

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

trust delegated to him by the lawful civil authority; that he had been assaulted by the populace, and several of his men hurt; and that, in finally repelling force by force, his conduct could be fairly imputed to no other motive than self-defence in the discharge of his duty.

These considerations, of themselves very powerful, induced the spectators to apprehend the possibility of a reprieve; and to the various causes which might interest the rulers in his favor, the lower part of the rabble added one which was peculiarly well adapted to their comprehension. It was averred, in order to increase the odium against Porteous, that while he repressed with the utmost severity the slightest excesses of the poor, he not only overlooked the license of the young nobles and gentry, but was very willing to lend them the countenance of his official authority, in execution of such loose pranks as it was chiefly his duty to have restrained. This suspicion, which was perhaps much exaggerated, made a deep impression on the minds of the populace; and when several of the higher rank joined in a petition, recommending Porteous to the mercy of the crown, it was generally supposed he owed their favor not to any conviction of the hardship of his case, but to the fear of losing a convenient accomplice in their debaucheries. It is scarcely necessary to say how much this suspicion augmented the people's detestation of this obnoxious criminal, as well as their fear of his escaping the sentence pronounced against him.

While these arguments were stated and replied to, and canvassed and supported, the hitherto silent expectation of the people became changed into that deep and agitating murmur, which is sent forth by the ocean before the tempest begins to howl. The crowded populace, as if their motions had corresponded with the unsettled state of their minds, fluctuated to and fro without any visible cause of impulse, like the agitation of the waters, called by sailors the ground-swell. The news, which the magistrates had almost hesitated to communicate to them, were at length announced, and spread among the spectators with a rapidity like lightning. A reprieve from the Secretary of State's office, under the hand of his Grace the Duke of Newcastle, had arrived, intimating the pleasure of Queen Caroline (regent of the kingdom during the absence of George II. on the Continent), that the execution of the sentence of death pronounced against John Porteous, late Captain-Lieutenant of the City-Guard of Edinburgh, present prisoner in the Tolbooth of that city, be respited for six weeks from the time appointed for his execution.

The assembled spectators of almost all degrees, whose minds had been wound up to the pitch which we have described, uttered a groan, or rather a roar of indignation and disappointed revenge, similar to that of a tiger from whom his meal has been rent by his keeper when he was just about to devour it. This fierce exclamation seemed to forebode some irremediable explosion of

popular resentment, and, in fact, such had been expected by the magistrates, and the necessary measures had been taken to repress it. But the shout was not repeated, nor did any sudden tumult ensue, such as it appeared to announce. The populace seemed to be ashamed of having expressed their disappointment in a vain clamor, and the sound changed, not into the silence which had preceded the arrival of these stunning news, but into stifled mutterings, which each group maintained among themselves, and which were blended into one deep and hoarse murmur which floated above the assembly.

Yet still, though all expectation of the execution was over, the mob remained assembled, stationary, as it were, through very resentment, gazing on the preparations for death, which had now been made in vain, and stimulating their feelings, by recalling the various claims which Wilson might have had on royal mercy, from the mistaken motives on which he acted, as well as from the generosity he had displayed towards his accomplice. "This man," they said,—"the brave, the resolute, the generous, was executed to death without mercy for stealing a purse of gold, which in some sense he might consider as a fair reprisal; while the profligate satellite, who took advantage of a trifling tumult, inseparable from such occasions, to shed the blood of twenty of his fellow-citizens, is deemed a fitting object for the exercise of the royal prerogative of mercy. Is this to be borne?—would our fathers have borne it? Are not we, like them, Scotsmen and burghers of Edinburgh?"

The officers of justice began now to remove the scaffold, and other preparations which had been made for the execution, in hopes, by doing so, to accelerate the dispersion of the multitude. The measure had the desired effect; for no sooner had the fatal tree been unfixed from the large stone pedestal or socket in which it was secured, and sunk slowly down upon the wain intended to remove it to the place where it was usually deposited, than the populace, after giving vent to their feelings in a second shout of rage and mortification, began slowly to disperse to their usual abodes and occupations.

