & thick, but as I am no weather glass, I feel no bad effects of it as yet.

John, second Duke of Argyll, died at Sudbrooke in Surrey 4 October 1743, and with his death Forbes ceased finally to take any share in politics other than what was thrust in his way. On 29 October 1743 he wrote the following letter from Stoneyhill.

Sir

I have yours of the 22nd inst. acquainting me with the resolution, which the Dutchess of Argyll and the present Duke have come to, of composing amicably any questions that may arise between them touching the late Ds succession in Scotland. By My Lord Justice Clerk's opinion and mine, I am heartily glad that they have determined to follow a course, which I am satisfied he who has now left us wished they might, and I owe too much to his memory, to deliberate upon taking any trouble that may accomplish the least of his desires. I would have wrote to my Lady Dutches on this ocaion but, that I could not have avoided hinting at least at the sense I have of the loss which she, which I, and which every mortall in this kingdom from the king downwards have made at a season, when they could least afford to bear it, and thereby reviving in her melancholy reflexions which I doubt she is at present too apt to entertain. But as she has commanded you to signify her resolutions to me, I desire that you may assure her Grace from me, that I wish nothing with greater earnestness than to have it in my power to show my gratitude to him,

whose friendship was the greatest and best relished honour of my life, by doing service to what I look upon as his remains, My Lady Dutches, and her children, Mr Dunbar is proposing a memorial from which the nature and escheat of the different claims may appear. I am
Sr Your most humble sert.

The Earl of Ilay had succeeded his brother as third duke, and wrote to the Lord President from London, 29 November 1743, as follows:—

My Lord

I have the favour of your letter of the 17. The account you give me of the care that has been taken of the papers of the family, is one of the many instances in which I shall find my self obliged to return thanks to your Lordship for the kind concern you always had for my Brother, & extended also to those who should succeed to him. It is very unfortunate for me & more for our country, that the last has taken place so soon, & I shall always think my self as much indebted for the obligations of friendship which he owed, as for my own. The Dutchess of Argyll & I have agreed to beg the favour of your Lordship & the Justice Clerk to settle & determine all questions that may arise about my Brother's succession between the Dutchess, my nieces & my self; no man knows so well his intention as yourself, & whatever that was, I shall think right. This must excuse my joyning with the Dutchess to ask that favour. As for the keys, I am unwilling that anybody should receive them from you but my self. I must be in Scotland early in the summer & in the mean time I believe either Ld. Milton or Ld Striechen will be at the trouble to fetch any papers that may happen to be necessary, if that should happen, My cosen Jack [afterwards fourth Duke of Argyll] is just now

come to me from Flanders, he & his two
sons whom I must look upon as my chil-
dren are very well. I have nothing far-
ther to trouble Your Lordship with but
to assure you that I am with the greatest
regard & truth My Lord

Your Lordships

Most obedient humble servant

Argyll.



(3) LINEN AND THE REVENUE
(1740-1744).

Under the articles of the Treaty of Union £2000 per annum was to be spent for seven years on the encouragement of industrial interests in Scotland, but, in point of fact, nothing was done to employ this or any other available fund till 1727. In that year, at the instigation of the Royal Burghs, twenty-one trustees were appointed for the purpose, who devoted their attention mainly to the linen manufactory, and planned among other things to encourage schools (chiefly in the Highlands) for teaching children to spin lint and hemp and to set aside prizes for housewives who should make the best piece of linen cloth. French Protestant weavers were brought over from Picardy to teach their method of making cambric, and Picardy Place in Edinburgh still recalls their settlement. The formation of the British Linen Company (now the British Linen Bank) in 1746 was undertaken with a view to assisting manufacturers of linen by loans, and, generally speaking, the industry continued successfully to increase and develop. (See Mathieson, "Scotland and the Union," and D. Bremner, "The Industries of Scotland.") In the earlier years, however, much encouragement was needed, and even financial support, as appears by the following letter, dated from London, 23 October 1740.

My Lord

I wrote you some time agoe of the project of a warehouse & subscriptions for Scotch Holland etc. I have succeeded so well in that matter that amongst the nobility & Gentry I have been with I have scarce met with a person that has refused me to come under articles for his annual consumption. The Dukes of Argy/e Queensbury, Montrose, & Buccleugh have

assured me of their utmost support. The Prince & most of the great people being in the countrey I have had little opportunity till within these few days to apply for the Princes favour. He is now at Ipsome & the Duke of Queensbury who is now in waiting & several others have undertaken that matter. The warehouse that is intended is now talkd of all over the town & what with subscribers & others it is infallible but it must have a run. I have provided very large quantities of Linnens & hopes to show the Publick that our manufactures are worth their notice. I have likewise a pretty good assortment of dieper damask & sheeting, but I have but few cambricks tho both last years & this year's make were reserved for this occasion. It is a pity we have not more of that commodity, we could not miss to dispose of them if we had them. It is submitted to yr Lop. if this is not a proper opportunity, an opportunity that ought not to be slipd to send up the Picardy cambrick to this warehouse to show. Perhaps yr Lop. does not know that my Lord Limerick's cambrick manufacture in Ireland which has made so great a noise is not carryd on at his Lops charge. No, my Lord, it is the contributions of the nobility of England; that carry it on. And who knows but some time or other these or others may turn their thoughts towards our part of the country. It is not for the sake of the profit that I desire these goods may be sent, I know they are made so thick & consequently so coarse for the money that they will not yield a profit. I propose to sell them at the price fixed on them at the office & if I find that people are resolved to encourage that manufacture I'll carry it on hereafter myself to some height but in a quite different way from the method practised at

Picardy. I am with the greatest esteem,
My Lord, Your Lop's most humble ser-
vant
Will. Dalrymple.

If the cambricks are to be sent, it must
be done immediately because the ware-
house is to be opened the beginning of
next month.

As one of the trustees, in his official capa-
cities as Lord Advocate and then Lord Pre-
sident, & as a private individual, owner of
considerable estates, Forbes had done his
utmost for the development of the national
industries. "I am very sensible," wrote
Lord Tweeddale, 3 June 1742 ("Culloden
Papers," CCXXIX.) "that the fair appear-
ance that now is of success in the Linnen
Manufactory in Scotland is chiefly owing
to your unwearied & disinterested care and
concern about it." In his reply the Lord
President touched upon the question of the
revenue ("Culloden Papers," CCXXX.).

What I then shall offer principally to
your Lordship will be (a melancholy con-
sideration!) the desperate condition of
the Revenues of this country: which are
now in such a declining state that the
usuall expence of the civill Government
can hardly be answered; and as the chieff
support for executeing our scheme of im-
provement must arise from surpluses on
the Exchequer, should the Revenues con-
tinue to produce as little as they have
done lately, there must be an end to
our hopes as manufacturers.

The following is headed:—

The expense of the Civil Government in Scotland for one year from Christmas
1740 to Christmas 1741 inclusive.

CIVIL LIST ESTABLISHMENT.

	£	s.	D.	£	s.	D.
The three Courts Lady day quarter 1741 ...	7153	3	0½			
Those who dont belong to the three Courts said quarter	1774	5	0½—8927	8	1	
The three Courts Midsummer 1741	8191	9	8½			
Others	1774	5	0½—9965	14	9	
The three Courts Michaelmas 1741... ..	7261	9	8½			
Others	1857	15	7½—9119	5	4	
The three Courts Christmas 1741	7218	18	1½			
Others	1744	17	5½—8963	15	6½	
				£36,976 3 8½		

Extraneous Precepts, viz. :—

	£	s.	D.	£	s.	D.
To Archibald Douglas of Cavers Esqre of pension at £400 per ann. Lady day & Midsummer quarters 1741 & to the 3rd July following the day of his death	209	5	6½			
To the Earl of Leven Commisioner to the General Assembly 1741	1000	0	0			
To increase of Alms on his Majesty's birthday per sign manuel	82	5	0			
To the Itinerant Preachers 1741	1000	0	0			
To William Smith for writing the Chancery Precepts	20	0	0			
				2,311	10	6½
To Mr George Douglas, his salary as Solicitor for tythes one year	80	0	0			
To ditto for Expenses, trouble and Imprests. This paid out of compositions on tacks of Tiends	44	9	5			
					124	9 5
To Mr James Bogle, Deputy King's Remembrancer for keeping and making out a comptrollment Roll of seizures					20	0 0
To the Equivalent Company £10,000 for the Annual Fund and £600 for charges of management—one year					10,600	0 0
To the Manufactorys, one year to Midsummer 1741					2,000	0 0
				£52,032	3	8½

In a very long letter ("Culloden Papers," CCXXXV.) the Lord President explained to Lord Tweeddale the situation, throwing out a suggestion with regard to the excessive use of tea, which has been more severely criticised than it deserves. That this famous letter was penned 1 January 1743 appears from Lord Tweeddale's answer, dated from Whitehall 17 February 1742/3.

My Lord

I think my self much obliged to you for your letter of the 1st of January; the matters it contains are of the highest importance to our country, and deserve the most serious consideration of all those that wish well to it.

As I thought it impossible to convey your meaning so well as your own words, I ordered copies to be made out for Lord Carteret and Mr Sandys, who both said the subject deserved to be thoroughly considered and as you know the regard they have for your opinion I make no doubt it will have great weight with them. The Earl of Wilmington's ill state of health at that time, and his journey to Bath soon after, prevented my giving a copy to him, but I had some conversation with him about it.

Your Lordship's experience in business and knowledge of the state of things here will suggest to you many reasons why no progress can be made in this affair during the present session of parliament.

As the frauds arising to the Revenue from the excessive use of tea are very severely felt in England, the administration intended, at the beginning of the Sessions, to have proposed some parliamentary remedy to this evil; but, upon a nearer view it was found to be of so tender and delicate a nature that it required more attention than was at first imagined: but I hope your Lordships Letter, as it has given great light with regard to Scotland, will serve to quicken the endeavours of those who have the management of affairs here to prepare something to be laid before the House of Commons early next sessions.

This is the present situation of that affair and I thought proper to acquaint you so soon as any resolution was taken, which I hope you will allow a sufficient apology for not writing to you sooner, persuaded that you will do me the justice to believe that no man's opinion or advice will be of greater weight with me than your Lordship's, which I expect and desire you will continue to give freely.

I am glad to find that in general you are of opinion that the bill proposed for the better regulating our judicatories would have good effects [see "Culloden Papers," CCXXXIII.]; but as this cannot now be attempted with any prospect of success, I shall delay giving my thoughts fully on the subject to another opportunity. I am with great truth and regard,

My Lord

Your Lordship's most obedient and
most humble servant

Tweeddale

Lord President

Endorsed:—Copy letter to Mr Scrope,
11th April 1743

Stonyhill 9 [*sic*] Aprile 1743

Dear Sir

You now meet with the anniversary piece of trouble, which the care of our manufactories brings you; you had the goodness to undertake this charge at the beginning so willingly, and to go through with it ever since so freely, that I shall not load you with any apology, nor say any more, but that I am very sensible how much this country and I in particular on whose intreaty you submitted to this task, owe to you: George Ross formerly my clerk, will deliver you the report, and receive your commands upon it.

What you will meet with in the report should you look it over, that the linnen manufactory of this country is in so thriving a way as to promise considerable advantage to the whole united Kingdom, is most certainly true; the mistrey is so well understood and the spirit to go on with and make progress in that Trade is so strong and begins to be so universall, that could the encouragement it had at the beginning be continued but for a few years, I question not it would save England the sending abroad immense sums yearly, but unfortunately, such is the case now, when those wished for advantages are just in view, that the deficiency of the funds damps all our hopes and threatens immediate destruction to the scheme that raised them. I mention this disagreeable circumstance, that it may induce you to turn your thoughts seriously to devise a remedy. If the consumption of uncustomed tea & forraign spirits can be prevented, the revenue will be sufficient to carry on the expense of the civill government and to support the manufactories; if such abuses are not speedily prevented, it will be difficult to defray the civill list expence and the manufac-

tries must inevitably perish, for an interruption in them damps the spirit and sends the skilled artists to look for their bread elsewhere. Now, dear Sir, as this matter is of the utmost importance to this poor country, you will I hope pardon my importunity and bestow some thoughts on it, if regulations that might take place over the whole united kingdom could be devised, it would be extremely happy, but if England is not as yet so sensible of the mischief as to be willing to submit to the necessary care, I can, I think, answer for this poor country that they will readily submit to any prohibition however severe, that shall deliver them from the insufferable use of those druggs, which are as pernicious to their property by lessening the value of the produce of their estates as they are destructive to the revenue, and in consequence to the manufactories, wherefore I earnestly beg that you will be so good as to drop me your sentiments on this subject, that I may propose such hints resulting from my acquaintance with the circumstances of this country as may possibly be of service towards framing a bill against the next sessions.

If you want to know any thing about my self all I can tell you is that I go on minding the duty of my office and these manufactories in the same way that I have done for some years, that I am quite cured of the itch of speculating about politicks forraigne or domestick, that I hold my health tolerably well, only sensible from very many circumstances that I am not altogether so young as I have been and that I am as affectionatly as ever, Dear Sir, Your most faithfull and most obedient servant.

