

Catholic gentry, with their tenants and servants. Although this accession of strength fell far short of their expectation of a general rising in the northern counties, the insurgents were full of confidence. They abandoned themselves to the pleasures of the hour as if no danger were at hand. "The ladies in this town," writes one Peter Clark, "are so very beautiful, and so richly attired, that the gentlemen soldiers, from Wednesday to Saturday, minded nothing but courting and feasting." Mr. Forster, the commander of the rebel forces, seems to have been wholly unequal to the duty he had assumed. He relied upon the sanguine assurances of the Lancashire Jacobites that no force could approach Preston on the English side. He was contented to have intelligence of general Carpenter's movements in his advance from Scotland. On the night of Friday, the 11th of November, the news came that a force under general Wills was marching from Wigan upon Preston. A council of war was immediately held, but without the chief in command, who, it was alleged, had received "some damage at a convivial entertainment," so that it became necessary he should retire to bed. The orders given by this council were countermanded by Forster the next morning. He went forth to look upon the enemy when he could no longer doubt of their approach. At the bridge over the Ribble, about half a mile from the town, Forster had stationed a small detachment; but it was soon withdrawn by him; and the road to Preston from the south was left open instead of being resolutely defended. Patten says that general Wills expected that the rebels would have made a stand at the bridge, which they might have barricaded; and he therefore advanced cautiously through the deep and narrow lane which led from the bridge. This lane was the place where Oliver Cromwell was resisted in an uncommon manner, according to Patten's narrative, by the king's forces in 1648, "who, from the height, rolled down upon him and his men, when they had entered the lane, huge large mill-stones." Cromwell makes no mention of this incident in his despatch of the 20th of August; but he describes the place as "a lane, very deep and ill, up to the enemy's army, and leading to the town." In this lane, and on either side, Cromwell was fighting for four hours, in what he calls "a hedge dispute," before he "charged the enemy in the town and cleared the streets."\* Along this famous lane Wills advanced cautiously. He began to think that the rebels had quitted the town; but when he entered the street, he found that barricades had been thrown up, which presented a formidable defence. Two of his dragoons having been shot, no sum-

\* Despatch, in Carlyle's "Cromwell," vol. i. p. 290.

mons to surrender was required; and an attack was immediately made on the barrier of the street, near the church, which led to the Wigan road. MacIntosh here commanded. A hundred and twenty of the king's troops fell in a few minutes from the deadly aim of the Highland marksmen. But other entrances to the town by byelanes were soon occupied by the besiegers; and they possessed themselves of two houses which became strong positions. Three other barriers were the scenes of sharp conflicts. Houses set on fire burnt on through the night, whilst the unceasing sound of musketry proclaimed how deadly was the struggle. The insurgents who had marched from Scotland held their ground bravely; but many of the new recruits took the opportunity of making their escape from such perilous strifes, over an unguarded ford of the Ribble.

The morning of Sunday, the 13th, brought to the rebel army the sad conviction that the game was nearly played out. General Carpenter had reached Preston with two thousand five hundred cavalry; and the town was effectually surrounded on every side. Carpenter, though of superior rank, did not supersede Wills in his command. The Highlanders wished to make a daring attempt to cut their way through the king's forces. Forster and the English made an effort to obtain favourable terms of surrender. In the subsequent trials of some of the unfortunate leaders of this insurrection, general Wills deposed, and his deposition was fully confirmed by other officers, that colonel Oxburgh, an Irishman, having been deputed by Mr. Forster, offered that the besieged should lay down their arms, on condition of being received as prisoners of war, and recommended to the royal mercy. Wills replied that he would not treat with rebels. All that he would do for them was, that if they laid down their arms, and submitted prisoners at discretion, he would prevent the soldiers cutting them in pieces, till he had further orders. Other negotiators came to the general; and the surrender was finally postponed to the next morning. But no promise of applying for the royal mercy could be obtained from Wills. Oxburgh, who forfeited his own life, declared upon the scaffold that the general said, "You cannot better entitle yourselves to that clemency than by surrendering yourselves prisoners at discretion." There were, of course, two modes of interpreting such a loose declaration. About fifteen hundred of the rebels surrendered, two thirds of whom were Scotch. Amongst the prisoners were eight noblemen. The number of the insurgent forces who escaped from Preston must have been considerable. The English troops marched into the town. The Highlanders were drawn up

