

ly, at the said terme of Whitsunday in tym coming till furder orders; and ordaines the said Walter Scott of Raeburn to be transported from the tolbooth of Edinburgh to the prison of Jedburgh, where his friends and others may have occasion to convert him. And to the effect he may be secured from the practice of other Quakers, the said Lords doe hereby discharge the magistrates of Jedburgh to suffer any persons suspect of these principles to have access to him; and in case any contraveen, that they secure ther persons till they be therfore punisht; and ordaines letters to be direct heirupon in form, as effairs.²⁷

Both the sons, thus harshly separated from their father, proved good scholars. The eldest, William, who carried on the line of Raeburn, was, like his father, a deep Orientalist; the younger, Walter, became a good classical scholar, a great friend and correspondent of the celebrated Dr. Pitiesir, and a Jacobite so distinguished for zeal, that he made a vow never to shave his beard till the restoration of the exiled family. This last Walter Scott was the author's great-grandfather.

There is yet another link betwixt the author and the simple-minded and excellent Society of Friends, though a proselyte of much more importance than Walter Scott of Raeburn. The celebrated John Swinton of Swinton, ninth baron in descent of that ancient and once powerful family, was, with Sir William Lockhart of Lee, the person whom Cromwell chiefly trusted in the management of the Scottish affairs during his usurpation. After the Restoration, Swinton was devoted as a victim to the new order of things, and was brought down in the same vessel which conveyed the Marquis of Argyll to Edinburgh, where that nobleman was tried and executed. Swinton was destined to the same fate. He had assumed the habit and entered into the Society of the Quakers, and appeared as one of their number before the Parliament of Scotland. He renounced all legal defence though several pleas were open to him, and answered, in con-

formity to the principles of his sect, that at the time these crimes were imputed to him, he was in the gall of bitterness and bond of iniquity; but that God Almighty having since called him to the light, he saw and acknowledged these errors, and did not refuse to pay the forfeit of them, even though, in the judgment of the Parliament, it should extend to life itself.

Respect to fallen greatness, and to the patience and calm resignation with which a man once in high power expressed himself under such a change of fortune, found Swinton friends family connections, and some interested considerations of Middleton the Commissioner, joined to procure his safety, and he was dismissed, but after a long imprisonment, and much dilapidation of his estates. It is said, that Swinton's admonitions, while confined in the Castle of Edinburgh, had a considerable share in converting to the tenets of the Friends Colonel David Barclay, then lying there in the garrison. This was the father of Robert Barclay, author of the celebrated apology for the Quakers. It may be observed among the inconsistencies of human nature, that Kirkton, Wodrow, and other Presbyterian authors, who have detailed the sufferings of their own sect for non-conformity with the established church, censure the government of the time for not exerting the civil power against the peaceful enthusiasts we have treated of, and some express particular chagrin at the escape of Swinton. Whatever might be his motives for assuming the tenets of the Friends, the old man retained them faithfully till the close of his life.

Jean Swinton, grand-daughter of Sir John Swinton, son of Judge Swinton, as the Quaker was usually termed, was mother of Anne Rutherford, the author's mother.

And thus, as in the play of the Anti-Jacobin, the ghost of the author's grandmother having arisen to speak the Epilogue it is full time to conclude, lest the reader should remonstrate that his desire to know the Author of Waverley never included a wish to be acquainted with his whole ancestry.

THE HEART OF MID-LOTHIAN.

CHAPTER I.

BEING INTRODUCTORY.

So down thy hill, romantic Ashbourn, glides
The Derby dilly, carrying six insides.

FRERE.

THE times have changed in nothing more (we follow as we were wont the manuscript of Peter Pattieson) than in the rapid conveyance of intelligence and communication betwixt one part of Scotland and another. It is not above twenty or thirty years, according to the evidence of many credible witnesses now alive, since a little miserable horse-cart, performing with difficulty a journey of thirty miles *per diem*, carried our mails from the capital of Scotland to its extremity. Nor was Scotland much more deficient in these accommodations than our rich sister had been about eighty years before. Fielding, in his Tom Jones, and Farquhar, in a little farce called the Stage-Coach, have ridiculed the slowness of these vehicles of public accommodation. According to the latter authority, the highest bribe could only induce the coachman to promise to anticipate by half an hour the usual time of his arrival at the Bull and Mouth.

But in both countries these ancient, slow, and sure modes of conveyance are now alike unknown; mail-coach races against mail-coach, and high-flyer against high-flyer, through the most remote districts of Britain. And in our village alone, three post-coaches, and four coaches with men armed, and in scarlet cassocks, thunder through the streets each day, and rival in brilliancy and noise the invention of the celebrated tyrant:—

*Zemens, qui nimbo et non imitabile fulmen,
Ere et cornipedum puleu, simularat, equorum.*

Now and then, to complete the resemblance, and to correct the presumption of the venturesome charioteers, it does happen that the career of these dashing rivals of Salmoncus meets with as undesirable and violent a termination as that of their prototype. It is on such occasions that the Insides and Outsides, to use the appropriate vehicular phrases, have reason to rue the exchange of the slow and safe motion of the ancient Fly-coaches, which, compared with the chariots of Mr. Palmer, so ill deserve the name. The ancient vehicle used to settle quietly down, like a ship sentled and left to sink by the gradual influx of the waters, while the modern is smashed to pieces with the velocity of the same vessel hurled against

breakers, or rather with the fury of a bomb bursting at the conclusion of its career through the air. The late ingenious Mr. Pennant, whose humor it was to set his face in stern opposition to these speedy conveyances, had collected, I have heard, a formidable list of such casualties, which, joined to the imposition of inn-keepers, whose charges the passengers had no time to dispute, the sauciness of the coachman, and the uncontrolled and despotic authority of the tyrant called the guard, held forth a picture of horror, to which murder, theft, fraud, and peculation, lent all their dark coloring. But that which gratifies the impatience of the human disposition will be practised in the teeth of danger, and in defiance of admonition; and, in despite of the Cambrian antiquary, mail-coaches not only roll their thunders round the base of Penman-Maur and Cader-Edris, but

Frighted Skiddaw hears afar
The rattling of the unscythed car.

And perhaps the echoes of Ben-Nevis may soon be awakened by the bangle, not of a warlike chieftain, but of the guard of a mail-coach.

It was a fine summer day, and our little school had obtained a half holiday, by the intercession of a good-humored visitor.* I expected by the coach a new number of an interesting periodical publication, and walked forward on the highway to meet it, with the impatience which Cowper has described as actuating the resident in the country, when longing for intelligence from the mart of news:—

—“The grand debate,
The popular harangue,—the tart reply,—
The logic, and the wisdom, and the wit,
And the loud laugh,—I long to know them all;—
I burn to set the imprison'd wranglers free,
And give them voice and utterance again.”

It was with such feelings that I eyed the approach of the new coach, lately established on our road, and known by the name of the Somerset, which, to say truth, possesses some interest for me, even when it conveys no such important information. The distant tremulous sound of its wheels was heard just as I gained the summit of the gentle ascent, called the Goslin-brae, from which you command an extensive view down the valley of the river Gander. The public road, which comes up the side of that stream, and crosses it at a bridge about a quarter of a mile

* His honor Gilbert Goslin of Gandercleugh; for I love to be press'd in matters of importance.—J. C.

from the place where I was standing, runs partly through enclosures and plantations, and partly through open pasture land. It is a childish amusement perhaps,—but my life has been spent with children, and why should not my pleasures be like theirs?—childish as it is then, I must own I have had great pleasure in watching the approach of the carriage, where the openings of the road permit it to be seen. The gay glancing of the equipage, its diminished and toy-like appearance at a distance, contrasted with the rapidity of its motion, its appearance and disappearance at intervals, and the progressively increasing sounds that announce its nearer approach, have all to the idle and listless spectator, who has nothing more important to attend to, something of awakening interest. The ridicule may attach to me, which is flung upon many an honest citizen, who watches from the window of his villa the passage of the stage-coach; but it is a very natural source of amusement notwithstanding, and many of those who join in the laugh are perhaps not unused to resort to it in secret.