At the same time he wrote also in much the same strain to Lord Tweeddale.

Stonyhill 11th April 1743

My Lord

As this is usually the season for laying the annual report of our manufacturers befor his Majestie, it is by this night's post transmitted to Mr Scrope in the form accustomed. Inclosed I have taken the liberty to send your Lop a copy of it, which you need take no notice of, untill the report be by the treasury laid befor the King, which will take some days, because I have directed Geo: Ross to cause make out copys of an abstract thereof, which I have sent him to be delivered to my Lord Chancellor, the speaker & some others who hardly can find time to look over the report it self, and whom nevertheless it seems very fitt to keep acquainted with what we are doing that we may have their countenance if any difficulty arises.

It's a pity a system which since I first began with it till the first of November past has produced cloth stampt for sale worth above £2,500,000 sterline as can be shewed by a particular acct taken from the books of the severall stampt masters, should fall a sacrifice to smuggling or to any neglect of those whose duty it is to prevent it . . . if the necessary measures are not early resolved on I shall for my own part (tho I am not naturally despondent) begin to despair and that distemper will certainly be very catching

. . . we cannot hope for any advantage from the surplus of the malt tax for 7 years, unless the Government consent to make no stoppage of the surpluses that may hereafter grow on accompt of the deficiencies allready incurred

I am with very great regard, my Lord,
etc

From the Marquis of Tweeddale to the
Lord President, dated from White-
hall, 28th May 1743.

My Lord

Tho I received yours of the 9th April [sic] in due course: yet as I heard your Lordship was soon to go north, I have delayed writing to you till such time as I thought you would be returned to the neighbourhood of Edinburgh. With your Lordship's said letter, I received inclosed a copy of the annual report of the trustees for the manufactures, transmitted to Mr Scrope; and you, no doubt, have by this time seen that the proper authority has been interposed in behalf of what was recommended by the trustees, to which no objection was made here, in the firm persuasion that your Lordship and the other trustees had, to the best of your knowledge & for the real service of the manufactures, duely appropriated what funds were remaining in your hands. As to the latter part of the report which mentions the deficiency of those funds, tho all here are most sensible of the evil & detriment that must thence arise to the country, yet it must be allowed to be a matter of a very delicate and difficult nature to find out the proper remedy; for I own, for my part, I shall never be for any tax, tho for ever so good a purpose, being laid on North Britain that does not at the same time take place in South Britain, because many inconveniences must in time arise from such a procedure. However we shall see what can be done against another session of Parliament, and I must desire your Lordship will talk freely with the Lord Advocates on this subject, who, I doubt not, will pay the greatest deference to your sentiments; and as I am on this subject it recalls to my mind what I hinted formerly in one of mine to your Lop to

which I have not had any return. I mean the making some alteration in the present list of trustees. [See "Culloden Papers," CCXXXIV.] For tho I think it but reasonable that those who serve his Majesty in the highest stations should be of that number, yet I do not incline to take any step that way till I have your thoughts upon it; since as I formerly assured your Lordship I desire to contribute my endeavours, in concurrence with your views, to support a system, which, with so great trouble to yourself and advantage to the country, you have been so carefully nourishing for some years past.

I have been frequently solicited with different schemes in relation to a vacancy, which it is supposed will soon happen of one of the clerks of the Session. Some time ago Clerk Murray was thought adying, and now I am told Sir John Dalrymple is in a bad way. I have return'd no direct answer to any of the solicitations made to me, but in confidence to your Lordship I shall now acquaint you what I have in view. I propose, in the first vacancy that shall happen there, to recommend Mr Hugh Forbes [son of Colonel John Forbes of Pitnacrieff], advocate to His Majesty; and I shall be glad to have your thoughts upon it, tho I do not incline it should be much mentioned to others.

Your lordship will have heard what has passed here in relation to several soldiers of the Highland Regiment [Black Watch], an unlucky and foolish affair on several accounts. As soon as the mutineers and deserters are brought hither, that matter, you may depend on it, will be very narrowly and strictly examined into. Tho I did not imagine such a thing would have happened after the Regiment was once here, yet from first it was not at all any scheme of mine, the sending for it; as I easily foresaw

some consequences that might arise from the Highlands being deprived of the assistance of that regiment in protecting them from depredations and thieving. I likewise read the letter your Lordship wrote to General Clayton ["Culloden Papers," CCCXC.] on that head. It was the Earl of Stair that first urged that Regiment being sent for to go abroad and some others of His Majesty's servants concurred in the opinion, tho I am apt to believe for different reasons: Orders have been sent down from hence to General Guest that the troops in Scotland may be so disposed as to prevent, so far as may be, depredations for this season: I shall not now trouble your Lordship any further, since I know you will be fully taken up at this time with the business of your station, but to assure you that I am with the greatest truth and esteem

My Lord

Your Lordships most obedient and
most humble Servant

Tweeddale.

From the Lord President to Andrew Mitchell, Under-Secretary to Lord Tweeddale, dated in August 1743.

Dr Sir

Some weeks ago I promised soon to write to you on a serious subject, and now I do it. What I had in my thoughts was the melancholy condition of this poor country. Its revenues are so low that they are not able to answer the expense of the Civil Government and the annuities payable to the publick creditors and to the trustees for the manufactures; the consequences of this last must be the loss of these manufactures, which entertained me and those who duely considered them with a very flattering prospect; having produced from the time I first medled with them till

last Christmas linnen stamped for sale which at a computation (on my own opinion) too low, amounted to above £2,500,000 ster. This deficiency of the revenues is certainly and obviously occasioned by the excessive & universal use of rum, tea, and foreign spirits, which being purchased at very low prices are become the entertainment of the very lowest class of people, even of the fish carriers of Musleburgh and the Blew-gown Beggars and thereby supplant the consumption of malt liquor and home brewed spirits, which has effectually reduced the excyse and malt duty to the miserable plight wherein they now are, and must continue to depress them, unless the use of those pernicious drugs is prevented; nor is this all, the continued purchase of these drugs which is made with bullion has proved for some years past such a drain of our coin that there is hardly now left a groat to rub upon another. Men possest of considerable land estates can give security, but cannot pay their debts and there is no possibility of attempting trade or manufactures with any possibility of success.

Having severall years ago observed the growing evil and foreseen and foretold what was to happen, I husbanded in my capacity as trustee for the manufactors, a small sum which then was in our hands and kepted it to answer contingencys; it has done so for some years, during which I have been constantly crying out for a remedy to the mischief that consumes us. It is now expended, but no remedy has been provided and what is worse the annuity payable out of the annual revenues cannot be answered. Of the annuity of £2000 payable at midsummer 1742, 1000£ only was paid within that year and the other 1000£ into our cashiers hands last week only, when the 2000£ payable last midsummer

day will come no man living can tell. Now as the punctuality with which our small payments have been hitherto made to officers & undertakers has greatly contributed to raise and keep up the spirit that lately promised so fair—if we are forced to stop payments and disabled to encourage infant undertakings, as heretofore we have done, I think it certain there is an end of that scheme which was the only thing that promised relief to this country from extream poverty.

Under this melancholy apprehension I wrote last January a very long letter to My Lord Marquis, stating our case as it truly was, and proposing if no better remedy could be thought of, a prohibition of tea, to affect men who could not afford to spend 50£ per annum, which properly contrived and guarded, would by preventing the use of that drug amongst the mean sort of people, restore in a great measure the excyse and malt duty, and, with the aid of some clauses, to amend the custom house & excyse laws as they relate to tea & foreign spirits, might in a year or so deliver us from the imminent danger. To this My Lord Marquis answered, as I expected that it was impossible to do any thing effectually in that session, but that as the matter was of great importance, My Lord Advocate had orders to consult about it and consider it here, particularly with me, and to prepare a clause or clauses to be passed in the ensuing session of Parliament.

When I saw my Lord Advocate [Robert Craigie] in the beginning of June he acquainted me he had received such commands as I have just mentioned from My Ld. Marquis: I have had several meetings with him notwithstanding the hurry of the business I was engaged on, I communicated to him every observation I had made that would con-

tribute to the purpose in hand, I pressed him with great earnestness to prepare out of hand drafts of such clause or clauses as might answer the purpose to be transmitted, now, this summer to London to be considered and examined by the men of business there at leisure, assuring him that if a scheme relating to Scotland contrived with the utmost perfection by an angel, came to be layed before an English minister or members sitting in Parliament or even just before it, when their heads are usually full of business more interesting to them, they would not so much as afford it an attentive consideration, to examine whether it had or had not faults; whereas if such a scheme was layed before them about this time, when they have full leisure, it might have a chance of being sifted and examined, and there would be time before the Session to answer objections, to explain doubts and to adjust such alterations as should appear necessary. He seemed to give in to this reasoning and promised dispatch; but the hurry of his private business has been such that he could not find time for it during the term, and to my great surprise went into the country a week ago to attend some urgent business that called upon him thither, acquainting me by letter that in 4 or 5 weeks he wd return to Edinr where he wd carefully adjust the clauses we had spoke of, and then in Octr. wd transmit them to me to Culloden to be further considered by me.

As I have this matter mightily at heart, and as I had resolved to baulk myself of the pleasure of the country and of the necessary attendance on my private business at home, for some weeks, that I might be able to give him some assistance here, this resolution of his gave me no small concern. All, however, I could do was to write him a pretty

strong letter, finding fault with his delay in a matter so essential to this country that can truly admit of none, and pressing him instantly to fall to work. I hope this may have some effect, a hint from My Ld. Marquis surely wd; I have touched it gently to the Marquis, for tho I am pretty much out of humour at this incident, I wd not have him so; I am confident it arises from My Ld. Advocates not having the same impression of the danger that I have.

You will have observed that what is risked by the delay is the loss of an opportunity to lay our project before the men of business for their examination during the season of their leisure. Now to prevent this so far as I am able, I have by this night's post sent to my Ld. Marquis a very long and I am affeard a confused letter, stating shortly the chief heads of the regulations proposed to be enacted for preventing the smuggling tea and foreign spirits over the whole United Kingdom, and I have suggested to him that besides the inquiries which his Lop may take the trouble of making from those hints, if he will but put a copy of that letter and also of the former letter, which I wrote last Janry, concerning the prohibition of using tea, to take place in Scotland only, into his hands the large acquaintance you have with different sorts of people about London will enable you to collect the general sense of men of business, in those articles, and to transmit to me the objections that may be made, that I may have an opportunity to offer answers. If my Ld. Marquis enters into this view, I hope you will not only mention the different articles of the project, to such merchants who are men of business, as may be of your acquaintance, but to such officers of the Customs as you may know, and if your acquaintance is short

there, you must even beget new ones. When you have made yourself master of the subject it will be fit, studying Mr Scropes leisure, to lay the matter before him. I do not know whether you might not make an abstract of the letters for his consideration.

I intend to write him a short note to tell him that it is probable you will wait of him. My Dr Andrew, if I at all know you, however little labour may be to your taste, yet that drudgery which has for its object the preservation of this your country from immediate destruction, will not be disagreeable to you. In confidence whereof I am etc

Part of a letter (the remainder is missing) from the Lord President to [Lord Tweeddale], dated in August 1743.

projected prohibition of tea, the running of tea and brandy without paying duty must be prevented, so far at least as to make it difficult and expensive, and thereby to prevent those goods coming so cheap into the hands of the user, as they now do.

By the law as it now stands, no tea can be imported from any port of Europe, nor can foreign spirits be imported in smaller casks than 63 gallons, and all tea & spirits imported in contradiction to this law are forfeited. But as this law has been interpreted by practise, a ship choakfull of brandy in small casks and of tea, being mett with any where on the coast, produces clearances from Holland suppose or Dunkirk for Norway or any other foreign port, pretends she came on the coast by stress of weather or some other accident, and must be permitted to proceed on her feigned voyage, whilst the use she makes of this indulgence is to put on land her prohibited goods on some less guarded

corner of the coast; and if she have bulky entrable goods on board, she comes boldly into port, enters those fairly at the Custom House and reports her prohibited goods for some foreign port; whilst she is unloading the entrable goods the runners are settling their correspondence privately with the boats on that spot of the coast where they intend to run the tea & brandy and with the first fair wind after that is done, the vessel sets sail for her pretended foreign port, but she touches at the spot agreed on & runs securely all her prohibited goods. The allowance to import prohibited goods amongst with customable goods is grafted on a statute of Richard 2nd which in such case requires the reporting the prohibited goods for the foreign port; but it is obvious that this practise is the source of very great mischief.

It is now a great many years since provoked at this notorious inlet to fraud, I attempted a repeal of this clause, but as my proposal at that time was too large, comprehending all sorts of prohibited goods and proposing to prevent the having any such mixed with entrable goods in any vessel entering any port of Great Britain; and as at that time Britain was in full possession of the carrying trade of Europe, to maintain which their ships were obliged to let out their tonnage to the Dutch & other nations without enquiring what goods they were to put on board, my proposition did not then meet with success, tho I at present entertain some hopes that when it is confined to tea & spirits in small cask only it cannot meet with any just objection.