in the market-place, and were finally put into the church, "where," says Patten, "they continued about a month, the townspeople being obliged to find them water and bread; whilst they took what care of themselves they could, unripping all the linings from the seats or pews, and making thereof breeches and hose to defend themselves from the extremity of the weather." Some of the common men were subsequently tried, and, being found guilty, were executed or transported. Officers who had held commissions in the royal forces were summarily convicted by courts-martial, and were shot. The noblemen and other leaders were marched under strong guard to London. Patten relates that, "setting forward from Highgate, we were met by such numbers of people that it is scarce conceivable to express, who with 'Long live king George,' and 'Down with the Pretender,' ushered us throughout to our several apartments.

Whilst the English insurrection thus came to an end at Preston, important events were taking place in Scotland. The government, partly through the politic adhesion of Simon Fraser, who claimed to be lord Lovat, obtained possession of Inverness. At the same time the earl of Mar marched southwards from his camp to Perth, and Argyle led his forces northwards. The Master of Sinclair represents the movements of Mar as indecisive, and deficient in military organization;—that he encumbered his army with cannon without having powder or ball; and being prevented by the presence of the enemy from passing the Forth at Stirling, was wholly ignorant where the river was fordable at this winter season. "I never heard," he says, of any man in our army who knew anything of these fords except Rob Roy; who, they themselves said, they could not trust.\* On the 12th of November, the Master of Sinclair, with three squadrons of cavalry, and the greater number of the Highland clans, were in advance of Mar, whose quarters were at Ardoch. They were marching upon Dunblane, when the wife of a Jacobite laird sent a lame boy as messenger to say that Argyle was already there. The van ceased their advance; the rear formed a junction with them; and the whole army passed the night in a very narrow hollow of the hill near the Sheriffmuir—so called, as being the old place of meeting for the militia of the sheriffdom of Monteith. "All the night did our army lie in that small circumference; and I believe eight thousand men, for we were about that number, were never packed up so close together since the invention of gunpowder."† Early in the morning of the 13th the insurgents drew out of their confined quarters, and

\* Memoirs, p. 201.

† *Ibid.*, p. 208.

formed, in two lines, above the hollow where they had passed the night. From the elevated ground Mar saw some officers at a short distance examining his position. Argyle, who was now at the head of four thousand seasoned troops, was looking upon the irregular forces, twice in number, that he was preparing to encounter. He had pre-arranged that he would endeavour to bring the rebels to battle upon the Sheriffmuir. It was a very peculiar battle-ground—"a broad eminence, which is formed by a spur of the Ochils, but swells so gently that at a distance it seems an elevated plain \* \* \* \* It has the peculiarity of being a regular curve, presenting in all parts a segment of a sphere, or rather an oblate spheroid. There are no rapid declivities and no plains. Hence, in every part of the hill, there is a close sky-line, caused by the immediate curve; and where there is so much of the curve as will reach a perpendicular of some eight feet between two bodies of men, they cannot see each other."\* When Argyle's army was known to be at hand, there was little question how to act. When there was a doubt with some about venturing to attack, the Highland chiefs cried out "Fight! Fight!" The clans shouted, tossing up their caps and bonnets. Mar headed the Highlanders who were to oppose the left wing of the king's troops. He was superior in numbers. The English under general Witham, were terrified and scattered under the rush of the Highlanders; and in a few minutes were in full retreat towards Stirling. The attack of the insurgents on the right wing, commanded by Argyle, had a totally different result. The night of frost had made a morass hard enough to bear a charge of cavalry; and whilst a squadron passing over the icy ground took the enemy in flank, Argyle with his remaining horse attacked their front. The rout was here complete; though many times in a distance of three miles did the Highlanders attempt to rally. It was a doubtful battle. Argyle had broken the left wing of the rebels, and had driven them over the river Allan. Mar had scattered the left wing of the royal army, and had chased them to Corntoun, a village near Stirling. Mar had been the first to return to the battle-field. He saw Argyle toiling along the road at the foot of the hill with his exhausted forces. "If they had but thrown down stones," writes sir Walter Scott, in a note to Sinclair's Memoirs, "they might have disordered Argyle's troops." Mar determined to leave the battle-field to Argyle; and then, whilst the wail of the bagpipes was heard in the retreat, was uttered, by Gordon of Glenbucket, the well-known apostrophe, "Oh, for an hour of Dundee!" But the ineffectual