On the present occasion, however, fate had decreed that I should not enjoy the consummation of the amusement by seeing the coach rattle past me, as I sat on the turf, and hearing the hoarse grating voice of the guard as he skimmed forth for my grasp the expected packet, without the carriage checking its course for an instant. I had seen the vehicle thunder down the hill that leads to the bridge with more than its usual impetuosity, glittering all the while by flashes from a cloudy tabernacle of the dust which it had raised, and leaving a train behind it on the road resembling a wreath of summer mist. But it did not appear on the top of the nearer bank within the usual space of three minutes, which frequent observation had enabled me to ascertain was the medium time for crossing the bridge and mounting the ascent. When double that space had elapsed, I became alarmed, and walked hastily forward. As I came in sight of the bridge, the cause of delay was too manifest, for the Somerset had made a summerset in good earnest, and overturned so completely, that it was literally resting upon the ground, with the roof undermost, and the four wheels in the air. The "exertions of the guard and coachman," both of whom were gratefully commemorated in the newspapers, having succeeded in disentangling the horses by cutting the harness, were now proceeding to extricate the *insides* by a sort of summary and Cæsarean process of delivery, forcing the hinges from one of the doors which they could not open otherwise. In this manner were two disconsolate damsels set at liberty from the womb of the leathern conveyance. As they immediately began to settle their clothes, which were a little deranged, as may be presumed, I concluded they had received no injury, and did not venture to obtrude my services at their toilette, for which, I understand, I have since been reflected upon by the

fair sufferers. The *outsides*, who must have been discharged from their elevated situation by a shock resembling the springing of a mine, escaped, nevertheless, with the usual allowance of scratches and bruises, excepting three, who, having been pitched into the river Gander, were dimly seen contending with the tide, like the relics of *Aeneas's* shipwreck,—

Rari apparent nantes in gurgite vasto.

I applied my poor exertions where they seemed to be most needed, and with the assistance of one or two of the company who had escaped unhurt, easily succeeded in fishing out two of the unfortunate passengers, who were stout active young fellows; and, but for the preposterous length of their great-coats, and the equally fashionable latitude and longitude of their Wellington trousers, would have required little assistance from any one. The third was sickly and elderly, and might have perished but for the efforts used to preserve him.

When the two great-coated gentlemen had extricated themselves from the river, and shaken their ears like huge water-dogs, a violent altercation ensued betwixt them and the coachman and guard, concerning the cause of their overthrow. In the course of the squabble, I observed that both my new acquaintances belonged to the law, and that their professional sharpness was likely to prove an overmatch for the surly and official tone of the guardians of the vehicle. The dispute ended in the guard assuring the passengers that they should have seats in a heavy coach which would pass that spot in less than half an hour, provided it were not full. Chance seemed to favor this arrangement, for when the expected vehicle arrived, there were only two places occupied in a carriage which professed to carry six. The two ladies who had been disinterred out of the fallen vehicle were readily admitted, but positive objections were stated by those previously in possession to the admittance of the two lawyers, whose wetted garments being much of the nature of well-soaked sponges, there was every reason to believe they would refund a considerable part of the water they had collected, to the inconvenience of their fellow-passengers. On the other hand, the lawyers rejected a seat on the roof, alleging that they had only taken that station for pleasure for one stage, but were entitled in all respects to free egress and regress from the interior, to which their contract positively referred. After some altercation, in which something was said upon the edict *Nautæ carpones stabulariæ*, the coach went off, leaving the learned gentlemen to abide by their action of damages.

They immediately applied to me to guide them to the next village and the best inn; and from the account I gave them of the Wallace-Head, declared they were much better pleased to stop there than to go forward upon the terms of that impudent second-rate guard of the Somerset. All that they now wanted was a lad to carry their

travelling bags, who was easily procured from an adjoining cottage; and they prepared to walk forward, when they found there was another passenger in the same deserted situation with themselves. This was the elderly and sickly looking person, who had been precipitated into the river along with the two young lawyers. He, it seems, had been too modest to push his own plea against the coachman when he saw that of his betters rejected, and now remained behind with a look of timid anxiety, plainly intimating that he was deficient in those means of recommendation which are necessary passports to the hospitality of an inn.

I ventured to call the attention of the two dashing young blades, for such they seemed, to the desolate condition of their fellow-traveller. They took the hint with ready good-nature.

"O true, Mr. Dunover," said one of the youngsters, "you must not remain on the pavé here; you must go and have some dinner with us—Halkit and I must have a post-chaise to go on, at all events, and we will set you down wherever suits you best."

The poor man, for such his dress, as well as his diffidence, bespoke him, made the sort of acknowledging bow by which says a Scotsman, "It's too much honor for the like of me;" and followed humbly behind his gay patrons, all three besprinkling the dusty road as they walked along with the moisture of their drenched garments, and exhibiting the singular and somewhat ridiculous appearance of three persons suffering from the opposite extreme of humidity, while the summer sun was at its height, and everything else around them had the expression of heat and drought. The ridicule did not escape the young gentlemen themselves, and they had made what might be received as one or two tolerable jests on the subject before they had advanced far on their perambulation.

"We cannot complain, like Cowley," said one of them, "that Gideon's fleece remains dry, while all around is moist; this is the reverse of the miracle."

"We ought to be received with gratitude in this good town; we bring a supply of what they seem to need most," said Halkit.

"And distribute it with unparalleled generosity," replied his companion; "performing the part of three water-carts for the benefit of their dusty roads."

"We come before them, too," said Halkit, "in full professional force—counsel and agent—"

"And client," said the young advocate, looking behind him. And then added, lowering his voice, "that looks as if he had kept such dangerous company too long."

It was, indeed, too true, that the humble follower of the gay young men had the threadbare appearance of a worn-out litigant, and I could not but smile at the conceit, though anxious to conceal my mirth from the object of it.

When we arrived at the Wallace Inn, the elde-

of the Edinburgh gentlemen, and whom I understood to be a barrister, insisted that I should remain and take part of their dinner; and their inquiries and demands speedily put my landlord and his whole family in motion to produce the best cheer which the larder and cellar afforded, and proceed to cook it to the best advantage, a science in which our entertainers seemed to be admirably skilled. In other respects they were lively young men, in the heyday of youth and good spirits, playing the part which is common to the higher classes of the law at Edinburgh, and which nearly resembles that of the young Templars in the days of Steele and Addison. An air of giddy gaiety mingled with the good sense, taste, and information which their conversation exhibited; and it seemed to be their object to unite the character of men of fashion and lovers of the polite arts. A fine gentleman, bred up in the thorough idleness and inanity of pursuit, which I understand is absolutely necessary to the character in perfection, might in all probability have traced a tinge of professional pedantry which marked the barrister in spite of his efforts, and something of active bustle in his companion, and would certainly have detected more than a fashionable mixture of information and animated interest in the language of both. But to me, who had no pretensions to be so critical, my companions seemed to form a very happy mixture of good-breeding and liberal information, with a disposition to lively rattle, pun, and jest, amusing to a grave man, because it is what he himself can least easily command.