In fact tea is not a commodity which there is ever any occasion to carry by way of merchandise from the Mediterranean or any part of the coasts of Spain

or Portugall. to the northward, and therefore the prohibiteing the receiving it on board with other customable goods could be no possible detriment to the navigation or carrying trade of Britain.

On the other hand brandy is a commodity of which there may be occasion to carry from the southward to the northward, but then when it is carryed in the fair way in the course of trade, without intending smuggling, no man in his senses puts it in small cask, the expense of the cask, the freight, the tunnage are so much greater in the one way than in the other, that no honest trader ever did or ever will make use of small cask.

In these circumstances does your Lop think it can be attended with any difficulty to obtain so far a repeal of the Act of Richard 2nd as to prevent the importation of tea and spirits in small casks upon reporting them for a forreign port? For my own part I think it cannot and I should hope that if the case is candidly and fairly considered, a further remedy might be obtained which would prove of infinite service; and that is a total prohibition of carrying tea in any British ship or any part of the seas within 50 or any other number of Leagues of the coast, upon any pretence whatsoever on pain of forfeiting the tea, and a further penalty on the master; with an exception of ships comeing from the East Indies to the Company's service and a further exception of ships comeing from the port of London with proper clearances attending their tea.

Such a regulation as this would be of vast service to the whole nation and the fair trade of Britain would suffer no more by it than the loss of the carriage of tea from Holland or Gottenberg to other ports, which of all others must be the arrantest trifle, I dare say not many pounds per annum.

Now if this can be obtained together with some regulation with respect to spirits in smaller cask than a hogshead or rather a butt, which to the end of time can do no prejudice to fair trade, it would make running tea & brandy much more difficult, even upon our wide ill-guarded coast, would considerably raise the price of those commodities and thereby prevent in a good measure the intollerable use of them.

There is one regulation more which I must take the liberty to submit to your Lordship's consideration and that results from the reflecting on the state in which run spirits are at present. Any private person may have in his possession any quantity of brandy not exceeding 60 gallons without being liable to a survey, and when any officer finds a quantity less than that in any private party's possession, there is nothing to be done but either to leave it where he found it or to seise it as uncustomed and it has always been thought hard (and perhaps that hardship may have prevented the justices executing the law as they ought to have done) to compell private persons to prove that the brandy bought by them and in their possession payed the duty. But if it were enacted that no person should have in his possession brandy above the quantity of one or two gallons without haveing alongst with it a certificate under the hand of the seller, expressing the quantity when sold or delivered, and from whom purchased under the penalty of forfeiture of such brandy, and if the seller should in like manner be obliged under penalty to produce a certificate under the hand of the person from whom he purchased such brandy, and so backward till it came to the importer or the purchaser of condemned brandy, and if such original importer or purchaser of condemned brandy

were obliged to keep a regular day book, in which the disposition of all brandy imported or purchased as aforesaid should be de die in diem entred, expressing the persons names to whom and the time when the respective parcells were delivered, I should think frauds would with great facility be detected, and consequently punished & prevented. Nor do I think there is any severity in such a regulation, that could with reason be complained of. It is no hardship on any man to be hindered to buy goods, unless the seller will own under his own hand that they came from him, and it cannot well be deemed an unreasonable burden to oblige the importer or purchaser of condemned brandy to doe what every honest trader does for his own sake, to keep books of the dayly disposall of his stock.

The only device I can forsee, might be fallen on for defeating this regulation is to substitute some indigent person as one of the mean sellers, who could not yield the penaltys and consequently would not be dettered by them; and this I think may be obviated by giveing a power to punish by whipping at the cart's tail such offenders as could not answer the penalty—a punishment which I wish also were inflicted on boatmen, seamen, carters, and others, who knowingly assist in smuggling and cannot answer the penaltys—and to prevent unwarly persons falling under those penaltys, I would have the law read over from the pulpit immediately after divine service four times every year in all churches that are within 5 miles of the coast.

You see, my Lord, I have jumbled a great many things together with less order than were to be wished. If My Lord Advocate had had leisure to put these hints, which with some others I

gave him in the form of clauses, you would have been better able to judge of their tendency and effect, but least he may not find time to finish what he is about early enough to be the subject of consultation with men of business in England, before the season of their hurry come on, I have ventured to lay those thoughts as they are before your Lop that you may take the most proper method to try how farr they will relish with English pallats.

I heartily agree with your Lop that it is by no means fitt to submitt to any regulations for levying a duty in Scotland different from those that take place in England, because I see the tendency of that precedent, but then I confess I think there is not the same danger in submitting to a prohibition of the consumption of any forreign goods, because I imagine the art of man can hardly devise a prohibition of any forreign drink or other article of consumption that we should not be the better for.

With respect to the other regulations which I have presumed in this letter to lay before your Lop, as they relate to the securing of dutys I am altogether of your Lop opinion that they are not to be medled with, unless they shall be thought proper for England as well as us, and it is that men of understanding where you now are may be sounded on that head, whilst there is yet time to hear and to offer answers to their objections, that I have given your Lop the trouble which you now have.

As it will be proper to take the sense of all sorts of men on this subject, I hope your Lop will forgive me for presumeing to suggest that it may be proper to give my old acquaintance Mr Mitchel some trouble upon this score. His residence in London for some years has given him a large acquaintance

there, and if your Lop will but put this letter with the former in January last, suggesting the partial prohibition of tea, into his hands, directing him to take the general sense of the men of business of his acquaintance on these heads, we should soon have the obvious objections, and there would be time for answers, if any good one could be offered. I have wrote him by this post, acquainting him that I projected this piece of trouble for him, and if what I propose is to your Lop's likeing you may direct him to transmit to me the objections that he may meet with to either of the propositions.

If it were only to prevent a slight inconvenience, my zeal would hardly prevail with me to give my self, far less your Lop so continued disturbance, but as in my poor judgment this poor country must infallibly submit to immediate ruin, unless an adequate remedy is applied this winter, I am confident your Lop. will not only pardon but approve of my great earnestness. One of the £1000 which was due at midsummer 1742 was received only the last week, when the £2000 due at midsummer last will be paid is more than I can tell or perhaps any one else—and the scarcity of money in private pockets is so great that in place of launching into trade, men can hardly go to mercat, a disease that cannot possibly be cured so long as the issue of bullion in exchange for tea and brandy remains unstopped.

The country adjacent to the highlands suffers extreamly by the absence of the Highland troops, nor is it possible to obviate the mischief, but by the same or other forces of the like nature; however, as nothing can now be done before winter, and as your Lop will be able to guess before that time, what the destination for another year of the regiment now on foot may be, I shall not at present say, any more on that subject.

As to the commission of the trustees for the manufactures it is to be sure very proper that the vacancies therein be filled up, and I shall readily give your Lop my opinion concerning the persons that may be fitt to be employed, when that is to be done; but as in the way our funds are in at present there is no prospect of doing any good with the manufactures, a consequence wherof is that they must fall to the ground, unless the evil meets with a cure this winter, it is hardly worth the while to be at the expense of a new commission untill we see by the steps to be taken in parliament whether they are to stand or fall. I again ask pardon for the enormous size, and the many imperfections of this scrawl and I hope to obtain it because I am sincerely Your Lops most obedt & most humble servt.

Part of a letter from the Lord President to [The Lord Advocate], dated 10 August 1743.

. . . some months ago to acquaint My Lord Marquis of Tweeddale with the success of our joint labours this summer, from which he seemed to expect, & I really hoped for some good. I have been obliged to write to him and to acquaint him that your hurry of business dureing the session and an engagement you was under to go to the country early in this month prevented your finishing the project in which some progress is made, but that you promised soon to dispatch it. It's probable he may give you a hint to quicken you, but I hope you will prevent him by finishing your draughts out of hand.

I cannot conclude, without telling you, what perhaps you have already guessed from what you have read, that I am at present for the first time desperately angry with you, but that anger will sub-

side whenever you shall have done what I hope you will do very soon, and then I shall be as much as ever My Lord Your most obedient and most humble Servt.

From the [Lord President] to W[illiam] M[urray, afterwards Earl of Mansfield], dated from Stonyhill, 24th December 1743.

Dear Sir

It gives me no small concern that I had not the good fortune to be in the way when you visited this country last autumn; because I had many things to have said to you, besides a strange desire to be informed of some things from you: and it is the haveing lost that opportunity that makes me give you the trouble of this letter, which will find you at that time, when you possibly may have some leisure. I do not intend to trouble you with questions concerning the situation of publick affairs, as they respect the Government at home or the part that has been or is still to be acted abroad: in this method of correspondence, I cannot expect satisfaction as to these articles, and tho the prospect as it is opened to us at so great a distance, throw an infinity of various and jarring reports, is very gloomy and to a man, who sincerely wishes well to the country, melancholly, yet as I know nothing of the state of the case with certainty and am out of the possibility of giveing any advice or assistance, I do as I have sometimes done in a storm at sea, I turn my thoughts as well as I can from the danger and trust the ship to the care of the mariners & to good providence.

But there is another publick concern of far less consequence to the *whole*, tho of the greatest importance to this poor part of the country, that I am not able to banish from my thoughts, because I

am sure I ought not, and this again because I do know & see the danger more clearly perhaps than any other body does, and by giving the alarm and proposing means, may contribute to deliver the country from it, and the principal intent of this letter is to require (I know you'll pardon the expression) your most zealous assistance. [Murray was then solicitor-general].

From the Union of the Crowns till the Union of the kingdom, the police, the trade and manufactures of Scotland are in a great measure neglected. About the time of the Union of the kingdoms a flash of zeal for the interest of the country appear'd, the prospect of benefits from the proffered communication of trade was the principal bait that hooked those that had not meaner motives into the Union, and provision by the treaty was made for certain sums to be layed aside for encouraging manufactures; but this zeal (so men are made) soon abated. In place of fair and gainfull trade the rascals of the country turned their small stocks quickly into the channel of smuggling and the sense of the unhappy nation appeared soon from the verdicts of short sighted jurys to be of their side; so that those gentlemen who undid the nation as well as the revenues by their practises, became the favourites of the people, and no one for many years thought of stemming this tide or of employing the money that had been reserved for manufactures to its proper use. At last in 1726, touched by this melancholly view, I proposed, & in 1727 obtained an act to be past in parliament directing the application of the moneys intended for Fisheries and manufactures, and authoriseing a commission of trustees to look after them and by constant attention to the infant undertaking, it has in defiance of many obstacles and difficultys, throve to that degree that

besides supplying ourselves with linnen of all kinds, the value of the linnen cloth stamped for sale preceding the 1st of Novr. last by an exact accompt annually taken exceeds 2,700,000£ ster. This you see is a flattering prospect, but in proportion as it is so, it gives me the greater concern to see that it must quickly evanish, unless some friendly hand interpose for its relief; and that the very cause that threatens ruin to it has already destroyed the revenue and drained the country of almost every groat. What I mean is the excessive consumption of rum tea and spirits, which being purchased in exchange for bullion, as we have no other trade with the country from whence they come, have hardly left us a shilling, and by constant and extravagant use of them have supplanted the use of malt liquor, and thereby reduced the revenue of excise very near in half—whence it happens that the Exchequer can not make the civil list payments as heretofore, far less can they pay the annuities due and destined by act of Parliament for promoting manufactures. And of this you will easily see the necessary consequence to be that this system of which I am so fond, the only thing that promises relief to this unhappy country, must immediately fall to pieces. The annuity of £2000 payable last midsummer is not yet paid, nor can it be as there is no money: the poor officers that cheque and superintend the manufactures cannot be paid, the premiums proposed and earned can not be answered, no new branch of the manufacture, however promising, can be encouraged, the trustees can not perform the engagements into which they have already entered; in short every thing must speedily fall back into its original disorder and confusion, and should that happen I confess for my

part I despair of seeing this country delivered from its distress. This mischief did not prevail over us by surprise, it is now ten years since, foreseeing it, I struggled hard to have regulations made by act of parliament to prevent it, but the complaints of this poor country seldom make impressions with you, when the evil is not felt to the southward. For several years past the trustees in their annual reports to his Majesty have complained of the growing evil, predicted the event and prayed for relief, but to no purpose. Last Christmas I took the liberty to write a book rather than a letter on the subject to the Marquis of Tweeddale and another in Aprile which had the effect to induce his Lordship to promise to think seriously on the matters proposed and to direct My Lord Advocate in consultation with me to prepare a bill or bills to be past in this session of parliament for our relief, to which bills his Lordship gave me reason to hope for the concurrence of the ministers. I accordingly have had many consultations with my Lord Advocate and sketches of different bills & clauses are made, which he has undertaken to do his utmost to forward. Now, dear Sir, what brings you this trouble is an apprehension that My Lord Advocate may stand in need of assistance to rouse the attention of the men of business who take the lead in parliament, to what may concern this remote country, unless the evil to be obviated is very mischievous to and sensibly felt in England. What degree of acquaintance or familiarity my Lord Advocate stands in with the leaders in parliament I cannot tell, but as I who in my days had the good fortune to stand pretty well with our governors, found it extremely difficult to bring them with any great degree of attention or concern to think of Scots matters, I

greatly doubt he must find it at least as much so, at a season when, if I am not much mistaken, their thoughts are employed on subjects rather more interesting; and therefore my earnest request to you is that you will undertake the management of it, in full conviction that the fate of Scotland, at least for this generation, depends on it, and that you will leave nothing unessayed to induce our governors to consider it as of importance to the United Kingdom. I write thus urgently because, tho I be thoroughly convinced of the certainty of ruin, if nothing to purpose is in this session done; yet I doubt whether the impressions in my Lord Advocate's mind are so strong, he never till very lately haveing thought on the subject, which has been my study for many years, and therefore I wish that you may paint the necessity of doeing something in the proper colours. If you think I am at all remembred by any of these great men, to whom I had the honour formerly to be known, & who now rule the roast, and if you think my writeing to them could in any degree rouse their attention upon letting me know who directs in those sort of things, I shall leave no time in writeing to them. Geo Ross will find means to convey safely to my hands whatever you may find leisure & think convenient to write, and I shall do as you direct. It is unnecessary to make any excuse for writeing with concern on this subject & I hope it is so to use words to convince you, my Dear Will, that I am most faithfully

Yours

On the same day (24 December 1743) he wrote with unusual candour to the Lord Advocate.