\* Burton, vol. ii. p. 191-3.

battle had for Argyle all the advantages of a great victory. The insurgents returned to Perth in numbers greatly reduced by desertion. "We were not long in our old quarters," writes the Master of Sinclair, "when the bad news of our friends' misfortune at Preston was brought us." Mar felt that the time was come when he might through a friend, ask if Argyle was empowered to grant terms. Argyle replied that he would apply for such powers. Mar in his Diary says that no answer was returned to Argyle's application to the government in London.

It might have been wise in the government of George I. to have made some demonstration of a conciliatory policy. But the fear of a successful insurrection in England was overpassed. The affair of Preston had destroyed all the hopes of the northern Jacobites. Six thousand Dutch troops had landed, and were on their march to Scotland. Other reinforcements for Argyle's army were constantly arriving at Stirling. In this condition of strength no overtures towards oblivion were likely to be favourably regarded. An event now occurred which, if it had been well timed, might have rendered the struggle between the House of Brunswick and the House of Stuart more equal. James Edward had sailed from Dunkirk in a small armed vessel and had landed at Peterhead. He had only six followers, and proceeding through Aberdeen he reached the camp at Perth on the 16th of January, 1716. The advent of the prince was not so propitious to his cause as his adherents might have expected. The Highlanders gazed on a man of somewhat feeble frame and of listless action. In an account of the "Proceedings at Perth" it is said, "We saw nothing in him that looked like spirit. Our men began to despise him. Some asked if he could speak. His countenance looked extremely heavy. He cared not to come abroad among us soldiers, or to see us handle our arms or do our exercise." The prince whose appearance was thus so disappointing, took up his residence at Scone, and surrounded himself with all the etiquette of royalty. He issued proclamations, one of which commanded all able-bodied male persons to repair to his standard; another fixed the day of his coronation for the 23rd of January. Alarm seems to have been felt at the Court in London. Lord Townshend, who may be considered prime minister, was apprehensive that the Chevalier would receive assistance from France. On the 26th of January Townshend wrote thus to Horace Walpole, the English minister at the Hague: "The Pretender is now at Perth, and to be crowned king of Scotland. This step his friends here would not have suffered him to take in the present situation of affairs, unless the

regent [of France] had given strong assurances of assistance. They send over in single ships, arms and ammunition, and officers; and those who are in the secret of their affairs seem confident, they shall be farther and more openly assisted as soon as the season will permit. For my part I cannot think anything can divert the regent from taking vigorously part with the Pretender, but a strict union amongst our old friends and allies, by which he will see, that he cannot meddle with our affairs here without involving France in a new war with all Europe; and by the best intelligence we have, the passion of the French is so strong in favour of the Pretender, that nothing but the fear of a new and general war can prevent their assisting our rebels here."\*

To have relied upon that union of strength with merciful conciliation which the ministers of George had in their own power without regard to continental alliances, might have been the best course for defeating the hopes of the Pretender. The regent of France was not disposed to give the aid to the Pretender which Townshend dreaded. The open assistance did not arrive. Argyle, with his reinforced army, was moving northward. Between him and Perth were villages in which shelter and provision might be obtained; and a decree went forth from the royal palace of Scone, by which the military commanders of Mar's forces were ordered to burn and destroy each village,—houses, cows, and forage. Six happy abodes of a peaceful population were thus devastated; and the inhabitants were turned out in the snow to perish. Mar, in a private letter, wrote, "We shall be forced to burn and destroy a good deal of the country to prevent the enemy marching, which goes very much against the king's mind, as it does mine and more of us; but there's an absolute necessity for it." The prince himself wrote to Argyle respecting this act, "It was indeed forced on me by the violence with which my rebellious subjects acted against me, and what they as the authors of it must be answerable for—not I." Mar's belief was that Argyle's troops could not march when there was no cover left; for "how they can endure the cold for one night in the fields I cannot conceive; and then the roads are so that but one can go abreast." But Argyle did march, although, it is alleged, with some reluctance. On the 21st of January, a party of dragoons went forth to report how far it was practicable to advance through a country buried in snow. On the 29th the main body moved, the peasantry having been pressed to clear the roads. On the 30th Argyle was at Auchterarder, one of the desolated villages. Terror began now to prevail amongst the cour-