The thin pale-faced man, whom their good-nature had brought into their society, looked out of place as well as out of spirits; sat on the edge of his seat, and kept the chair at two feet distance from the table; thus incommode himself considerably in conveying the victuals to his mouth, as if by way of penance, for partaking of them in the company of his superiors. A short time after dinner, declining all entreaty to partake of the wine, which circulated freely round, he informed himself of the hour when the chaise had been ordered to attend; and saying he would be in readiness, modestly withdrew from the apartment.

"Jack," said the barrister to his companion, "I remember that poor fellow's face; you spoke more truly than you were aware of; he really is one of my clients, poor man."

"Poor man!" echoed Halkit—"I suppose you mean he is your one and only client?"

"That's not my fault, Jack," replied the other, whose name I discovered was Hardie. "You are to give me all your business, you know; and if you have none, the learned gentleman here knows nothing can come of nothing."

"You seem to have brought something to nothing though, in the case of that honest man. He looks as if he were just about to honor with his residence the HEART OF MID-LOTHIAN."

"You are mistaken—he is just delivered from

It.—Our friend here looks for an explanation. Pray, Mr. Pattieson, have you been in Edinburgh?”

I answered in the affirmative.

“Then you must have passed, occasionally at least, though probably not so faithfully as I am doomed to do, through a narrow intricate passage, leading out of the north-west corner of the Parliament Square, and passing by a high and antique building with turrets and iron grates,

Making good the saying odd,
‘Near the church and far from God—’”

Mr. Halkit broke in upon his learned counsel, to contribute his moiety to the riddle—“Having at the door the sign of the Red Man—”

“And being on the whole,” resumed the counsellor, interrupting his friend in turn, “a sort of place where misfortune is happily confounded with guilt, where all who are in wish to get out—”

“And where none who have the good luck to be out, wish to get in,” added his companion.

“I conceive you, gentlemen,” replied I: “you mean the prison.”

“The prison,” added the young lawyer—“You have hit it—the very reverend Tolbooth itself; and let me tell you, you are obliged to us for describing it with so much modesty and brevity; for with whatever amplifications we might have chosen to decorate the subject, you lay entirely at our mercy, since the Fathers Conscript of our city have decreed that the venerable edifice itself shall not remain in existence to confirm or to confute us.”

“Then the Tolbooth of Edinburgh is called the Heart of Mid-Lothian?” said I.

“So termed and reputed, I assure you.”

“I think,” said I, with the bashful diffidence with which a man lets slip a pun in presence of his superiors, “the metropolitan county may, in that case, be said to have a sad heart.”

“Right as my glove, Mr. Pattieson,” added Mr. Hardie; “and a close heart, and a hard heart—Keep it up, Jack.”

“And a wicked heart, and a poor heart,” answered Halkit, doing his best.

“And yet it may be called in some sort a strong heart and a high heart,” rejoined the advocate. “You see I can put you both out of heart.”

“I have played all my hearts,” said the younger gentleman.

“Then we’ll have another lead,” answered his companion.—“And as to the old and condemned Tolbooth, what pity the same honor cannot be done to it as has been done to many of its inmates. Why should not the Tolbooth have its ‘Last Speech, Confession, and Dying Words?’ The old stones would be just as conscious of the honor as many a poor devil who has dangled like a tassel at the west end of it, while the hawkers were shouting a confession the culprit had never heard of.”

“I am afraid,” said I, “if I might presume to give my opinion, it would be a tale of unvaried sorrow and guilt.”

“Not entirely, my friend,” said Hardie; “a prison is a world within itself, and has its own business, griefs, and joys, peculiar to its circle. Its inmates are sometimes short-lived, but so are soldiers on service; they are poor relatively to the world without, but there are degrees of wealth and poverty among them, and so some are relatively rich also. They cannot stir abroad, but neither can the garrison of a besieged fort, or the crew of a ship at sea; and they are not under a dispensation quite so desperate as either, for they may have as much food as they have money to buy, and are not obliged to work, whether they have food or not.”

“But what variety of incident,” said I, (not without a secret view to my present task), “could possibly be derived from such a work as you are pleased to talk of?”

“Infinite,” replied the young advocate. “Whatever of guilt, crime, imposture, folly, unheard-of misfortunes, and unlooked-for change of fortune, can be found to chequer life, my Last Speech of the Tolbooth, should illustrate with examples sufficient to gorge even the public’s all-devouring appetite for the wonderful and the horrible. The inventor of fictitious narratives has to rack his brains for means to diversify his tale, and after all can hardly hit upon characters or incidents which have not been used again and again, until they are familiar to the eye of the reader, so that the development, *enlèvement*, the desperate wound of which the hero never dies, the burning fever from which the heroine is sure to recover, become a mere matter of course. I join with my honest friend Crabbe, and have an unlucky propensity to hope, when hope is lost, and to rely upon the cork-jacket, which carries the heroes of romance safe through all the billows of affliction.” He then declaimed the following passage, rather with too much than too little emphasis:—

“Much have I fear’d, but am no more afraid,
When some chaste beauty, by some wretch betray’d,
Is drawn away with such distracted speed,
That she anticipates a dreadful dead.
Not so do I—Let solid walls impound
The captive fair, and dig a moat around;
Let there be brazen locks and bars of steel,
And keepers cruel, such as never feel;
With not a single note the purse supply,
And when she begs, let men and maids deny;
Be windows there from which she dares not fall,
And help so distant, ‘tis in vain to call;
Still means of freedom will some Power devise,
And from the baffled ruffian snatch his prize.”

“The end of uncertainty,” he concluded, “is the death of interest; and hence it happens that no one now reads novels.”

“Hear him, ye gods!” returned his companion. “I assure you, Mr. Pattieson, you will hardly visit this learned gentleman, but you are likely to find the new novel most in repute lying

on his table,—snugly intrenched, however, beneath Stair’s Institutes, or an open volume of Merrison’s Decisions.”

“Do I deny it?” said the hopeful juriconsult, “or wherefore should I, since it is well known these Dellihs seduce my wisers and my betters? May they not be found lurking amidst the multiplied memorials of our most distinguished counsel, and even peeping from under the cushion of a judge’s arm-chair? Our seniors at the bar, within the bar, and even on the bench, read novels; and, if not belied, some of them have written novels into the bargain. I only say, that I read from habit and from indolence, not from real interest; that, like Ancient Pistol devouring his leek, I read and swear till I get to the end of the narrative. But not so in the real records of human vagaries—not so in the State Trials, or in the Books of Adjournal, where every now and then you read new pages of the human heart, and turns of fortune far beyond what the boldest novelist ever attempted to produce from the coinage of his brain.”

“And for such narratives,” I asked, “you suppose the History of the Prison of Edinburgh might afford appropriate materials?”