I find myself pretty much discouraged from the apprehensions that possess me that no good is portended to the pub-

lick by your silence. I do not choose to go on like a fool, framing projects that can only take place on the supposition that there is a fund, when at the same time there is no probability that any fund will answer, and therefore I must confess to you I am heartily tired of my present situation as a trustee & very desirous to have an answer to this short question, whether any bill or bills are to be past this session for recovering the revenues in this country. If none are to be past I can readily resolve what is fittest for me to do, & if on the contrary any thing is to be done on that article to purpose, I will leave nothing on my part undone that may promote the national good. . . . This I presume will find you, considering the season of the year, very merry, but as it is also the season of idleness, I should hope you'll be able to afford a few minutes to let me know what you are doing.

A third letter of this date (24 December 1743) is to Andrew Mitchell, reminding him that four or five months previously he had "proposed a piece of trouble to you" & that his silence must mean not that he had done nothing but that "you have nothing comfortable to say."

My Lord Advocate has been now a month in London, and as he carried alongst with him the product of our joint labours, I think by this time it should be a settled point whether anything is to be done for us in this session of parliament or not; if nothing is to be done, there is an end to very flattering hopes, and these manufactures, from which alone I looked for a sort of resurrection to this dead country, must infallibly die with [it], which grieves me the more that in this very year . . . the number of yards made for sale exceeds that made in the former by 600,000. . . .

He had hoped to have heard from Lord Tweeddale, but he was more surprised at not hearing from the Lord Advocate.

I have by this post written a most urgent letter to Mr Murray, the solicitor general to interest himself in this matter; I hope you will call upon him & give him all the lights that may be wanted.

A further letter of this date (24 December 1743) is to Lord Tweeddale, in the same strain, & reminding him of his previous applications "last Christmas, last April & last August."

It is of some consequence to me to know whether any thing is in this session to be effectually done, because, if it is, I for my part will cheerfully go on and drudge as heretofore; but if nothing is likely to be done, I shall choose to be quiet and not to give myself unnecessary trouble;

Lord Tweeddale answered this letter by return of post.

Whitehall 31st December 1743

My Lord

I have been favoured with your Lordship's of the 24th instant and should not have failed to have written to you sooner, could I have said anything positive on the subject matter of several of your Lordship's letters. I hope you will do me the justice to believe that my silence could not proceed from the not giving due attention to what you proposed, but I thought letters of meer compliment would not only be unnecessary but troublesome. Every person whom I have talked to, and I think I have spoken to most of his Majesty's servants, is fully convinced that it is quite necessary that something should be done by the Legislature, this session, for re-

covering the revenue, whereby the proper encouragement may be continued to be given to the manufacturers.

Your Lordship knows very well that those employed by his Majesty in the Treasury here must be consulted, and their consent obtained before any final resolution can be taken in relation to any scheme with which any part of the revenue appears to have any concern: neither can your Lordship be at a loss to conceive how difficult that was to be obtained, considering the situation of the Board of Treasury for some time past. Mr [Henry] Pelham is but returned from his reelection within these two or three days since his being appointed chancellor of the Exchequer, and I shall certainly, I think, have a meeting with him & others this ensuing week, on purpose to consider what has been concerted by your Lordship and my Lord Advocate, and when that meeting is over you shall be more fully informed, either from me or from the Advocate, of what resolutions are then taken. However I must not disguise that I foresee, from the discourse I have already had, objections will be made to that part of the scheme which relates to the prohibiting the use of Tea to any class of people, under penalties. I freely own I have great scruples about the expediency of it myself, unnecessary to trouble you with. Mr Pelham likewise, in an accidental conversation, told me he thought it would be very dangerous at the time to attempt any new regulation with respect to the consumption of a commodity which brought in so large a revenue to this part of the Island; and tho' what was proposed by your Lordship was only confined to Scotland, yet it could not fail to give the alarm, as paving the way for the like experiment to be tried over the whole nation; and therefore he was

of opinion that when any new regulation was attempted, it must be general & extend at the same time over the whole; that some regulation was necessary, but that it would require mature deliberation before it could be determined which was the most proper. This I mention to yourself; what opinion we may be of at our next meeting I dont know, but I may with some assurance repeat to your Lordship again that I not only find every body here sensible of the necessity there is of doing something immediately, but likewise that they are as favourably disposed, as one could wish, towards encouraging and promoting our manufactures, tho at the same time your Lordship must be sensible the present situation of affairs abroad affords the less time for daily considering and weighing these things.

I am extremely concerned at what your Lordship hints in the end of your last. I am hopeful no cause will be given here for your taking such a resolution, may, I am so partial to my self that I think no reason could justify it. We must all struggle and drudge in our turns, and if we cannot do all the good we wish, we must endeavour to do what we can. I wish your Lordship a happy new Year and none wishes it more sincerely than I do, being with great truth & perfect esteem, My Lord,

Your Lordships most obedient and
most humble servant

Tweeddale.

The same post must have brought him a reply from the Lord Advocate, to whom he wrote 7 January 1744, referring to a letter of 31st December.

. . . but if the revenue is proposed to be raised, not for the sake of the revenue as such, but to prevent the utter destruction of the trade, of the manu-

factures and the landed interest of the nation, I should not expect to see the project the object of those gentlemen ill will, nay I should hope it might have their concurrence, because I think it very possible to persuade the Scots Patriots to be active in promoting the design.

To Lord Tweeddale he also wrote the same day (7 January 1744.) After various arguments he stated that if some means could be found to meet the difficulty other than the prohibition of tea

I for my part readily agree to drop the partial prohibition proposed by me, to which your Lordship knows from the beginning I had many objections as well as your Lordship, and everyone who hears of it must on the very proposing it have, but then, My Lord, if nothing less than this sufficient to answer the purpose can be devised; I leave it with you to consider whether it is more eligible for Scotland to swallow this little pill and for England to prescribe it at the earnest desire of the patient, than to permit the necessary destruction that must ensue for want of a remedy.

He went on to point out the difference between Scotland & England, the wealth of the latter being as much centred in the inland districts, whereas in Scotland a strip of five miles from the coast represented the principal population & chief industries; so that smuggled goods, the means of prevention being quite inadequate, easily reached the meanest door. He ended his letter with the promise not to give up the work without further consultation with Lord Tweeddale.

Mitchell did not write till 5 January 1743/4.

My dear Lord

I do not wonder at your being at a loss, how to account for my silence. I

am pleased however, that you do not impute it to disrespect or neglect, in that you do me justice, and I can with truth assure you that every advice of yours carries along with it the weight of paternal authority, acquired not by usurpation, but from affection.

The letter I had from your Lordship in August last, I should have answered in course, but as you had wrote at the same time to my Ld. M[arquess] I delayed from week to week, in expectation that he would have given you his opinion fully, but as he has lately explained to you the reasons why he did not, I shall say no more on this head. I confess I was affraid to write sooner least you shou'd imagine, that when I was only giving you my own opinion, and an account of what I had done in consequence of your Lordship's orders, that I was made use of as a tool to thwart your Lordship in a scheme solely intended for the good of your country. I was affraid that telling you that the treasury was to be changed etc would from my authority only, appear a feint to excuse my superior for not engaging in the affair. But as I hope you are now fully satisfied in these points, I will tell you fairly what I have done in consequence of your letter in August last. I conversed with as many people of business upon the subject as I could have access to; the objections they made to the prohibition of tea were such as you foresaw, and therefore I need not repeat them. They all agreed that such a law could never take place in England, and that an experiment of that sort might be attended with dangerous consequences, in a country where the established laws of the revenue could with difficulty be executed. I need not mention to your Lordship the general argument, that no inveterate habit, as the drinking of tea is at present in Scotland,

can be rectified by act of parliament, (and to prove this the effect of the Gin Act in that country was quoted) and that the scheme proposed might lay a foundation for oppression on the part of the magistrate, and for vexatious suits on the part of the people against the magistrates and their neighbours .

The other scheme proposed of prohibiting the importation of tea & brandy in small quantities, has met with universal approbation, and there will soon be a meeting to consider of both more maturely, and I assure you it gives me great joy to see the deference and just regard my Lord Marquis has for your opinion even in cases where he has great scruples, and I must do my Lord Advocate the justice to say that as far as I can judge he seems very hearty in the intention of seconding your proposal; I have likewise talked with Mr Murray who will himself give you his opinion on the affair.

You mentioned in your former letter, writing to Mr Pelham, which in my private opinion woud now be very proper, as you are well known to him what comes from you will be of weight, Mr Scrope is so forbidding in his manner, that I will venture to say nothing of his opinion. But upon the whole I hope something will be done at this time sufficient at least to preserve the child of your nursing, till a proper fund can be fallen upon for its mentinance and establishment. I shall write to you very soon & very freely when I learn any thing further in this matter. In the mean time I desire you will excuse the hurry with which I am obliged to write, this having been hindered the whole evening unexpectedly. I wish you may be preserved long for the good of the whole and I ever am most affectionately
Your obliged Servant

And: Mitchell.

From the Lord Advocate to the Lord
President, dated from London 10th
January 1744.

My Lord

Since my last to you of the 31st ulto., I had a meeting with Ld. Tweeddale, Mr Pelham and Mr Scrope when I stated to them the distressed situation of the revenues of Scotland, the cases arising from the immoderate use of Tea etc & foreign spirits, the consequences that must necessarily follow the total destruction of the plan of promoting our manufactories, ruin to the wasted country, in a word I did my very best to explain what you had convinced me of. We then proceeded to consider the Remedys, and first the prohibition of the use of tea, but I found a totale prepossession against this scheme in every part of it. The restraining people in their drink of which they were willing to defray the expense, 2dly the discovery of a mans reall income in a trading country that liv'd by credit were real evils, and the trusting the officers of the Revenue with the execution of such powers would raise a cry against a minister that would not be layd without his destruction. In a word the prejudices to this prohibition I found so strong that I have no prospect of succeeding or [of supposing that] they will ever think of it in this part of the Island.

As to the other clauses for restraining the unlawful importation of Tea and spirits and the transporting new Tea etc and spirits they seem'd in the generall to be relisht by all the meeting and to be rather les exceptionable than some other remedys proposed by the commissioners of the Revenue here who are sensible of the defects of the law as it now stands. And therefore it was recommended to Mr Scrope to meet with s me

of the commissioners of the customes and excise here and me that we might settle in what manner these evils arising from smuggled tea and spirits might be remedied most effectually, and Mr Scrope is to procure the meeting. Only I could not but observe that the restraint we propos'd upon private families with respect to brandy etc of having certificates was not relish'd. They said it would raise clamour more than it was worth by opening their houses to the search of excise officers, so that I can expect no success from that part of our scheme.

As to the plan for supplying the deficiency of our revenue to pay the equivalent and the manufactures it was agreed the plan was just and behov'd to be done some time or other, but they did not think that this was the proper season when we were in war, when the opposition is so clamorous, and I believe I may add when Mr Pelham was to begin to act in a new sphere in the house of commons.

But to keep your manufacturers afloat for another year they propos'd a fund that you may touch at present namely there is in the hands of the Receiver of the malt duty in Scotland a surplus of £2770 from the [year] 1726 to the [year] 1738 and which by law must go that way and no other and the Barons have reported this sum to be now in the Receivers hands undisposed of, and the salt duty is to go to the equivalent company till matters are clear'd up.

Thus I have stated to you the sum of our conversation, which you easily believe was not more agreeable to me than I dare say this account of it will be to you especially that at present I have so dismal a prospect of any method of bringing matters to a better situation. I have talkt with Mr Murray and his

opinion is clearly against the Tea scheme. He promises to allow me some time to consider our distresses and to try to help us out, tho he seems to think it will be a difficult task, yet he seems convinced something must be try'd and that speedily. We have no news, but we shall have a very full house tomorrow and for ten days. Our army abroad is to be propos'd tomorrow and so on til our foreign troops Hannoverians and others are settled, and the Town is in great expectations. It does not belong to my province to foretell the event. I hope you believe I am with the sincerest regard
Your most obliged humble servant

Rob: Craigie.