\* Coxe—"Walpole," vol. i. p. 50.

tiers in Perth. James Edward attended a council of war, and manifested extreme reluctance to compromise his personal safety. The Highlanders desired to place the king in the midst of them, and fight to the death—a desire by no means agreeable to an enterprising man who now saw before him little else than a prospect of more signal misfortune than had yet awaited him. On the 30th of January, a day of evil omen, the army was informed that it was determined to retreat from Perth. They crossed the Tay upon the ice; and passing through Dundee reached Montrose on the 4th of February. Many of the Highlanders had previously dispersed, and had sought the shelter of their valleys. In the offing were several French vessels. Murmurs went through the camp that they were about to be deserted by the prince who had come to lead them to victory. Appearances were kept up by a guard of honour patrolling round the royal quarters. But the plan of escape had been effectually arranged. James Edward and the Earl of Mar passed at night by a lane to the harbour; got into a boat which was in waiting; were soon on board a French ship; and were safely landed near Gravelines. General Gordon, who was left chief in command, went on to Aberdeen with an army reduced to a thousand men. When Argyle entered Aberdeen on the 8th of February the whole insurgent army had melted away. The unhappy prince, whose attempt to regain the throne of his ancestors had thus so signally failed, wished to do a slight act of justice to the poor people who had been ruined by what he deemed a military necessity amongst rebellious subjects. With the letter to Argyle, which we have mentioned, he sent a sum of money, desiring it to be given as a relief to those whose homes he had commanded to be destroyed.

The Parliament met on the 9th of January, 1716. The Rebellion was necessarily the most prominent subject of the king's speech. The past successes were matter of congratulation; but the danger was not yet overpast. "Our enemies," said the king, animated by some secret hopes of assistance, are still endeavouring to support this desperate undertaking; and the Pretender, as I have reason to believe, is landed in Scotland." Amongst the ill consequences of this rebellion was the extraordinary burden which it must create. "I take," added his majesty, "this first opportunity of declaring, that I will freely give up all the estates that shall become forfeited to the crown by this rebellion, to be applied towards defraying the extraordinary expense incurred on this occasion." This incentive to a sweeping measure of attainder was scarcely necessary to stimulate the zeal of the majority in the Commons.

Not an hour was lost in the proceedings which were expected to consign many victims to the executioner. Before the House adjourned, Mr. Lechmere, in a speech which is reported at length, impeached James, earl of Derwentwater of high treason. This speech of the Whig member is remarkable for its emphatic assertion that the punishment of the leaders of the rebellion was a national question, involving the great principle of the Act of Settlement as opposed to the bare claim of hereditary right. In justice to the king, as well as the people, they ought to take this prosecution into their own hands. The power of impeachment, Mr. Lechmere said, was the most valuable and useful privilege that belonged to the body of the Commons; and he maintained that no pardon under the Great Seal could discharge a judgment obtained under such an impeachment. Six other members severally impeached William Lord Widdrington, William earl of Nithisdale, George earl of Winton, Robert earl of Carnwath, William viscount Kenmure, and William lord Nairn. The Commons agreed to the impeachments without any opposition; and on the same day the seven members carried their impeachments to the bar of the House of Lords. In a few days the articles against the seven noblemen were presented to the Peers; and on the 19th of January, they knelt at the bar, and each delivered his answer to the charges. The answers of all, with the exception of that of lord Winton, amounted to a plea of Guilty. When lord Derwentwater was asked by the Chancellor if he meant by his answer to plead guilty, the reply was, "He does; and submits to the king's mercy, and humbly desires their lordship's intercession to his majesty." The same supplication for mercy, founded upon extenuating circumstances set forth in their answers, was urged by the five Scottish noblemen whose pleas of guilty were recorded. On the 9th of February, Lord Derwentwater and his companions in misfortune were again brought to the bar of the House of Lords, and the ancient sentence in cases of high treason was pronounced by Lord Chancellor Cowper, who had been appointed by the king to act as Lord High Steward.