“In a degree unusually ample, my dear sir,” said Hardie.—“Fill your glass, however, in the meanwhile. Was it not for many years the place in which the Scottish parliament met? Was it not James’s place of refuge, when the mob, inflamed by a seditious preacher, broke forth on him, with the cries of ‘The sword of the Lord and of Gideon—bring forth the wicked Haman?’ Since that time how many hearts have throbb’d within these walls, as the tolling of the neighboring bell announced to them how fast the sands of their life were ebbing; how many must have sunk at the sound—how many were supported by stubborn pride and dogged resolution—how many by the consolations of religion? Have there not been some, who, looking back on the motives of their crimes, were scarce able to understand how they should have had such temptation as to seduce them from virtue; and have there not, perhaps, been others, who, sensible of their innocence, were divided between indignation at the undeserved doom which they were to undergo, consciousness that they had not deserved it, and racking anxiety to discover some way in which they might yet vindicate themselves? Do you suppose any of these deep, powerful, and agitating feelings, can be recorded and perused without exciting a corresponding depth of deep, powerful, and agitating interest?—Oh! do but wait till I publish the *Causés Célèbres* of Caledonia, and you will find no want of a novel or a tragedy for some time to come. The true thing will triumph over the brightest inventions of the most ardent imagination. *Magna est veritas, et prævalebitt.*”

“I have understood,” said I, encouraged by the affability of my rattling entertainer, “that less of this interest must attach to Scottish jurisprudence than to that of any other country. The

general morality of our people, their sober and prudent habits—”

“Secure them,” said the barrister, “against any great increase of professional thieves and depre-dators, but not against wild and wayward starts, of fancy and passion, producing crimes of an extraordinary description, which are precisely those to the detail of which we listen with thrilling interest. England has been much longer a highly civilized country; her subjects have been very strictly amenable to laws administered without fear or favor, a complete division of labor has taken place among her subjects, and the very thieves and robbers form a distinct class in society, subdivided among themselves, according to the subject of the depredations, and the mode in which they carry them on, acting upon regular habits and principles, which can be calculated and anticipated at Bow Street, Hatton Garden, or the Old Bailey. Our sister kingdom is like a cultivated field—the farmer expects that, in spite of all his care, a certain number of weeds will rise with the corn, and can tell you beforehand their names and appearance. But Scotland is like one of her own Highland glens, and the moralist who reads the records of her criminal jurisprudence, will find as many curious anomalous facts in the history of mind, as the botanist will detect rare specimens among her dingles and cliffs.”

“And that’s all the good you have obtained from three perusals of the Commentaries on Scottish Jurisprudence?” said his companion. “I suppose the learned author very little thinks that the facts which his erudition and acuteness have accumulated for the illustration of legal doctrines, might be so arranged as to form a sort of appendix to the half-bound and slipshod volumes of the circulating library.”

“I’ll bet you a pint of claret,” said the elder lawyer, “that he will not feel sore at the comparison. But as we say at the bar, ‘I beg I may not be interrupted;’ I have much more to say upon my Scottish collection of *Causés Célèbres*. You will please recollect the scope and motive given for the contrivance and execution of many extraordinary and daring crimes, by the long civil dissensions of Scotland—by the hereditary jurisdictions, which, until 1748, rested the investigation of crimes, in judges, ignorant, partial, or interested—by the habits of the gentry, shut up in their distant and solitary mansion-houses, nursing their revengeful passions just to keep their blood from stagnating—not to mention that amiable national qualification, called the *perferendum ingenium Sotorum*, which our lawyers join in alleging as a reason for the severity for some of our enactments. When I come to treat of matters so mysterious, deep, and dangerous, as these circumstances have given rise to, the blood of each reader shall be curdled, and his epidermis crisped into goose skin.—But, hist!—here comes the landlord, with tidings, I suppose, that the chaise is ready.”

It was no such thing—the tidings bore that no chaise could be had that evening, for Sir Peter

Plyem had carried forward my landlord's two pairs of horses that morning to the ancient royal borough of Bubbleburgh, to look after his interest there. But as Bubbleburgh is only one of a set of five boroughs which club their shares for a member of Parliament, Sir Peter's adversary had judiciously watched his departure, in order to commence a canvass in the no less royal borough of Bitem, which, as all the world knows, lies at the very termination of Sir Peter's avenue, and has been held in leading-strings by him and his ancestors for time immemorial. Now, Sir Peter was thus placed in the situation of an ambitious monarch, who, after having commenced a daring inroad into his enemy's territories, is suddenly recalled by an invasion of his own hereditary dominions. He was obliged in consequence to return from the half-won borough of Bubbleburgh, to look after the half-lost borough of Bitem, and the two pairs of horses which had carried him that morning to Bubbleburgh, were now forcibly detained to transport him, his agent, his valet, his jester, and his hard-drinker, across the country to Bitem. The cause of this detention, which to me was of as little consequence as it may be to the reader, was important enough to my companions to reconcile them to the delay. Like eagles, they smelled the battle afar off, ordered a magnum of claret and beds at the Wallace, and entered at full career into the Bubbleburgh and Bitem politics, with all the probable "petitions and complaints" to which they were likely to give rise.

In the midst of an anxious, animated, and, to me, most unintelligible discussion, concerning provosts, bailies, deacons, sets of boroughs, leets, town-clerks, burgesses resident and nonresident, all of a sudden the lawyer recollected himself. "Poor Dunover, we must not forget him;" and the landlord was despatched in quest of the *pauvre honteux*, with an earnestly civil invitation to him for the rest of the evening. I could not help asking the young gentlemen if they knew the history of this poor man; and the counsellor applied himself to his pocket to recover the memorial or brief from which he had stated his cause.

"He has been a candidate for our *remedium miserabile*," said Mr. Hardie, "commonly called a *cessio honorum*. As there are divines who have doubted the eternity of future punishments, so the Scotch lawyers seem to have thought that the crime of poverty might be atoned for by something short of perpetual imprisonment. After a month's confinement, you must know, a prisoner for debt is entitled, on a sufficient statement to our Supreme Court, setting forth the amount of his funds, and the nature of his misfortunes, and surrendering all his effects to his creditors, to claim to be discharged from prison."

"I had heard," I replied, "of such a humane regulation."

"Yes," said Halkit, "and the beauty of it is, as the foreign fellow said, you may get the *cessio*, when the *honorum* are all spent—But what, are

you puzzling in your pockets to seek your only memorial among old play-bills, letters requesting a meeting of the Faculty, rules of the Speculative Society, syllabus' of lectures—all the miscellaneous contents of a young advocate's pocket, which contains every thing but briefs and bank-notes? Can you not state a case of *cessio* without your memorial? Why it is done every Saturday. The events follow each other as regularly as clock-work, and one form of condescendence might suit every one of them."

"This is very unlike the variety of distress which this gentleman stated to fall under the consideration of your judges," said I.

"True," replied Halkit; "but Hardie spoke of criminal jurisprudence, and this business is purely civil. I could plead a *cessio* myself without the inspiring honors of a gown and three-tailed periwig—Listen.—My client was bred a journeyman weaver—made some little money—took a farm—for conducting a farm, like driving a gig, comes by nature)—late severe times—induced to sign bills with a friend, for which he received no value—landlord sequestrates—creditors accept a composition—pursuer sets up a public-house—falls a second time—is incarcerated for a debt of ten pounds seven shillings and sixpence—his debts amount to blank—his losses to blank—his funds to blank—leaving a balance of blank in his favor. There is no opposition; your lordships will please grant commission to take his oath."

Hardie now renounced this ineffectual search, in which there was perhaps a little affection, and told us the tale of poor Dunover's distresses, with a tone in which a degree of feeling, which he seemed ashamed of as unprofessional, mingled with his attempts at wit, and did him more honor. It was one of those tales which seem to argue a sort of ill-luck or fatality attached to the hero. A well-informed, industrious, and blameless, but poor and bashful man, had in vain essayed all the usual means by which others acquire independence, yet had never succeeded beyond the attainment of bare subsistence. During a brief gleam of hope, rather than of actual prosperity, he had added a wife and family to his cares, but the dawn was speedily overcast. Everything retrograded with him towards the verge of the miry Slough of Despond, which yawns for insolvent debtors; and after catching at each twig, and experiencing the protracted agony of feeling them one by one elude his grasp, he actually sunk into the miry pit whence he had been extricated by the professional exertions of Hardie.