This is the last letter on the subject to be found among the collections at that period, and it is the only one which would appear to contain reasonable hope that something was being done or would be done to save the situation. Two months later (20 March 1744) a warrant was transmitted for the payment of £2770 4s 3½d, "the surplus of the malt duty to midsummer 1738, to the trustees of the fisheries and manufactures." ("Culloden Papers," CCCXCVI.) If the Lord President suggested remedies which commanded little sympathy, he was himself well aware of the difficulties to be met with in carrying them out; but no one else at the time seems to have been in a position even to obtain a hearing. The question of the use or disuse of tea is one which has been frequently brought up against him without a study of the real reasons which prompted such a proposal. Smuggling in Scotland was then universal & a very serious evil. "It discouraged the fair trader and diverted traffic from the ports, especially in Fife; it injured the brewer and distiller by introducing great quantities of contraband brandy and tea; it diminished the revenue; and in almost every case, despite its speculative gains,

it added to the general discontent by bringing ruin on the smuggler himself." (Mathieson, "Scotland and the Union," 349.) The authority quoted is *Some Considerations on the Present State of Scotland*, 1744, attributed to Duncan Forbes. Of the authorship there can be no doubt. In addition to the evidence in "Culloden Papers," CCXXXVIII., the following is an extract from a letter, dated 4 June 1744, of the Reverend Patrick Murdoch, Rector of Stradishall, in Suffolk, to his former pupil, "Lieut. J. Forbes du Regiment Blue Cavallerie, Flandres."

The President was very well a few weeks ago, and has been roaring so loud against smuggling in a very honest vehement pamphlet he printed, that most of the smuggling Counties, Gentry as well as Commonalty, have entered into combinations for its extirpation. And it was high time, for by the excessive use of Foreign spirits and Tea the fund of the manufacturies, viz. the surplus of the Malt Tax, had last year totally failed.



(4) LETTERS FROM FLANDERS,

1742-1744.

In the war of the Austrian succession Britain was at first involved only as an auxiliary (to Hanover), but some 16,000 troops were sent to Flanders in 1742, to remain inactive for a considerable period.

The two following letters, signed "R. Brown" (the first of which is sealed with a chevron between 3 fleurs de lys) appear to be from a brother-in-law of Bailie William Mackintosh, sometime Burgh treasurer of Inverness. The Bailie was son of William Mackintosh and Barbara Cowie, and married in 1727 Isobel Forbes. A letter to him from Brown, dated from Edinburgh, 12 July 1744, begins "Dear Brother," and seems to show that the writer was a doctor, though the endorsement gives him the rank of captain. Shortly afterwards he succeeded Dr [George] Cuthbert as surgeon to the troops at Inverness and other Highland garrisons. (See Sir John Cope's letters to the Lord President, to follow).

To the Honble Duncan Forbes of Coloden
Esqr Lord Precedent at his house in
Edinburgh, Britain.

Bruges. Augt. 26: O.S.
1742.

My Lord

I would have done myself the pleasure to write to you before now, but had nothing certain as to our Garrisons or Generall officers, of which I send you a list now, as certain as I can get, as we are, or shall be so soon as the next imbarcation comes over. We are preparing our camp necessarys, baggage horses, tents & other field equipages, and are, it's said, to march to the Field next month, but whither we know not, nor

what we are to doe, or how long we shall stay. It's said the Hanoverians etc are to encamp by [illegible], but we know not whither we shall joyn them. There is a Field Martial of the Queen of Hungary's gone to meet them on the frontiers, to bring them to their place, there are it's said 12,000 of the Queens Troops to joyn them. The bread for the Arney is now contracted for, which is to be rey bread, which will throw our men into fluxes. Our Garrison here is sickly, feavers agues & fluxes from the badness of the water, which is putride and all standing water, taken out of the Canales, in and about the Towne, there being neither springs nor rivers here, & the Towne is unwholesome to us from the stink & damp of the Canales that are verry strong. Beef, mutton & veal is at 4d or 5d per lib, bread and bear are reasonable & good. We are oblidged to buy our baggage horses out of our own pockets, except one for the soldiers tents for which we have only 7lbs: 10sh: & they coste a lib. or two more to us. We are not allowed either baggage money or furrage money as yet. Furrage is dear 14d a day for each horse, a Capt. that has 4 horses has not half a crown a day to live on; last warr every Capt. had 30lbs. a year for his baggage and furrage money & 2 subalterns had 15lbs. now these 2 have but 7 lb: 10sh: for their baggage money. The exchange of our pay is not yet settled. Last warr there was a loss of 8½d per lib. kept in the Pay Mr Generalls hands, which never was accounted for, which made that monstrous estate for St Mathew Bridges. There are strong remonstrances made for redress for that now; I dont know whither we shall be heard. There has been severall desertions from the 2 Regimts at Courtray & 4 from this place. The French send Irish Preists

among the men, which delude them by false representations. When we came hither there was not barraks nor bedding enough provided for us. Our neighbours at Dunquerque are uneasie at our being so near them; they work very hard at a verry deep & broad ditch & pallisade round their camp, which they say is about 10,000 men strong & have 2000 men at work every day, and are verry sickley. The Dutch have 30,000 men ready for the field, but its beleivd non of them will march. Since I began this there is ten pounds orderd for the Cpts to help them to buy their horses. It is expected by this time Prague is taken for ten days agoe the [illegible] of the place was batterd in breatch.

My Lord excuse this deal of trifeling things I trouble you with, I thought it might not be displeasing to you, I expect Mr Forbes [the President's son] here soon with his Regiment. I had a night here with Majr Forbes, Capt Arthur, Hugh Forbes, John of the Grays & a brother of Sr Arthurs [Sir Arthur Forbes of Craigiever] who is a Lieut in Genll Copes Dragoons, the Greys were much admired here, and indeed all the troops that are come. My lameness is rather worse then better, so that I can scarcely walk half a mile without pain. I wish Your Lordship good health and am with all respect My Lord

Your Lops most obedt & most
humble Servt.

R. Brown.

Yesterday arrivd Ld Cadogans and Genll Copes Dragoons at Ostend & this week we expect the 2 Regimts of Horse which is the whole that is expected at this time,

To the Honourable Duncan Forbes of
Coloden Esqr Lord Precedent at his
House in Edinburgh.

via Londn.

Bruges Novr. 18th O.S.
1742.

My Lord

I had the pleasure to write to you about the latter end of August, to let Your Lop. know how our Scituation was then, & of all our greivances. Our Garrisone is now turnd pritty healthey since the rains, which hath washt the rotten water owt of the cannals, and the season of green fruits which was a great hurt to our men is now past.

All our greivances are pritty well redrest the 8½d per pound which was stopt is payd, & our men receive there pay as in England viz; penny for penny; the allowance for baggage horses is payd & the furrage mony is orderd to be payd, 200 days. We have been in a readyness for two months or more, to take the Field, about 16 days ago that expectation was given up, & we had orders to sell our baggage horses, which was presently complyd with by a good many officers, some for half & others not a 4th of their price, in order to save expenses. Four days after we had orders to be ready to march att a minuts warning, which set these that had sold in as great a hurry to buy again, however these preparations & orders for marching has had the same effect as if we had taken the Field; has hinderd the French from sending Troops to Germany & keeps there camp at Dunkirque, by which they have lost vast numbers of men by death & desertion, a great many past by this town, 12: 14 a day a great many by Ostend & I'me told double their number by Courtray, now there is a stop put to that. They were verry good men large sizd & well cloathd. They had only 3½d a day & no

bread nor meat, yet they lookt well. Our expectation of marching now, particularly the Foot is almost over, being a thing almost or rather altogether impracticable, the road being all broke & full of water, so that there is no possibility for drawing our artillery & there are no maggasines of furrage or bread preparing, one months march would ruine our little army quite. I dont hear that the Hannoverians etc are yet marcht to quarters, several of our Brigadrs members & other officers are gone for England, its beleivd Ld Dunmore will go soon. It is reported here that Mons Fennelon is gone for Vienna. It's said the French are much weaknd' in Germany. This is all I can inform your Lop. of at present. I am with all respect, My Lord,

Your Lordship's most obliged
humble Servt.

R. Brown.

I'm still endeavouring to get owt.

From John Forbes, younger of Culloden,
to his father, dated from Ghent, 19
February 1743.

My dear Father

I am in very good health, I would have wrote to you long before now, had I had anything worth your while to inform you of, Our Foot and Dragoons are marched from their Quarters in this Country, and are to be Camtooned in Juliers, and the Neighbourhood of Aix La Chappelle Our Horse are not yet marched from Ghent; we are to march in ten days to Brusselles. How long we are to stay there, where we are to go afterwards and what we are to do God only knows. Our People tell us here that our thirty eight thousand men are immediately to be joined by forty thousand Dutch, and thirty thousand Prus-

sians, But I would rather see them than hear tell of them. When I know anything worth your hearing I will write to you. God bless you Father I wish you health.

Your affectionate Son
John Forbes.

Hugh Forbes is very well and sends you his hearty Service.

From John Forbes, younger of Culloden, to his father, written on the day of the battle of Dettingen.

To the Right Honorable My Lord President at Edinburgh Scotland.

By London.

From Deitinghen within ten milles of frankfort upon the mayne Thursday the twenty seventh of June N.S. 1743.

My dear Father

I have only time to tell you that this day we stumbled upon a battle, our Regiment on the right wing of the army suffered for two hours the canonadeing of the French in flank and front. After a dispute with our Infantry which lasted about two hours more, the French thought fitt to pass over the other side of the mayne and leave us masters of the field of battle. I can say nothing certaine about what loss has been upon both sides. I believe it has been pretty near equall. I thank God I am well, Sandy Forbes and his brother Hugh are also well and all your other acquaintances that I know; but poor Clayton who is Killed. God bliss you, Father. I wish you health and ever am Your affection-
ats son

John Forbes.

From [Captain, afterwards Brigadier-General] J[ohn] F[orbes] of the Scots Greys, son of Colonel John Forbes of Pitnacrieff, to his brother, Mr Hugh Forbes, Advocate, at his house in the Lawn Market, Edinburgh, North Britain, dated from Ghent, 13 June 1744.

Dear Hugh

Generall Campbell and your humble servant are still here detatch'd from the Army with 12 Squadrons and some foot nor can wee make any guess when wee shall join them again. Our army lyes betwixt this and Oudenarde t'other side of the Schelde. The French are now besieging of Ipres; how soon they take it or the rest of Flanders God wots, or what means wee are to take to prevent them is as little known. [?Al] in great health and spirits, it is said positively that the Dutch have order'd their 2d twenty thousand men to join us; if so, I fancy wee may march up to them, and it's likewise said P[rince] Charles [of Lorraine] is comming down with 25,000 of his Infantry.

Pray, Hugh, let us hear how all friends are and from time to time expect the same from me. After this campaign I propose paying you a visit and staying the winter with you; when I propose so much pleasure to myself after a hurry of three years, that if Sir John Cope has not carry'd of the whole Beautys, I will certainly settle. I hear Sir John is over head and shoulders with B: Dal:

Compliments to Mr Graham who I hope is in good health and has gott over Mrs Dundass, the circumstances of whose death I have never heard, as also to the President. His son, John, is a very honest, plain, positive fellow, at a great loss at this present conjuncture

how things are to end, and much perplex'd at the loss of his cousin and counsellour Hugh, who is taken to be aid de camp to Genll Hawley. If the president intends that John shou'd stay in the army, he ought certainly to push him forward into the foot.

I am at present eldest Lieut; Lord Balcarres has leave to sell out; Jamie Erskine has refused to purchase the Troop. I am next, but my Lord being ficklo is afraid to sell out, and I being poor, am afraid to push to the purchase; however I hope something will cast up. Arthur has been here these three or four days, pray write him, for he is certainly a kind hearted fellow, and although he has folls one should endeavour to palliate them. Compliments to Peggy and all friends and believe me D. H. Yours
J. F.

From Captain John Munro of Newmore
to his uncle the Lord President,
dated 26 August (O.S.) 1744.

My Lord

I hope this will find you in great spirit & health after the fatigues of the sumer sesion. Your son supd with me here fryday last: he's in good health, Hugh is Aid de camp to Hawly. We are here since the 10th August N: S: raising contributions & loseing numbers of men by desertion: there is not a regiment but has lost less or more, but the Highlanders, who still keep up their character. The Provost has got none of them in his clutches yet. They talkd yesterday of our marching Tuesday towards Orchies, but Mallebois march to Hanover with a considerable body has put a stop to that, & we ar to keep this ground till we get our orders from England. Most people here believe that the Dutch & our guards will return to Quarters & that the marching regiments & dragons will be orderd

to Hanover. Duke d'Arenburg had an express yesterday forenoon acquainteing him that the Saxons had made themselves masters of the Prusian heavy artillery. The Mareshall [John, second Earl of Stair] talkd of it as a fact at his table, but I find this day most people doubt of it. The Mareshall was very bad with an asma & a spiteing of blood for some time past, but is recovered a little of late. He received your letter very graciously & said it was a vast pretty letter & that he knew no worthyer man, & then invited me to dine, so I owe your Lordship one dinner. By letters from the country I find [Gustavus Munro of] Culrain abuses my sister in a most bruteish manner and I cannot think but she is in great danger of being murtherid if she stays with that monster. For God's sake my Lord write to Inverchasley on this subject & let those that have the honor to be related to you find a share in that protection you so generously give the rest of mankind. I wish she came to Newmore. I do not [illegible] till a separation could be regularly got. I have ordered her to come up the length of provost Hossacks but not to go near your house, to acquaint you with her cruell usage. Its not the desire of giveing news makes me give this trouble, but to beg your protection to this poor distressed sister which I hope will apologise for me seeing I am, My Lord

Your Lordships most humble servant

Jo: Munro

Our army here including Hanoverians Dutch and English amounts to sixty three thousand fighting men & by the best accounts Count Sax is not 25,000.