That unavoidable struggle between the advocates of an exemplary punishment for the highest legal offence, and the advocates for mercy towards mistaken but conscientious political offenders, now went on under circumstances of intense interest. The ordinary feelings of compassion, and the national dislike of bloodshedding, were more than commonly excited when it was known that the young countess of Derwentwater, surrounded by the highest ladies of the court, had obtained an audience of the king,

and implored pardon for her lord. It was known too that the wives of the lords Nithisdale and Nairn, had suddenly appeared in an antechamber through which king George passed, and throwing themselves at his feet, had disturbed the phlegmatic monarch by attempts to present their petitions. Lady Nithisdale has described this scene:—"I caught hold of the skirt of his coat, that he might stop and hear me. He endeavoured to escape out of my hands; but I kept such strong hold, that he dragged me upon my knees from the middle of the room to the very door of the drawing-room. At last one of the blue ribbands who attended his Majesty took me round the waist, whilst another wrested the coat out of my hands. The petition, which I had endeavoured to thrust into his pocket, fell down in the scuffle, and I almost fainted away through grief and disappointment." Walpole, whose nature was wholly opposed to severity, took the statesman's view that condign punishment in the cases of these lords was essential to the public security. The lobbies of Parliament on the 21st of February were filled with high-born ladies who came in a body to petition the Lords and Commons. Many even of the Whig members of the Lower House, amongst whom was the kind-hearted Richard Steele, were advocates for mercy. Walpole, to prevent these appeals, moved the adjournment of the House to the 1st of March, during which interval the executions were to take place. Walpole only carried his motion by a majority of seven. In the House of Peers, upon a debate whether the king could pardon those condemned under impeachment, Nottingham, a member of the cabinet, opposed the opinion of his colleagues. The power of the king to pardon was affirmed; and an address to his majesty, to relieve such of the condemned lords as should deserve his mercy, was voted by a small majority. The ministers could not wholly resist such manifestations. They met in council; resolved to relieve the lords Nairn, Carnwath, and Widdrington; but issued an order for the execution of the lords Derwentwater, Kenmure, and Nithisdale on the following morning. On the 24th of February Derwentwater and Kenmure suffered death on a scaffold erected on Tower Hill. They each professed their remorse for having pleaded Guilty; and avowed their conviction that James III. was their rightful sovereign. The chamber in the Tower in which lord Nithisdale was confined was found vacant. His escape had been effected by the courageous agency of his devoted wife. The relation of this heroic adventure is contained in a letter from lady Nithisdale to her sister, after she had resided many years happily with her husband in France.\*

\* Published in "Transactions of the Society of Antiquaries in Scotland," vol. i. The chief passages are extracted in Lord Mahon's History, vol. ii. Appendix.