"And, I suppose, now you have dragged this poor devil ashore, you will leave him half naked on the beach to provide for himself?" said Halkit. "Hark ye,"—and he whispered something in his ear, of which the penetrating and insinuating words, "Interest with my Lord," alone reached mine.

"It is *pessimi exempli*," said Hardie, laughing "to provide for a ruined client; but I was think

CHAPTER II.

Whoe'er's been at Paris must needs know the Grève,
The fatal retreat of the unfortunate brave,
Where honor and justice must oddly contribute,
To ease heroes' pains by an halter and gibbet.

There death breaks the shackles which force had put on,
And the hangman completes what the judge but began;
There the squire of the poet, and knight of the post,
Find their pains no more balk'd, and their hopes no more cross'd.

PRISON.

In former times, England had her Tyburn, to which the devoted victims of justice were conducted in solemn procession up what is now called Oxford Road. In Edinburgh, a large open street, or rather oblong square, surrounded by high houses, called the Grassmarket, was used for the same melancholy purpose. It was not ill chosen for such a scene, being of considerable extent, and therefore fit to accommodate a great number of spectators, such as are usually assembled by this melancholy spectacle. On the other hand, few of the houses which surround it were, even in early times, inhabited by persons of fashion; so that those likely to be offended or over deeply affected by such unpleasant exhibitions were not in the way of having their quiet disturbed by them. The houses in the Grassmarket are, generally speaking, of a mean description; yet the place is not without some features of grandeur, being overhung by the southern side of the huge rock on which the castle stands, and by the moss-grown battlements and turreted walls of that ancient fortress.

It was the custom, until within these thirty years, or thereabouts, to use this esplanade for the scene of public executions. The fatal day was announced to the public, by the appearance of a huge black gallows-tree towards the eastern end of the Grassmarket. The ill-omened apparition was of great height, with a scaffold surrounding it, and a double ladder placed against it, for the ascent of the unhappy criminal and executioner. As this apparatus was always arranged before dawn, it seemed as if the gallows had grown out of the earth in the course of one night, like the production of some foul demon; and I well remember the fright with which the school-boys, when I was one of their number, used to regard these ominous signs of deadly preparation. On the night after the execution the gallows again disappeared, and was conveyed in silence and darkness to the place where it was usually deposited which was one of the vaults under the Parliament-house, or courts of justice. This mode of execution is now exchanged for one similar to that in front of Newgate,—with what beneficial effect is uncertain. The mental sufferings of the convict are indeed shortened. He no longer stalks between the attendant clergyman, dressed in his grave-clothes, through a considerable part of the city, looking like a moving and walking corpse, while yet an inhabitant of this world; but, as the ultimate purpose of punishment has in view the

prevention of crimes, it may at least be doubted, whether, in abridging the melancholy ceremony, we have not in part diminished that appalling effect upon the spectators which is the useful end of all such inflictions, and in consideration of which alone, unless in very particular cases, capital sentences can be altogether justified.

On the 7th day of September, 1736, these ominous preparations for execution were described in the place we have described, and at an early hour the space around began to be occupied by several groups, who gazed on the scaffold and gibbet with a stern and vindictive show of satisfaction very seldom testified by the populace, whose good-nature, in most cases, forgets the crime of the condemned person, and dwells only on his misery. But the act of which the expected culprit had been convicted was of a description calculated nearly and closely to awaken and irritate the resentful feelings of the multitude. The tale is well known; yet it is necessary to recapitulate its leading circumstances, for the better understanding what is to follow; and the narrative may prove long, but I trust not uninteresting, even to those who have heard its general issue. At any rate, some detail is necessary, in order to render intelligible the subsequent events of our narrative.

Contraband trade, though it strikes at the root of legitimate government, by encroaching on its revenues,—though it injures the fair trader, and debauches the mind of those engaged in it,—is not usually looked upon, either by the vulgar or by their betters, in a very heinous point of view. On the contrary, in those countries where it prevails, the cleverest, boldest, and most intelligent of the peasantry, are uniformly engaged in illicit transactions, and very often with the sanction of the farmers and inferior gentry. Smuggling was almost universal in Scotland in the reigns of George I. and II.; for the people, unaccustomed to imposts, and regarding them as an unjust aggression upon their ancient liberties, made no scruple to elude them whenever it was possible to do so.

The county of Fife, bounded by two firths on the south and north, and by the sea on the east, and having a number of small seaports, was long famed for maintaining successfully a contraband trade; and, as there were many seafaring men residing there, who had been pirates and buccaneers in their youth, there were not wanting a sufficient number of daring men to carry it on. Among these, a fellow, called Andrew Wilson, originally a baker in the village of Pathhead, was particularly obnoxious to the revenue officers. He was possessed of great personal strength, courage, and cunning,—was perfectly acquainted with the coast, and capable of conducting the most desperate enterprises. On several occasions he succeeded in baffling the pursuit and researches of the king's officers; but he became so much the object of their suspicions and watchful attention, that at length he was totally ruined by

repeated seizures. The man became desperate. He considered himself as robbed and plundered; and took it into his head that he had a right to make reprisals, as he could find opportunity. Where the heart is prepared for evil, opportunity is seldom long wanting. This Wilson learned, that the Collector of the Customs at Kirkcaldy had come to Pittenweem, in the course of his official round of duty, with a considerable sum of public money in his custody. As the amount was greatly within the value of the goods which had been seized from him, Wilson felt no scruple of conscience in resolving to reimburse himself for his losses, at the expense of the Collector and the revenue. He associated with himself one Robertson, and two other idle young men, whom, having been concerned in the same illicit trade, he persuaded to view the transaction in the same justifiable light in which he himself considered it. They watched the motions of the Collector; they broke forcibly into the house where he lodged,—Wilson, with two of his associates, entering the Collector's apartment, while Robertson, the fourth, kept watch at the door with a drawn cutlass in his hand. The officer of the customs, conceiving his life in danger, escaped out of his bedroom window, and fled in his shirt, so that the plunderers, with much ease, possessed themselves of about two hundred pounds of public money. The robbery was committed in a very audacious manner, for several persons were passing in the street at the time. But Robertson, representing the noise they heard as a dispute or fray betwixt the Collector and the people of the house, the worthy citizens of Pittenweem felt themselves in no way called on to interfere in behalf of the obnoxious revenue officer: so, satisfying themselves with this very superficial account of the matter, like the Levite in the parable, they passed on the opposite side of the way. An alarm was at length given, military were called in, the depredators were pursued, the booty recovered, and Wilson and Robertson tried and condemned to death, chiefly on the evidence of an accomplice.

Many thought, that, in consideration of the men's erroneous opinion of the nature of the action they had committed, justice might have been satisfied with a less forfeiture than that of two lives. On the other hand, from the audacity of the fact, a severe example was judged necessary; and such was the opinion of the government. When it became apparent that the sentence of death was to be executed, files, and other implements necessary for their escape, were transmitted secretly to the culprits by a friend from without. By these means they saved a bar out of one of the prison windows, and might have made their escape, but for the obstinacy of Wilson, who, as he was daringly resolute, was doggedly pertinacious of his opinion. His comrade, Robertson, a young and slender man, proposed to make the experiment of passing the foremost through the gap they had made, and enlarging it

from the outside, if necessary, to allow Wilson free passage. Wilson, however, insisted on making the first experiment, and being a robust and lusty man, he not only found it impossible to get through betwixt the bars, but, by his struggles, he jammed himself so fast, that he was unable to draw his body back again. In these circumstances discovery became unavoidable, and sufficient precautions were taken by the jailor to prevent any repetitions of the same attempt. Robertson uttered not a word of reflection on his companion for the consequences of his obstinacy; but it appeared from the sequel, that Wilson's mind was deeply impressed with the recollection, that, but for him, his comrade, over whose mind he exercised considerable influence, would not have engaged in the criminal enterprise which had terminated thus fatally; and that now he had become his destroyer a second time, since, but for his obstinacy, Robertson might have effected his escape. Minds like Wilson's, even when exercised in evil practices, sometimes retain the power of thinking and resolving with enthusiastic generosity. His whole thoughts were now bent on the possibility of saving Robertson's life, without the least respect to his own. The resolution which he adopted, and the manner in which he carried it into effect, were striking and unusual.