Another letter from the same hand describing the battle of Fontenoy is "Culloden Papers," CCXLIII.

(5) CONCERNING SIR JOHN COPE.

Lieutenant-General Sir John Cope, K.B., was appointed Commander-in-Chief in Scotland 18 February 1744, and was made free of the City of Edinburgh, 31 March following. He had, therefore, ample time before the Forty-five in which to become acquainted with the country. Writing in June 1744 to the Lord President (with whom Cope seems already to have been on excellent terms), Andrew Mitchell took the liberty

to inclose you a copy of a memorial presented by Alexander Forbes to General Wade which he informs me has met with a favourable reception from the General. The original together with a letter from him I have by this night's post forwarded to his brother Sir Arthur [Forbes of Craigievar], but I thought it necessary to send a copy to you, because he has sent one to Sir John Cope. The state of the case is that, if his friends can raise £1500 he is the eldest officer that is willing to purchase a troop in the Regiment, but General Cope wants to bring in a favourite of his over the heads of his officers. Perhaps your influence with General Cope may make him desist from pushing this affair, and I am persuaded the favourable reception Mr Forbes's memorial has met with from Marshall Wade is in part owing to the regard he has for you.

From Sir John Cope to the Lord President, dated from Edinburgh, 11 September 1744.

My Lord

As I know your Lordship's genius is not wholly confined to the long Robe, but that universal knowledge serves to amuze

in your leisure hours of which the profession of the Sword has your consideration in the present times, I make the inclosed my excuse for asking your commands to London before I leave Edinburgh, which I think of doing about the 23: inst. I really mean by this letter to offer my service to your Lordship, by which means I might be able to pay off a part of a debt I owe you for the many instances of favours received since you have honoured me with your countenance and acquaintance.

I do not find that people above agree one bit better than they did and our affairs abroad all seem unhinged. I say not a word for the King of Prussia, only that he is formidable: suppose the French should make a detachment from the Rhine to look towards Westphalia; the Saxons have 30,000 men, what they will venture to do, is not known; 50,000 is sent them. By Lord Tyrawly's account tis hoped the Czarina will march troops. This is all I hear at present. 5 or 6 Flanders & several Dutch mails wanting, which causes great uneasiness in London.

I am with great respect & truth
Your Lordship's much obliged
& humble servant

Jno. Cope.

The Lord President's answer is not extant, but Cope wrote on 16th October 1744 ("Culloden Papers," CCXCVIII.) from Clarges Street, London, saying

I have great reason to speak of Scotland with satisfaction and gratitude. And, from the civilities I met with, I flatter myself that my behaviour hitherto has given no offence; it will be my study to conduct myself so as not to deserve an alteration to the kindness shewed me. If your Lordship has any commands for me, I shall take it as a favour

to have an opportunity of paying, by degrees, that debt I owe of civilities, by my utmost endeavours for your service.

The Lord President, having occasion, was not slow to avail himself of this offer, as appears by the two following letters from Sir John Cope, dated from Clarges Street, 3 and 24 November 1744.

My Lord

This morning I recd. the honour of your Lordships letter of the 30th Oct. I immediately writt to Mr Pelham to recommend as strongly as I could Mr Brown to succeed to the Surgion's vacancy at Inverness etc. As Marshal Wade is Governor of these Forts it is proper his approbation should be had, for which purpose I shall write to Mr Wade, by the first Flanders mail. All I can say of it is, that I shall certainly make a point of it as an intrest of my own, and so indeed it is to oblige your Lordship in any thing in my power. I wish Dr Brown had mentioned constant residence there, for it is absolutely necessary a surgion attends those garrisons. I desire he will explain that to me by the return of the post, because I am certain I shall be asked upon that head. It is with difficulty I am able to write so much, being so weekned by a violent fever which has kept me in bed almost these fourteen days; at last it intermitted, and last night I miss'd my fitt, so all danger is over, and I must wait with patience for strength. Nothing like a Northern air for health & spirits. Heaven send your Lordship a continuance of both, for the sake of your friends in particular and the publick good.

I am with great respect & truth

My Lord

Your most obliged humble servant

Jno. Cope.

No news worth sending, were I able to write it.

My Lord

I had an obliging letter from Marshal Wade from Ostent in answer to mine on the subject of the surgion; he is very glad to give his consent to your Lordship's recommendation. Sr William Yonge not being come from Bath, I thought it best to secure Mr Pelham against other solicitations (and many there have been.) Mr Pelham readily agreed with me in desiring to oblige the Lord President. Sr William is now come and has a memo., which he promises will be done without difficulty the first time he does any business with the King. However I think tis time enough for Mr Brown to know it, when it is actually done. I intirely agree in sentiments with your Lordship in regard to any certain allowance being made out of any post to the family of those who made the vacancy. The president would be bad, and if the person who Genl. Guest recommended on those conditions had succeeded (and I should have been glad to have obliged Guest), he should not have taken it on those conditions, and at the same time (as Mr Brown mentions in his letter to me he will do) I am for acts of charity as much as anybody; and therefore leave that to Mr Brown that he may have the thanks of an act of his own, in which I do not desire any merit.

My Lord, I wish I had half an hour's talk with you, for I must not write what I would say. I never see mankind in general in so much eager expectation of events, as of this contention in the ministry which, tho' the parliament certainly is to meet on Tuesday next, is not as yet decided. I am, and have been of opinion, it would be *jumbled* up. I wish it may be for *one* reason, if Lord Carteret goes out, my freind certainly leaves the safe, honourable and easy post he has gott into to go into a stormy sea, to

which no one can fathome the bottome. Foreign affairs are no more talked of than if peace and quiet was established in Europe, whilst jaring partys infect the State. Count Saxe, I hope, is thus employed; I should be heartily sorry to see your Lordship *before* the time I first proposed: I am pritty well recovered of my fever, but have not yet regained my strength. I am most truly

Your Lordship's much obliged
humble Servant

Jno. Cope.

Nov. 24 (*sic*) So far writt yesterday. Lord Cartaret has resigned and Lord Harrington has the seals. My pen would willingly tell you *some particulars*, but I am forced to hold it back. Lord Winchelsey will resign, his successor not yet found; some changes, but I believe not many. I do not *yet* learn any relating to our country. The present administration will widen their bottome by taking in some few *Wig* opposers, as I believe. The Duke of Argyll has drawn strongly with the Pelhams.

The King has consented that Mr Brown shall succeed Dr Cuthbert, of which your Lordship will please to acquaint Mr Brown and I shall get his commission out as soon as I can.

The Gazette will inform your Lordship of the good news from Bohemia. A Dutch ship come in to Portsmouth reports that he left Admiral Rowley with his squadron between the combined Fleet and their shore, that he heard the said Admiral make his signals for his Fleet to form into line of Battle; this is ship news, may or may not be true; he knows not any more particulars.

The intercourse between this much maligned English general & the famous Scottish judge became somewhat bulky for a brief period of the Forty-five, and was renewed during Cope's eclipse and subse-

quent reinstatement after his trial by Court-Martial; at which Court-Martial the Lord President gave evidence. Writers of history, great in their time, have blundered over the part played by Cope at the Battle of Prestonpans. A cursory reading of obsolete accounts would afford damning evidence against his character; a true knowledge and study of the facts have produced a very different story. This story has been well told by the late General Sir Robert Cadell, K.C.B. ("Sir John Cope and the Rebellion of 1745"); and should be read by those who have hitherto studied only the older histories. The object, however, of this digression from the correspondence of the period is an attempt to identify Sir John Cope's parentage, and to give such short notices of his private life as have come under observation; not to defend his military career, which has been already done. It is sufficient to say that an experienced officer who was made K.B. for distinguished bravery at the Battle of Dettingen can scarcely be looked upon as a coward.

Biographers have generally contented themselves with saying that he was descended from the Copes of Hanwell and Bramshill; and exact proof of his parentage is difficult to find. It would appear, however, that his father was Henry Cope of Icombe in Gloucestershire, who was himself undoubtedly a great-grandson of Sir Anthony Cope, the first baronet (1611) of Hanwell. This Henry Cope had two sons, Henry and John, and a daughter Mary, as appears by his will (P.C.C. 5 Romney.) The second son, John, was almost certainly the famous general, while the elder may be identified with Lieutenant-Colonel Henry Cope "of His Majesty's American Regiment of Foot," whose will was proved in 1744 (P.C.C. 34 Anstis).

The evidence centres round Mary Cope; if the daughter of Henry Cope and the sister of Sir John Cope can be proved identical the problem is solved. Mary Cope, daughter of Henry Cope, who is mentioned in the will (P.C.C. 93 Plymouth) of her uncle (of the half-blood) Sir John Cope, fifth baronet of Hanwell, proved her father's will in 1725. Sir John Cope, K.B., proved the will (P.C.C. 33 Hutton) of his sister, Mary Cope, spinster in 1758. In this will she mentions "Lady Monoux," whose family had then intermarried with the Copes of Hanwell, and desired burial in Audley Street Chapel, Mayfair. Her funeral accordingly took place there 29 January 1758, her age in the sexton's book being given as 80. This roughly corresponds with the baptism, 20 May 1679, at St Paul's, Covent Garden, of Mary, daughter of Henry and Dorothy Cope, while John, son of Henry and Dorothy Cope, was baptised at St Giles-in-the-Fields, 7 July 1688. The above seems fairly conclusive, and it is to be remembered that Sir John Cope used the arms of Cope of Hanwell.

He appears to have got his first commission as a cornet in 1707, was captain (ranking as lieutenant-colonel) in the 3rd Foot Guards 1710, brevet-colonel 1711, and after various appointments became major-general in 1739 and lieutenant-general in 1743. He was also at one time a member of Parliament.

He is stated to have married Jane, youngest daughter of Anthony Duncombe and sister of the first Lord Feversham, who had at one time sat in Parliament as member for Downton in Wiltshire, which constituency was represented from 1754 till 1756 by James Cope, Sir John's only son. This son, who had been H.M. Resident at Hamburg, died a bachelor 1 August 1756, having "hanged himself in his garters" (Hist. MSS. Com. Report IV., Ap-

pendix, p. 401.) He left a will, specially requesting that out of the residue of his estate provision should be made by his father "for the further schooling and education of the child I have maintained for some years past." The unfortunate Sir John took out letters of administration in connection with this will a few weeks after the tragedy (P.C.C. 241 Glazier).

He had now no legitimate children, and by his own will, dated 30 May 1760, he made a trust for "my natural or reputed son, John Metcalf Cope, who lately hath been called or known by the name of John Metcalf, and who is now at Eaton School or College," and his heirs in tail, with remainder to "my natural or reputed daughter, Elizabeth Metcalf Cope, who till lately hath been called or known by the name of Elizabeth Metcalf, and was till lately at Mrs Lamb's School at Croydon, but is now at Latouche's Boarding School at Little Chelsea," and her heirs in tail, with remainder to Sir Robert Wilmot of Osmaston, next Derby, his heirs and assigns. The son, as the will recites, would be sixteen on 11th May 1763, and the daughter sixteen on 21 October 1764.

The General had a great reputation as a gallant. "If Sir John Cope has not carry'd of the whole Beautys, I will certainly settle," wrote John Forbes to his brother in 1744 (see letter *ante*) & the famous Dr William Oliver, physician to Bath Mineral Waters Hospital and inventor of the "Bath Oliver," inscribed to him some verses, being his "Advice to Sir John Cope upon his catching St Anthony's fire by drinking Bath waters" (Hist. MSS. Com. Rep. LX., App. 132, B.).

See gentle Cope with love and gout oppress'd,
Alternate torments rattling in his breast,
Trys at a cure, but tampers still in vain,
What eases one, augments the other pain.
The charming girl who strives to lend relief,

Instead of healing heightens all his grief:
 He drinks for health, but then for love he sighs;
 Health's in her hand, destruction in her eyes;
 She gives us water, but with each touch a lass!
 The wicked girl electrifies the glass;
 To ease the gout we swallow draughts of love,
 And then, like Etna, burst in fires above.
 Sip not, dear Knight, the daughter's liquid fire,
 But take the healing beverage from the sire,
 'Twill ease your gout, for love no cure is known,
 The god of physick could not heal his own.