Having vainly striven to move the king to receive her petition, she formed the resolution to attempt her lord's escape. Seeing no prospect of his pardon, on the night before the morning appointed for his execution, she went in a coach to the Tower, accompanied by a tall and slender lady of the name of Morgan, who, in addition to her own clothes, carried under her riding-hood a complete dress, fitted for a tall and stout lady named Mills, about the same size as the noble prisoner. Lady Nithisdale took in the slight Mrs. Morgan to her husband, and disrobed her of the clothes intended for the portly Mrs. Mills. Mrs. Morgan was then dismissed, and sliding out unnoticed, sent up-stairs the other lady, who was weeping, and covering her face with her handkerchief. The exchange of dress was soon effected by Mrs. Mills, who left her own clothes for the prisoner; and she took her departure with loud injunctions from lady Nithisdale to "dear Mrs. Catherine," who was no longer weeping, to send her ladyship's maid with a dress fitted for her to present a petition that night. The excellent manager then returned to her lord; whitened and rouged his face; concealed his beard; put on an artificial head-dress, and led him out with his handkerchief to his eyes, the very Mrs. Mills who had come in weeping and covering her face. At the outer door was the tardy maid, who in reality was an affectionate friend of lady Nithisdale; and by her care was the fortunate prisoner conducted to a place of security. The anxious wife now returned to her husband's chamber; talked, as to her lord, somewhat loudly; imitated his voice; finally bade him good night, so that all might hear; and then went quietly away. It is difficult to understand this without being apprised that lady Nithisdale had previously moved the compassion of the guards: had given them little presents; and was accustomed to pass to her husband without much notice. Having shared her husband's place of concealment in an obscure lodging for a day or two, the brave wife had the satisfaction of knowing that he got to Dover in the disguise of a footman to the Venetian ambassador, whose coach and six was going to meet his brother. Such details as these of the ingenuity which love may prompt in the hour of distress, are a welcome relief to the consideration of the severe course of penal infliction, which we should be scarcely justified in describing as political vengeance. The escapes of many of the prisoners—amongst whom was lord Winton immediately after his trial, Mr. Forster, and the old brigadier Mac Intosh—would lead to the belief that the government was not sorry that the stern necessity for the punishment of rebels taken in arms should be avoided by less direct modes than that of

the royal clemency. In this case, as in many others, a government has much to contend with in the passions and prejudices of individuals. It might have been thought that, after the lapse of ten years, the hatreds of clanship, and the thirst for the fall of political enemies might have been laid aside. The following record is not creditable to the character of the duke of Argyle. In the Diary of lord King, who was Lord Chancellor in 1725, is the following entry:—"June 15, 1725. A regency, where, among other things, was read a petition of George lord Murray, setting forth that he was but eighteen years old when he went into the rebellion; that he stands indicted, but was never convicted nor attainted; praying the king's mercy: which being referred by the king to the regency for their opinions, we were all of opinion that there was nothing in law to stand in the way of the king's pardon, and that if he pleased he might do it. But it was desired that there might be a more explicit opinion, and what we should advise the king to do. I said I wished him pardoned, but I was unacquainted with the facts, and therefore could only say that if the king thought fit to pardon him, there was nothing in law to obstruct it; but to advise either one way or other I could not, because I was not sufficiently master of the facts. The archbishop would not advise anything in the case of blood. The duke of Argyle strongly against it, because this man's treason was attended with perfidy, in deserting the king's troops and running away to the rebels; and if this man were pardoned, others would immediately make the same application. Roxburgh, Walpole, a majority were for it; so a letter ordered to advise the king to pardon him."\*

The escapes, to which we have alluded, of some of the leaders in this rebellion, were very remarkable instances of boldness and perseverance. Mac Intosh, though advanced in years, on the day before his trial was to take place knocked down the keeper and turnkey of Newgate; fled into the London crowds; and reached a place of safety abroad. Forster, by the agency of his servant, got out of Newgate with the aid of a false key, and the master and the man had time to get off, having locked up the keeper in his own prison. Winton, whose adventurous life had given him some profitable experiences, having lived with a blacksmith in France, "was very curious," says Patten, "in working in several handicraft matters." He cut one of the iron bars of his window in the Tower with some small tool which he had concealed from his keepers. Some humbler instruments of the insurrection were less

\* Lord King's "Notes on Domestic and Foreign Affairs," appended to "Life of Locke," vol. ii.

fortunate. Many were tried at Liverpool who had been taken at Preston. Some were executed, and more banished to the plantations. A large number of Scotch prisoners had been sent for trial to Carlisle; but Scots of all parties contended that this proceeding was a breach of the judicial independence of Scotland. An Act had been passed by which the rebels might be tried in other English counties than those in which they were apprehended. The Scottish lawyers maintained that this Act did not apply to prisoners taken in Scotland. The trials at Carlisle went on. Some were condemned; others were released; but no capital punishment was inflicted. The English judges did not choose to incur the responsibility of the possible misconstruction of a Statute.

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