Adjacent to the Tolbooth, or city jail of Edinburgh, is one of three churches into which the cathedral of St. Giles is now divided, called, from its vicinity, the Tolbooth Church. It was the custom, that criminals under sentence of death were brought to this church, with a sufficient guard, to hear and join in public worship on the Sabbath before execution. It was supposed that the hearts of these unfortunate persons, however hardened before against feelings of devotion, could not but be accessible to them upon uniting their thoughts and voices, for the last time, along with their fellow-mortals, in addressing their Creator. And to the rest of the congregation, it was thought it could not but be impressive and affecting to find their devotions mingling with those, who, sent by the doom of an earthly tribunal to appear where the whole earth is judged, might be considered as beings trembling on the verge of eternity. The practice, however edifying, has been discontinued, in consequence of the incident we are about to detail.

The clergyman whose duty it was to officiate in the Tolbooth Church, had concluded an affecting discourse, part of which was particularly directed to the unfortunate men, Wilson and Robertson, who were in the pew set apart for the persons in their unhappy situation, each secured betwixt two soldiers of the city guard. The clergyman had reminded them, that the next congregation they must join would be that of the just, or of the unjust; that the psalms they now heard must be exchanged, in the space of two brief days, for eternal hallelujahs, or eternal lamentations; and that this fearful alternative must

depend upon the state to which they might be able to bring their minds before the moment of awful preparation; that they should not despair on account of the suddenness of the summons, but rather to feel this comfort in their misery, that, though all who now lifted the voice, or bent the knee in conjunction with them, lay under the same sentence of certain death, they only had the advantage of knowing the precise moment at which it should be executed upon them. "Therefore," urged the good man, his voice trembling with emotion, "redeem the time, my unhappy brethren, which is yet left; and remember, that, with the grace of Him to whom space and time are but as nothing, salvation may yet be assured, even in the pittance of delay which the laws of your country afford you."

Robertson was observed to weep at these words; but Wilson seemed as one whose brain had not entirely received their meaning, or whose thoughts were deeply impressed with some different subject;—an expression so natural to a person in his situation, that it excited neither suspicion nor surprise.

The benediction was pronounced as usual, and the congregation was dismissed, many lingering to indulge their curiosity with a more fixed look at the two criminals, who now, as well as their guards, rose up, as if to depart when the crowd should permit them. A murmur of compassion was heard to pervade the spectators, the more general, perhaps, on account of the alleviating circumstances of the case; when all at once, Wilson, who, as we have already noticed, was a very strong man, seized two of the soldiers, one with each hand, and calling at the same time to his companion, "Run, Geordie, run!" threw himself on the third, and fastened his teeth on the collar of his coat. Robertson stood for a second as if thunderstruck, and unable to avail himself of the opportunity of escape; but the cry of "Run, run!" being echoed from many around, whose feelings surprised them into a very natural interest in his behalf, he shook off the grasp of the remaining soldier, threw himself over the pew, mixed with the dispersing congregation, none of whom felt inclined to stop a poor wretch taking this last chance for his life, gained the door of the church, and was lost to all pursuit.

The generous intrepidity which Wilson had displayed on this occasion augmented the feeling of compassion which attended his fate. The public, where their own prejudices are not concerned, are easily engaged on the side of disinterestedness and humanity, admired Wilson's behavior, and rejoiced at Robertson's escape. This general feeling was so great, that it excited a vague report that Wilson would be rescued at the place of execution, either by the mob or by some of his old associates, or by some second extraordinary and unexpected exertion of strength and courage on his own part. The magistrates thought it their duty to provide against the possibility of disturbance. They ordered out, for protection of

the execution of the sentence, the greater part of their own City Guard, under the command of Captain Porteous, a man whose name became too memorable from the melancholy circumstances of the day, and subsequent events. It may be necessary to say a word about this person, and the corps which he commanded. But the subject is of importance sufficient to deserve another chapter.

CHAPTER III.

And thou, great god of aqua-vitæ!
Who sways the empire of this city,
(When fou we're sometimes caperolty),

Be thou prepared,
To save us frae that black banditti,
The City Guard!

Ferguson's *Daft Days*.

CAPTAIN JOHN PORTEOUS, a name memorable in the traditions of Edinburgh, as well as in the records of criminal jurisprudence, was the son of a citizen of Edinburgh, who endeavored to breed him up to his own mechanical trade of a tailor. The youth, however, had a wild and irreclaimable propensity to dissipation, which finally sent him to serve in the corps long maintained in the service of the States of Holland, and called the Scotch Dutch. Here he learned military discipline; and, returning afterwards, in the course of an idle and wandering life, to his native city, his services were required by the magistrates of Edinburgh in the disturbed year 1715, for disciplining their City Guard, in which he shortly afterwards received a captain's commission. It was only by his military skill, and an alert and resolute character as an officer of police, that he merited this promotion, for he is said to have been a man of profligate habits, an unnatural son, and a brutal husband. He was, however, useful in his station, and his harsh and fierce habits rendered him formidable to rioters or disturbers of the public peace.

The corps in which he held his command is, or perhaps we should rather say *was*, a body of about one hundred and twenty soldiers, divided into three companies, and regularly armed, clothed, and embodied. They were chiefly veterans who enlisted in this corps, having the benefit of working at their trades when they were off duty. These men had the charge of preserving public order, repressing riots and street robberies, acting, in short, as an armed police, and attending on all public occasions where confusion or popular disturbance might be expected.* Poor Ferguson, whose irregularities sometimes led him into unpleasant rencontres with these military conservators of public order, and who mentions them so often that he may be termed their poet laureate, thus admonishes his readers, warned doubtless by his own experience:—

* The Lord Provost was ex-officio commander and colonel of the corps, which might be increased to three hundred men when the times required it. No other drum but theirs was allowed to sound on the High Street between the Luckenbooths and the Netherbow.

"Gude folk, as ye come frae the fair,
Bide yont frae this black squad;
There's nae sic savages elsewhere
Allowed to wear cockad."

In fact, the soldiers of the City Guard, being as we have said, in general discharged veterans, who had strength enough remaining for this municipal duty, and being, moreover, for the greater part Highlanders, were neither by birth, education, or former habits, trained to endure with much patience the insults of the rabble, or the provoking petulance of truant schoolboys, and idle debauchees of all descriptions, with whom their occupation brought them into contact. On the contrary, the tempers of the poor old fellows were soured by the indignities with which the mob distinguished them on many occasions, and frequently might have required the soothing strains of the poet we have just quoted—

"O soldiers! for your ain dear sakes,
For Scotland's love, the Land o' Cakes,
Gie not her bairns sic deadly palls,
Nor be sae rude,

WV firelock or Lochaber-axe,
As spill their bluid!"