Sir John Cope died 1 August, and was buried 5 August 1760 at St James's, Piccadilly, leaving a widow Elizabeth, Lady Cope, one of the trustees named in his will. Her will as "Dame Elizabeth Cope, widow of the Honourable Sir John Cope, heretofore Elizabeth Fort, spinster," was proved in 1774 (P.C.C. 41 Bargrave) by Elizabeth Metcalfe Cope, spinster, who is mentioned therein as "the reputed daughter of Sir John Cope," then living with the testatrix. The "reputed son of Sir John Cope," John Metcalfe Cope, is also mentioned with his wife, Amelia Cope. She was Amelia Hervey, "neice to Lord Hervey," to whom he had been married in 1766 ("Gentleman's Magazine.") In 1776, as "Amelia Walsh, formerly Cope, wife of John Walsh," she appears as widow of John Metcalfe Cope, when administration of his effects was granted to a creditor (P.C.C.); so that he appears to have died soon after Lady Cope, presumably without issue. The daughter, Elizabeth Metcalfe Cope, was reported in 1774 to be engaged to Lord Palmerston, of which Lady Mary Coke greatly disapproved (*Diary*.) She was, however, married 2 March 1775 at St George's, Hanover Square, as his second wife, to Alexander Leith, then of Burgh St Peter, in Norfolk, who was created a baronet not long afterwards.

(6) CONCERNING THE RECORDS OF
SCOTLAND (1740-1745).

In addition to his many other labours, Lord President Forbes interested himself in the preservation of the national records, and it is almost certainly due to his initiative that steps were taken for their better arrangement and disposal. His name has, however, scarcely been noticed in this connection. So far as he was concerned his report on the Scots peerage led to the discovery of "the absolute confusion in which all our Records (except those that regard Land Rights) lie, the Insufficiency of the officers generally employed in taking care of them, and the total neglect of those who ought to be answerable for those officers." ("Culloden Papers," CXCVII.) This information was given by him to Lord Hardwick in February 1740, and he went on to say

yet the Acts and transactions of that [the Union] Parliament lie still in heaps of bundles unentered and unregistered; and it is now at the mercy of every rat, by cutting the packthread . . . to mix them together so as to make it difficult to separate them, and consequently to destroy the evidence of the very act of the union.

To this Lord Hardwick replied ("Culloden Papers," CXCIX.) that he would be extremely glad to co-operate in a remedy for this neglect, but delicately hinted that the most proper course, in the first instance, would be an application "to the Lord Register, desiring his directions to his inferior officers to redress this grievance and to put the Records into proper order, and preserve them with due care." The Lord Clerk-Register was then William, third Marquess of Lothian, who seems to have in-

terested himself in the matter, whenever it was brought to his notice. But the investigations took time, and it was not till 9 March 1745 that the Lord President wrote how heartily he wished him success "in this undertaking; which must yield much satisfaction to your own mind and procure you the esteem and sincere thanks of your Country." ("Culloden Papers," CCXLI.) This letter contained another to Lord Hardwick ("Culloden Papers," CCXLII.), in which he stated that

The accidents which brought them into their present unhappy condition were very cross and various: but what in fact occasioned, and has now for many years continued, the disorder and confusion, was the neglect of the several persons, most of them noble, who held the office of Clerk Register . . . a series of negligent Lord Registers having succeeded one to another, the disease came day after day to be more deep and more dangerous; and the expense as well as trouble of the cure a disagreeable object to be thought of by the possessor of the office . . . and no Lord Register until the present has ever troubled his head with thinking of a remedy. The Marquis of Lothian, who now holds that office, has taken the misfortune to heart, very near as much as if it had happened thro' his own fault.

There were, indeed, many misfortunes in the history of the records, which are briefly told in the preface to "A Guide to the Public Records of Scotland" (M. Livingstone, late Deputy-Keeper of the Records), and further information with regard to the remedies proposed is contained in "Culloden Papers," CCVIII. and CCIX.

The following fragment (belonging to that period) relates to the worst of all the disasters which befel the Records, when

they were being returned from London after the Restoration, having been sent to England during Cromwell's time.

Ques. How many hogsheads of records were lost at the Restoration and the evidence of it.

Ans. There is in the Records of Parliament an act of exoneration in favour of Mr John Young, dated 8th January 1661. This Mr Young had been ordered to attend the Registers from London hither and did not consent to the taking them out of the Frigate call'd the Eagle where Mr Fletcher was captain. But that they were necessitat (throw the violence of the storm which was so great, that ship and all therein had almost perished) to put fourscore & five hogsheads into another ship which sunk and drownd with these hogsheads & records. And declares him free from any access to the loss of the Registers.

Ques. How many hogsheads that came then down are lying in the Laigh Parliament house not yet brocken up or searched.

Ans. The number is 10 unbrocken up.

Only two other additional documents appear to have survived. The first is endorsed

Computation of the expense of transcribing of the charters, and furnishing paper, parchement, pen and ink and binding all the books in Russia Leather 1741.

Note of the number of Charters to be transcribed with a Computation of the Expens for transcribing, at the prices after mentioned.

The 12 Rolls of Charters from King Robert Bruce to King James the 1st, including King David Bruce his Book of Charters consists of 945 Charters, Com-

puting these att half a crown each Charter, the soum in Sterling money will extend to	£118	2	6
In the 3, 4 and 6 Book of Charters, ther is 595 Charters to be transcribed, computing at a Crown each Charter will extend to the soum of	148	15	0
In the 9 Book of Charters ther wants 28 Leaffs of Charters to be transcribed on parrhment, compute at 10 shill. ster. per leaff, will extend to ...	14	00	0
In the 31st Book of Charters ther wants 4 leaffs of parchment to be transcribed at 10 Shil. Str. Per Leaff	2	00	0
In the 34 Book of Charters ther wants 99 Leaffs of parchment to be transcribed at 10 shill. str. per Leaff	49	10	0
In the 35 Book of Charters the first and last Leaffs thereof to be transcribed at 10 Shill. Str. per Leaff	1	0	0
In the 46 Book of Charters ther wants 5 leaffs thereof to be transcribed at 10 shill, Str. Per Leaff is ...	2	10	0
The 56 Book of Charters consists of 89 Leaffs of parchment, all to be transcribed, at 5 Shill. Ster. per Leaff extends to ...	22	5	0
Summa of the Expens for transcribing extends to ...	£358	2	6
The expense of binding the whole books in Russia Leather, and putting the Rolls in Books, with the furnishing of paper, parch-			

ment, pen and ink may be computed to the Soum of One hundred and fifty pound sterling	150 0 0
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Summa totalis	£508 2 6
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The last document appears to be the rough draft of a memorial drawn up by the Lord President which the Lord Clerk Register was to present. It is endorsed

Memorial concerning the present State
of the Records of Scotland, Anno
1744.

That the Laigh or Under Parliament house in which the Rolls & Books of Records of Scotland are kept, being a Place very moist and damp, the Writts are thereby much hurt and Damaged. That the Charters and Seasines which are bound up in Books, are now mostly fallen out of their Binding, and many of the first and last Leaffs of the Books are already so Obliterate and Decayed, that they are hardly legible, and if they continue a few years in that Place, without being refitted, they will be intirely Defaced.

That the Charters of King Robert Bruce, King David, King Robert 2nd, King Robert 3rd, and Robert Duke of Albany, the Governor, are as yet in Rolls not Booked, and much obliterated, notwithstanding the Act of Parliament Anno 1469, Ordaining them to be put in Books and to have sich Strength as the Rolls had before.

That of the Records that were sent to London by Oliver Cromwell and from thence returned to Edinburgh, Anno 1661, there is a large Parcel standing in the Laigh Parliament house, which hitherto have never been looked into, and without doubt they contain Papers of very great value and use, towards the History and Private Familys of Scotland,

This Parcell which consists of Twelve Hoggsheads ought to be searched, put in Order, and Inventarys made of all that are of Consequence.

That the Warrands of the Union Parliament are still lying in loose Bundles, and not hitherto Booked, though the same ought to have been done long ago, by the then Lord Register or his Deputy Keepers of the Records.

That there are many Warrands of the High Commission, and Sub-Commission Courts for valuation of Tythes, together with above a hundred principal Decreeets of Valuation, signed by the Clerk Register, from 1633 down to the year 1650 with a great number of Copys of Charters, all in the hands of Sir John Paterson of Eccles, which should be brought to His Majesty's General Register House.

That the Records of the Secret or Privy Councill of Scotland from the year 1646 to the year 1707, are at present in the hands of Mr Robert Pringle, Advocate, Son to the deceast Mr Thomas Pringle, Writer to the Signet, into whose hands they came by a Warrant from the late Duke of Roxburgh when Secretary of State. These also ought to be lodged in his Majesty's General Register House.

As the Registers of Scotland are the great Security of the Rights and Propertys of the Subject, so the Care and Preservation of them has ever been and still [is] lookt upon as one of their most valuable concerns.

They were all formerly kept in the Castle of Edinburgh, But in the year 1662, All the Records in which the Rights and Securitys of the Subject were any-ways concerned, were by Act of Parliament, ordered to be carried to the under rooms, of the Session House, But the Rooms having by Experience been found to be moist and Damp, (They being near twenty feet below

ground, on the North and East), that a great many of the old Writts are thereby much Damnaged, and almost Consumed, And further those Rooms are now so full, that they can contain no more, Though a great many records are now ready to be taken in from the several Clerk's Offices, which ought to be kept in the General Register House. The Lord Register in whose Care and Keeping these vaiuable Records are by his Office Intrusted, Having been at the pains to Examine and Enquire into the Facts above set forth, Doth Find the same to be true, But the Faults Neglect and Abuses having hapned long before His Lordship had the Charge of that Office, He cannot be answerable for them. However as the People are now uneasy, And Complain that those Registers are not more cerefully Noticed and Regarded, The Lord Register thinks it his Duty to represent the Grievances, not doubting that some care will be taken to redress them, for the Ease and Benefite of the Subjects, And tho' his Lordship is very anxious to have these Records put in a Regular Order, and Method, and into a House or Repository, proper for Preserving them, Yet he is very unwilling to put the Government to great or unnecessary Charges on that Account, especially at this Juncture.

But in the mean time as a great many of the Records, especially those of Public Nature, Such as the Records of Parliament The Great Seall, and Privy Council, &c., are at present in a perishing Condition, and in Danger of being intierly lost, Therefore it is humbly Proposed, That these together with the twelve Hoggsheds above mentoned be taken out of the two under Rooms of the Parliament House Immediately and carried to some proper Place in order to be

Inspected, Refitted and Repaired, and proper Inventarys made of every thing that is Materiall.

The Lord Register having made all Publick inquiry in order to find out a House proper for the above Purpose, attended with the smallest Charge to the Publick, Is now informed that the Gate House belonging to the Abbey of Holyrood house, in which the late Countess of Forfar lodged, might be sufficient to contain these Records above mentioned, which ought to be refitted immediately, untill a General Register House, capable to hold the whole Records of the Kingdom, shall be built and finished.

As it will be of very great use and Service to this Country, to have these Publick Records removed and Refitted in the manner above mentioned, So it will be a great advantage in giving more room to the Records of the Session, the Registers of Hornings, Seasines & Notary's Prothecals, and the other Records concerning the Private Interest & Security of the Subjects, which at present lye crowded and in heaps, in these two Rooms under the Parliament House, And by this means there will be Room also to be taken in the other Records of this nature from the Severall Clerks Offices.

The above mentioned Publick Records, which are proposed to be Received and Repaired, are in such bad Condition that the Expense of Transcribing and Binding them, with the Furnishings of Parchment, Paper, Pens and Ink, will amount to the Sum of Six hundred and twenty one pounds, eight shillings and sixpence Stirling, as by a particular Computation made by the under Keepers of the Registers. And likewise it is noticed that the Gate House is so much out of Repair, that it will Require the Sum of Four hundred pounds Stirling or thereby to make it habitable.

And lastly it is to be considered, That to put in order and make inventarys of all these old Writts, and to Inspect, Sort and Inventory the twelve Hoggsheds, and to do every other thing necessary, as contained in the above Memoriall, is a work not only of great Consequence and Importance, but is also a Work of very Great Labour, and Intricacy, and that it will Require a Person of Application, Skill & Integrity, to direct and perform the Same, and he must have the Assistance of two or three Clerks at least for some time.

Wherefore as it is proposed to be a temporary Office only, though it will be a Work of Time and perhaps even of some years, And as the Lord Register thinks by the Duty of his Office, He is bound to answer for the carefull Execution, and Performances of the same, He therefore hopes he shall be Indulged to Recommend to that Office a Person of whose Knowledge he is well assured of, and on whose Care he can Confide and Depend upon, and shall be answerable for.

It is probable that the Lord President's letter to Lord Hardwicke ("Culloden Papers," CCXLII.), dated 9 March 1744/5, formed one of the last steps in the endeavour at that time to put the records on a proper footing. Ministers have seldom taken the slightest interest in these matters, and progress must in any case have been slow; Britain was then at war, and the Forty-five was very near. Livingstone gives 1753 as the date of the opening of the hogsheads which had escaped shipwreck. "Public attention was at last aroused to those evils, and resulted in the erection of the Register House."

(7) FRAGMENTS 1744-1745.

From John Scrope to the Lord President,
dated 8 May 1744.

My dear Lord

I have the honour of your Lordships of the 29th ult, & shall always take great pleasure in executing any commands you shall be pleased to favour me with.

I often wish we could tempt you to turn your face once more to the South, you would meet with many things here which would divert you, many of your old Friends would be extremely glad to see you, you would find us just as wise & as honest as you left us, & tho' you will find me much older I think I have not altered my affections nor my inclinations to do my Friend all the Service that is in my power, sure I am that your good will to me will never be forgot.

I asked Mr Pelham this morning, who disposed of the Commissions in the Army, he says those abroad are disposed of by Marshall Wade, those at home he had some time a share in. I then acquainted him of what you desire, upon which he ordered me to present his humble service to you to assure you that he shall take great pleasure in serving any one you wish well to, and also said that the Commissions had been lately filled up, and that he did not know whether there were at present any vacancy, but that he would enquire, of Sir Wm. Yonge.

I must submit to your better judgment whether what I now write your Lordship, may not give you a firm pretence to write to him, and I am very confident a letter from you will be very

acceptable to him, he always speaking of you with great regard & esteem, I am most affectionately

My Lord

Yr. Lordships most Faithfull &
obedient humble Servant

J. Scrope.

The commission referred to in the above letter was for his first cousin, John Forbes ("Culloden Papers," CCXXXVI. and CCXXXVII.), possibly a son of Dr Jonathan Forbes of Elgin.

From Henry Pelham to the Lord President, dated from Arlington Street 9 June 1744.

Dear Sr

The honour of your letter gave me the greatest satisfaction, as it was an instance of your kind remembrance of an old friend and humble servant. I have already given in the name of your relation Mr John Forbes to be an ensign in the additional ones, which are intended to be plac'd to the several regiments in Great Britain. Army matters in general are what I decline meddling with as much as I can; some few applications I am forc'd to harken to, but wherever you are concern'd I shall always with pleasure intrest myself. Your objects are I am certain always for the advantage and good of this country. I heartily wish I could say so of every body. It will be my endeavor therefore to join with and assist those whose views are of that nature. I may want the power, but I never shall want inclination to convince you that I am with the greatest truth and respect

Dear Sr. Your most
obedient and most faithfull servt.

H. Pelham,

Anonymous to the Lord President at
Culloden, dated from Edinburgh 13
September 1744.

My dear Lo. President

I arrived here on Monday evening not quite drown'd but pretty near the matter, having travell'd two days in constant rain & bad roads. I have never seen one fair day since I left Edinburgh & the few sun-shine hours we had I could not enjoy, having been chased from a walk in the beginning with a heavy shower that wett me to the skin. The chief diversion of the place is a bowling green, but as it was always swimming, we could not so much as walk in it. We had some days of high winds (a week before yours) but never without rain, so that they did not shake (*sic.*) In the Lothians as the winds were dry they did a deal of mischief. The lint has suffered every where, vast quantities of it having been carried down by the floods. I was told that Tweed for some miles was covered with it & corn. As there was a good deal of company at Moffat & no diversion without doors, the badness of the weather made us very sociable. I lived in family with Baron Dalrymple, who had his lady & two children with him. Baron Clerk & family lived with his son at the distance of a short mile; but no family dined or supp'd alone. When conversation fail'd, cards supplied the intervalls, balls twice a week. I came to be a great proficient at whist. My Lord Stair pass'd at Drumfries, his brother the Baron & family went that length to see him, & nothing keep'd me from going but that I was to lose a bathing night. (*sic*) The report you have heard of that Earles keeping all his appointments, tho' the staff for England is broke, is surely true, and surely I wrott it to you from good authority, having

gott it from my Lady before I went to Moffat. He has two of his aid-du-camps with him, Young & Stuart, & is to be at Newliston about the beginning of next month. Lo. Lindors, an officer in the guards, came along with him from London, but parted at Drumfries & came forward to Moffat. He assured us that my Lord Stair was in high favour, of which he gave us two pretty strong proofs, that were well known, because very publick. One was that upon the K. of Prussia's declaring of war, the K. should have said in a drawing room, that if my Lo. Stair's advice had been followed after the battle of Dettigen, we should have had no trouble from that quarter. The other was upon somebody's asking if there was any news from Flanders, the K. replied no, but if my Lord Stair had been there it would have been otherwise. Yesterday I saw Sr Jo. Bruce-Hope, who assures me that Cartaret was never my Lord Stair's ennemy, but that he did him all the service he could, & lay'd all the maltreatment he mett with on the K. How to reconcile these two accounts I know not, for whatever faults our master has, changeableness is none of them. I have heard nothing of the D. of Argyll's motions. Adieu.

My Lo. Stair gott all the commissions he ask'd, except Cha. Leslies, which the K. refused to sign. As the Earle would not trust the ministrie's report, he applyed himself to the K. & received four No's before he left him. The commission not being given away, Charles still remains in London upon his aid-du-camp's pay, expecting better times, which cannot readily happen in this reign.

I am a good deal better of the waters. The D. of Argyll's writer tells me the

last letters made no mention of the Duke's motions, but he expects him in town the end of this month.

From Andrew Millar, the publisher, to John Forbes, younger of Culloden, in Flanders, dated from London, 10 October 1744.

Dear Sir

I thank you heartily for yr civilities to my friend Smith when he saw you at Brussels, he will deliver you this, and may possibly have occasion for some money for which if you'd recommend him to any friend of yours to take his bill on me, for thirty, forty or fifty pounds stirling, I shall duely honour the same. He has wt him for sale on my acctt 25 David Simple 2s: (Which are sold here for 6d a sett, which has had a great run being well esteemed) 25 Joseph Andrews and 12 of our friend Thomson's new edition of his Seasons, to which he has added above 1000 new lines, the goodness of them I need not mention to you, nor desire if it lies in yr way that you'l forward the sale of them.

Our friend Peter [Rev. Patrick Murdoch] is well in Suffolk, Mr Mitchell, Thomson and Armstrong are all in good health and frequently join wt me in remembereing you, I am Dr Sr.

Yr ever affectionate Sert.

And: Millar.

From Patrick Grant of Glenmoriston to "Mr Thomas Stewart factor to my Lord President at Culloden," dated from Invermoriston 15 November 1744.

Dear Sir

As I was informed Tuesday morning, that Sunday night last there were five oxen stollen out of my Lord Presidents parks at Bunchrewe I immediately set about catching of them, before they

should pass this Country. upon which Design I did directly sent of my son to the Braes of this Country and luckily as the water hapened to be big, and as they could not cross sooner, the Guarding of the foords that same night caught the Oxen which are sent back to Bunchrewe, by the Bearer; for my Lord President may depend that I or any of mine are always ready to doe him any little service that lys in our power, I add no more but I hope youl make my complements to the President when you have occasion to write to him and I am

Dr Sir

your most obedient
humble servt

Pat Grant

From Henry Fane to the Lord President,
dated 9 January 1745.

My Lord,

I take the opportunity of our friend George Ross's conveyance to let you know that Mr Scrope is as well as ever I knew him, and had he strength would be as willing as any body to make one under your Lordship's command to keep peace in the North: where I hope matters will at last turn out to the satisfaction of all of us, and that you will not be hurt by our enemies. They took care to attack England in all its defenceless places, and had it not been for the mismanagement of Oglethorpe, they would have found our troops enough for them even in our unguarded countries; I wish you were as free of them as England seems to be at present, where I hope our unanimity will bid defiance to French invasions. The late folly (to call it no worse & not wickedness) of the Bank is a terrible stroke in my opinion to the nation: all people possessed of securities from the Government of 4 and 3 per cents must suffer greatly by their late attempt, by giving their notes at 5 per cent payable

in a year to any one who would compleit the payments of their subscription money which may be the cause of raising interest to 5 per cent, the consequence of which is, that if 5 per cent is your current interest, 4 per cents will be 15 per cent cent under par and 3 per cents 30, which will be a decrease in the value of publick debts above 14 millions & therefore an absolute loss of so many millions, but had interest been kept down, all this money would have been safe and the proprietors of it ready to part with some of it to supply our present wants, which are very great as our Land Tax is not one quarter full. Mr S. is not taken much into the consultations of our affairs, our present man being too wise to ask any body their advice, and indeed was he to ask it he would not have patience to hear it, the love of talk being so strong about him.

I presume your Lordship has heard I am again unhappily a widower. All your other friends are as you left them and very much at your service. The concerns of my private life and the cares for the publick makes me grow old; however I shall always be with perfect esteem and respect

My Lord

Your Lordps most obedient and most
humble servant

Hen: Fane.

From Harry Munro, younger of Foulis,
to the Lord President, dated from
London, 20 May 1745.

My Lord,

I beg pardon for not having returned an answer to your Lops most obliging letter, but the anxiety I was under, till I received from Flanders some certain accounts of my Father's safety, made me quite unfit to put pen to paper. His

being safe tho' there was a probability, yet, I confess, I doubted when I reflected on his bulk, on the great fatigue he had undergone, and the eminent danger he must have been exposed to. Providence in an extraordinary way interposed, and preserved him, I hope to find at last, that, justice done to his Family, which his former Services might seem to have merited. Your Lop's opinion about the querys, I took the liberty to propose, has determined me, in consequence thereof, I made application to E. Stair, and Mr Polham, and am recommended by both for a Company in the new raised Highland Regiment. I want words to express how truly sensible I am of your unmerited favour, I shall never presume to crave your interposition in my behalf, but on solid grounds, and possibly, may be more bashful in desiring your assistance, than you would be slow in granting it. I know your recommendations must have great weight—I shall always endeavour to be careful, that I be not deemed too arrogant, or officious. The confidence that I have in your Lop's friendship, makes me think it a duty incumbent on me, to acquaint you, with any steps my Father's family propose to take, flattering myself, that as your Lop, honours me with your Friendship you will also look with a friendly eye on the Family from which I am descended. The Shire of Ross being vacant by Balnagown's death, my Father proposes to offer himself a candidate, which I would be averse to, if not for the following reasons, which at present appear to me weighty 1mo By my Father being in Parliament, he may have it in his power to be of service to that interest in Ross which deserves to act independently, and not be trampled on by an Ottoman power. 2do By a seat in Parliament my Father may be able to do for me, and with the

participation of Friends procure me a Civil post. 3tio As it is possible Sir Robert may be made Colonel of the Highland Regiment which is to be raised, being in Parliament his solicitations will be stronger for a Regiment, when the one he is likely to get will be reduced.

These reasons which I venture to lay before your Lop, if they appear as weighty as they do to me, I hope you will approve of my Fathers proceeding therein—I fear I may offend by this long incoherent epistle—I am with utmost regard

My Lord
Your Lordships
Most obedient obliged & Affectionate
Cousin & Servant
Harry Munro



**Corrections to the Original
"Culloden Papers"
(1725-1745).**

(CXXVII. TO CCXLIV. AND ADDENDA
CCCLXX. TO CCCXCVIII.).

CXXVIII.

Part of this letter is now missing, from after the word "Commissioners," page 99, line 7.

CXXXIV. (Note).

For "Oberiachan" read "Abriachan."

CXXXV.

Page 104, line 1, read "desiered after hearing."

CXXXVI.

Line 14, for "J.— s" read "T— s."

CXXXVIII.

Page 106, line 8, for "Huss" read "Luss."

CXXXIX.

Not found.

CXLII.

Not found.

CXLIV. and CXLV.

Not found.

CXLVII.

For "Murdock" read "Murdoch."

CXLVIII.

At the first asterisks, read "Strekine [Strichen]"; at the second asterisks, read "non liquet."

CL.

Page 115, last line but one, for "fow"
read "fou."

CLIII.

Line 11, for "Ladders" read "Ledders"

CLV.

Last line but one, for "rack" read
"haik."

CLVI. and CLVII.

These letters are from Dr John Clerk.
The initials should read "J. C."
Latin inscription not found.

CLIX.

Line 7, for "Straobench" read "Stra-
erick"; line 12, for "Delifour" read
"Dohfour."

CLXI.

Page 125, line 11, for "Rankeiter" read
"Rankeiler."

CLXII.

A postscript reads :—There's another
reprieve arrived for Joseph Hume. It
seems the Court has delayed coming to any
resolution upon your Lordship's report
untill the Duke of Newcastle return from
Sussex, where he is to pass some time.

CLXVI.

Page 129, line 2, for "Hornwa" read
"Stornwa."

CLXX.

Page 133, line 3, for "setting" read
"setling."

CLXXIV.

Not found.

CLXXV.

A postscript reads :—You shall pay me at meeting. I hope Charles and you have done something about Sir John's affair.

CCCLXXXI.

A postscript to this letter is quoted on page 2.

CCCLXXXIII.

Line 8, after "contest" insert "on an appeal."

CCCLXXXVI.

The initial to the signature appears to be "W."

CCCXC.

This letter is endorsed :— 'My father's letter concerning the old Highland Regiment.' Page 361, line 4 from bottom, for "on the island" read "in this island."

CCCXCII.

Not found.



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