On all occasions when a holiday licensed some riot and irregularity, a skirmish with these veterans was a favorite recreation with the rabble of Edinburgh. These pages may perhaps see the light when many have in fresh recollection such onsets as we allude to. But the venerable corps, with whom the contention was held, may now be considered as totally extinct. Of late the gradual diminution of these civic soldiers reminds one of the abatement of King Lear's hundred knights. The edicts of each succeeding set of magistrates have, like those of Goneril and Regan, diminished this venerable band with the similar question, "What need we five-and-twenty?—ten?—or five?" And it is now nearly come to, "What need one?" A spectre may indeed here and there still be seen of an old grey-headed and grey-bearded Highlander, with war-worn features, but bent double by age; dressed in an old-fashioned cocked hat, bound with white tape instead of silver lace; and in coat, waistcoat, and breeches of a muddy-colored red, bearing in his withered hand an ancient weapon, called a Lochaber-axe; a long pole, namely, with an axe at the extremity, and a hook at the back of the hatchet.* Such a phantom of former days still creeps, I have been informed, round the statue of Charles the Second, in the Parliament Square, as if the image of a Stuart were the last refuge for any memorial of our ancient manners; and one or two others are supposed to glide around the door of the guard-house assigned to them in the Luckenbooths, when their ancient refuge in the High Street was laid low.† But the fate of manu-

* This hook was to enable the bearer of the Lochaber-axe to scale a gateway, by grappling the top of the door, and swinging himself up by the staff of his weapon.

† This ancient corps is now entirely disbanded. Their last march to do duty at Hallow-fair, had something in it affecting

scripts bequeathed to friends and executors is so uncertain, that the narrative containing these frail memorials of the old Town-Guard of Edinburgh, who, with their grim and valiant corporal, John Dhu, (the fiercest-looking fellow I ever saw), were, in my boyhood, the alternate terror and derision of the petulant brood of the High-School, may, perhaps, only come to light when all memory of the institution has faded away, and then serve as an illustration of Kay's caricatures, who has preserved the features of some of their heroes. In the preceding generation, when there was a perpetual alarm for the plots and activity of the Jacobites, some pains were taken by the magistrates of Edinburgh to keep this corps, though composed always of such materials as we have noticed, in a more effective state than was afterwards judged necessary, when their most dangerous service was to skirmish with the rabble on the king's birth-day. They were, therefore, more the objects of hatred, and less that of scorn, than they were afterwards accounted.

To Captain John Porteous, the honor of his command and of his corps seems to have been a matter of high interest and importance. He was exceedingly incensed against Wilson for the affront which he construed him to have put upon his soldiers, in the effort he made for the liberation of his companion, and expressed himself most ardently on the subject. He was no less indignant at the report, that there was an intention to rescue Wilson himself from the gallows, and uttered many threats and imprecations upon that subject, which were afterwards remembered to his disadvantage. In fact, if a good deal of determination and promptitude rendered Porteous, in one respect, fit to command guards designed to suppress popular commotion, he seems, on the other, to have been disqualified for a charge so delicate, by a hot and surly temper, always too ready to come to blows and violence; a character void of principle; and a disposition to regard the rabble, who seldom failed to regale him and his soldiers with some marks of their displeasure, as declared enemies, upon whom it was natural and justifiable that he should seek opportunities of vengeance. Being, however, the most active and trustworthy among the captains of the City Guard, he was the person to whom the magistrates confided the command of the soldiers appointed to keep the peace at the time of Wilson's execution. He was ordered to guard the gallows and scaffold, with about eighty men, all the disposable force that could be spared for that duty.

But the magistrates took farther precautions, which affected Porteous's pride very deeply. They requested the assistance of part of a regular infantry regiment, not to attend upon the

Their drums and fifes had been wont on better days to play, on this joyous occasion, the lively tune of

"Jockey to the fair;"

but on this final occasion the afflicted veterans moved slowly to the dirge of

"The last time I came ower the muir."

execution, but to remain drawn up on the principal street of the city during the time that it went forward, in order to intimidate the multitude, in case they should be disposed to be unruly, with a display of force which could not be resisted without desperation. It may sound ridiculous in our ears, considering the fallen state of this ancient civic corps, that its officer should have felt punctiliously jealous of its honor. Yet so it was. Captain Porteous resented, as an indignity, the introducing the Welsh Fusileers within the city, and drawing them up in the street where no drums but his own were allowed to be sounded, without the special command or permission of the magistrates. As he could not show his ill-humor to his patrons the magistrates, it increased his indignation and his desire to be revenged on the unfortunate criminal Wilson, and all who favored him. These internal emotions of jealousy and rage wrought a change on the man's mien and bearing, visible to all who saw him on the fatal morning when Wilson was appointed to suffer. Porteous's ordinary appearance was rather favorable. He was about the middle size, stout, and well made, having a military air, and yet rather a gentle and mild countenance. His complexion was brown, his face somewhat fretted with the scars of the small-pox, his eyes rather languid than keen or fierce. On the present occasion, however, it seemed to those who saw him as if he were agitated by some evil demon. His step was irregular, his voice hollow and broken, his countenance pale, his eyes staring and wild, his speech imperfect and confused, and his whole appearance so disordered, that many remarked he seemed to be *fey*, a Scottish expression, meaning the state of those who are driven on to their impending fate by the strong impulse of some irresistible necessity.

One part of his conduct was truly diabolical, if, indeed, it has not been exaggerated by the general prejudice entertained against his memory. When Wilson, the unhappy criminal, was delivered to him by the keeper of the prison, in order that he might be conducted to the place of execution, Porteous, not satisfied with the usual precautions to prevent escape, ordered him to be manacled. This might be justifiable from the character and bodily strength of the malefactor, as well as from the apprehensions so generally entertained of an expected rescue. But the handcuffs which were produced being found too small for the wrists of a man so big-boned as Wilson, Porteous proceeded with his own hands, and by great exertion of strength, to force them till they clasped together, to the exquisite torture of the unhappy criminal. Wilson remonstrated against such barbarous usage, declaring that the pain distracted his thoughts from the subjects of meditation proper to his unhappy condition.

"It signifies little," replied Captain Porteous; "your pain will be soon at an end."

"Your cruelty is great," answered the sufferer. "You know not how soon you yourself may have

occasion to ask the mercy which you are now refusing to a fellow-creature. May God forgive you!"

These words, long afterwards quoted and remembered, were all that passed between Porteous and his prisoner; but as they took air, and became known to the people, they greatly increased the popular compassion for Wilson, and excited a proportionate degree of indignation against Porteous; against whom, as strict, and even violent in the discharge of his unpopular office, the common people had some real, and many imaginary causes of complaint.

When the painful procession was completed, and Wilson, with the escort, had arrived at the scaffold in the Grassmarket, there appeared no signs of that attempt to rescue him which had occasioned such precautions. The multitude, in general, looked on with deeper interest than at ordinary executions; and there might be seen, on the countenances of many, a stern and indignant expression, like that with which the ancient Cameronians might be supposed to witness the execution of their brethren, who glorified the Covenant on the same occasion, and at the same spot. But there was no attempt at violence. Wilson himself seemed disposed to hasten over the space that divided time from eternity. The devotions proper and usual on such occasions were no sooner finished than he submitted to his fate, and the sentence of the law was fulfilled.

He had been suspended on the gibbet so long as to be totally deprived of life, when at once, as if occasioned by some newly-received impulse, there arose a tumult among the multitude. Many stones were thrown at Porteous and his guards: some mischief was done: and the mob continued to press forward with whoops, shrieks, howls, and exclamations. A young fellow, with a sailor's cap slouched over his face, sprung on the scaffold, and cut the rope by which the criminal was suspended. Others approached to carry off the body, either to secure for it a decent grave, or to try, perhaps, some means of resuscitation. Captain Porteous was wrought, by this appearance of insurrection against his authority, into a rage so headlong as made him forget, that, the sentence having been fully executed, it was his duty not to engage in hostilities with the misguided multitude, but to draw off his men as fast as possible. He sprung from the scaffold, snatched a musket from one of his soldiers, commanded the party to fire, and, as several eye-witnesses concurred in swearing, set them the example, by discharging his piece, and shooting a man dead on the spot. Several soldiers obeyed his command or followed his example; six or seven persons were slain, and a great many were hurt and wounded.

After this act of violence, the Captain proceeded to withdraw his men towards their guard-house in the High Street. The mob were not so much intimidated as incensed by what had been done. They pursued the soldiers with execrations, accompanied by volleys of stones. As they pressed

on them, the rearmost soldiers turned, and again fired with fatal aim and execution. It is not accurately known whether Porteous commanded this second act of violence; but of course the odium of the whole transactions of the fatal day attached to him, and to him alone. He arrived at the guard-house, dismissed his soldiers, and went to make his report to the magistrates concerning the unfortunate events of the day.

Apparently by this time Captain Porteous had begun to doubt the propriety of his own conduct, and the reception he met with from the magistrates was such as to make him still more anxious to gloss it over. He denied that he had given orders to fire; he denied he had fired with his own hand; he even produced the fuscree which he carried as an officer for examination; it was found still loaded. Of three cartridges which he was seen to put in his pouch that morning, two were still there; a white handkerchief was thrust into the muzzle of the piece, and returned unsoiled or blackened. To the defence founded on these circumstances it was answered, that Porteous had not used his own piece, but had been seen to take one from a soldier. Among the many who had been killed and wounded by the unhappy fire, there were several of better rank; for even the humanity of such soldiers as fired over the heads of the mere rabble around the scaffold, proved in some instances fatal to persons who were stationed in windows, or observed the melancholy scene from a distance. The voice of public indignation was loud and general; and, ere men's tempers had time to cool, the trial of Captain Porteous took place before the High Court of Justiciary. After a long and patient hearing, the jury had the difficult duty of balancing the positive evidence of many persons, and those of respectability, who deposed positively to the prisoner's commanding his soldiers to fire, and himself firing his piece, of which some swore that they saw the smoke and flash, and beheld a man drop at whom it was pointed, with the negative testimony of others, who, though well stationed for seeing what had passed, neither heard Porteous give orders to fire, nor saw him fire himself but, on the contrary, averred that the first shot was fired by a soldier who stood close by him. A great part of his defence was also founded on the turbulence of the mob, which witnesses, according to their feelings, their predilections, and their opportunities of observation, represented differently; some describing as a formidable riot, what others represented as a trifling disturbance, such as always used to take place on the like occasions, when the executioner of the law, and the men commissioned to protect him in his task, were generally exposed to some indignities. The verdict of the jury sufficiently shows how the evidence preponderated in their minds. It declared that John Porteous fired a gun among the people assembled at the execution; that he gave orders to his soldiers to fire, by which many persons were killed and wounded; but, at the same time, that the prisoner and his guard had been wounded and

beaten, by stones thrown at them by the multitude. Upon this verdict, the Lords of Justiciary passed sentence of death against Captain John Porteous, adjudging him, in the common form, to be hanged on a gibbet at the common place of execution, on Wednesday, 8th September, 1736, and all his moveable property to be forfeited to the king's use, according to the Scottish law in cases of wilful murder.

CHAPTER IV.

The hour's come, but not the man.*
KEEPER.

On the day when the unhappy Porteous was expected to suffer the sentence of the law, the place of execution, extensive as it is, was crowded almost to suffocation. There was not a window in all the lofty tenements around it, or in the steep and crooked street called the Bow, by which the fatal procession was to descend from the High Street, that was not absolutely filled with spectators. The uncommon height and antique appearance of these houses, some of which were formerly the property of the Knights Templars, and the Knights of St. John, and still exhibit on their fronts and gables the iron cross of these orders, gave additional effect to a scene in itself so striking. The area of the Grassmarket resembled a huge dark lake or sea of human heads, in the centre of which arose the fatal tree, tall, black, and ominous, from which dangled the deadly halter. Every object takes interest from its uses and associations, and the erect beam and empty noose, things so simple in themselves, became, on such an occasion, objects of terror and of solemn interest.

Amid so numerous an assembly there was scarcely a word spoken, save in whispers. The thirst of vengeance was in some degree allayed by its supposed certainty; and even the populace, with deeper feeling than they are wont to entertain, suppressed all clamorous exultation, and prepared to enjoy the scene of retaliation in triumph, silent and decent, though stern and relentless. It seemed as if the depth of their hatred to the unfortunate criminal scorned to display itself in any thing resembling the more noisy current of their ordinary feelings. Had a stranger consulted only the evidence of his ears, he might have supposed that so vast a multitude were assembled for some purpose which affected them with the deepest sorrow, and stilled those noises which, on all ordinary occasions, arise from such a concourse; but if he had gazed upon their faces, he would have been instantly undeceived. The compressed lip, the bent brow, the stern and flashing eye of al-

* There is a tradition, that while a little stream was swollen into a torrent by recent showers, the discontented voice of the Water Spirit was heard to pronounce these words. At the same moment a man, urged on by his fate, or, in Scottish language, *fey*, arrived at a gallop, and prepared to cross the water. No remembrance from the bystanders was of power to stop him—he plunged into the stream, and perished.

most every one on whom he looked, conveyed the expression of men come to glut their sight with triumphant revenge. It is probable that the appearance of the criminal might have somewhat changed the temper of the populace in his favor, and that they might in the moment of death have forgiven the man against whom their resentment had been so fiercely heated. It had, however, been destined, that the mutability of their sentiments was not to be exposed to this trial.

The usual hour for producing the criminal had been past for many minutes, yet the spectators observed no symptom of his appearance. "Would they venture to defraud public justice?" was the question which men began anxiously to ask at each other. The first answer in every case was bold and positive,—"They dare not." But when the point was further canvassed, other opinions were entertained, and various causes of doubt were suggested. Porteous had been a favorite officer of the magistracy of the city, which, being a numerous and fluctuating body, requires for its support a degree of energy in its functionaries, which the individuals who compose it cannot at all times alike be supposed to possess in their own persons. It was remembered, that in the Information for Porteous (the paper, namely, in which his case was stated to the Judges of the criminal court), he had been described by his counsel as the person on whom the magistrates chiefly relied in all emergencies of uncommon difficulty. It was argued, too, that his conduct, on the unhappy occasion of Wilson's execution, was capable of being attributed to an imprudent excess of zeal in the execution of his duty, a motive for which those under whose authority he acted might be supposed to have great sympathy. And as these considerations might move the magistrates to make a favorable representation of Porteous's case, there were not wanting others in the higher departments of government, which would make such suggestions favorably listened to.

The mob of Edinburgh, when thoroughly excited, had been at all times one of the fiercest which could be found in Europe; and of late years they had risen repeatedly against the government, and sometimes not without temporary success. They were conscious, therefore, that they were no favorites with the rulers of the period, and that, if Captain Porteous's violence was not altogether regarded as good service, it might certainly be thought, that to visit it with a capital punishment would render it both delicate and dangerous for future officers, in the same circumstances, to act with effect in repressing tumults. There is also a natural feeling, on the part of all members of government, for the general maintenance of authority; and it seemed not unlikely, that what to the relatives of the sufferers appeared a wanton and unprovoked massacre, should be otherwise viewed in the cabinet of St. James's. It might be there supposed, that upon the whole matter, Captain Porteous was in the exercise of a