The windows were in like manner gradually deserted, and groups of the more decent class of citizens formed themselves, as if waiting to return homewards when the streets should be cleared of the rabble. Contrary to what is frequently the case, this description of persons agreed in general with the sentiments of their inferiors, and considered the cause as common to all ranks. Indeed, as we have already noticed, it was by no means amongst the lowest class of the spectators, or those most likely to be engaged in the riot at Wilson's execution, that the fatal fire of Porteous's soldiers had taken effect. Several persons were killed who were looking out at windows at the scene, who could not of course belong to the rioters, and were persons of decent rank and condition. The burghers, therefore,

resenting the loss which had fallen on their own body, and proud and tenacious of their rights, as the citizens of Edinburgh have at all times been, were greatly exasperated at the unexpected reprieve of Captain Porteous.

It was noticed at the time, and afterwards more particularly remembered, that, while the mob were in the act of dispersing, several individuals were seen busily passing from one place and one group of people to another, remaining long with none, but whispering for a little time with those who appeared to be declaiming most violently against the conduct of government. These active agents had the appearance of men from the country, and were generally supposed to be old friends and confederates of Wilson, whose minds were of course highly excited against Porteous.

If, however, it was the intention of these men to stir the multitude to any sudden act of mutiny, it seemed for the time to be fruitless. The rabble, as well as the more decent part of the assembly, dispersed, and went home peaceably; and it was only by observing the moody discontent on their brows, or catching the tenor of the conversation they held with each other, that a stranger could estimate the state of their minds. We will give the reader this advantage, by associating ourselves with one of the numerous groups who were painfully ascending the steep declivity of the West Bow, to return to their dwellings in the Lawnmarket.

"An unco thing this, Mrs. Howden," said old Peter Plumdamas to his neighbor the rouping-wife, or saleswoman, as he offered her his arm to assist her in the toilsome ascent, "to see the grit folk at Lunnon set their face against law and gospel, and let loose sic a reprobate as Porteous upon a peaceable town!"

"And to think o' the weary walk they hae gien us," answered Mrs. Howden, with a groan; "and sic a comfortable window as I had gotten, too, just within a penny-stane-cast of the scaffold—I could hae heard every word the minister said—and to pay twalpennies for my stand, and a' for naething!"

"I am judging," said Mr. Plumdamas, "that his reprieve wadna stand gude in the auld Scots aw, when the kingdom was a kingdom."

"I dinna ken muckle about the law," answered Mrs. Howden; "but I ken, when we had a king, and a chancellor, and parliament-men o' our ain, we could aye pebble them wi' stanes when they werena gude bairns—But naeboddy's nails can reach the length o' Lunnon."

"Weary on Lunnon, and a' that e'er came out o't!" said Miss Grizel Damahoy, an ancient seamstress: "they hae taen away our parliament and they hae oppressed our trade. Our gentles will hardly allow that a Scots needle can sew ruffles on a sark, or lace on an overlay."

"Ye may say that—Miss Damahoy, and I ken o' them that hae gotten raisins frae Lunnon by forpits at ance," responded Plumdamas; "and

then sic an host of idle English gaugers and excisemen as hae come down to vex and torment us, that an honest man canna fetch sae muckle as a bit anker o' brandy frae Leith to the Lawnmarket, but he's like to be rabbit o' the very gudes he's bought and paid for.—Weel, I winna justify Andrew Wilson for pitting hands on what wasna his; but if he took nae mair than his ain, there's an awfu' difference between that and the fact this man stands for."

"If ye speak about the law," said Mrs. Howden, "here comes Mr. Saddletree, that can settle it as weel as ony on the bench."

The party she mentioned, a grave elderly person with a superb periwig, dressed in a decent suit of sad-colored clothes, came up as she spoke, and courteously gave his arm to Miss Grizel Damahoy.

It may be necessary to mention, that Mr. Bartoline Saddletree kept an excellent and highly-esteemed shop for harness, saddles, &c. &c., at the sign of the Golden Nag, at the head of Bess Wynd. His genius, however (as he himself and most of his neighbors conceived), lay towards the weightier matters of the law, and he failed not to give frequent attendance upon the pleadings and arguments of the lawyers and judges in the neighboring square, where, to say the truth, he was oftener to be found than would have consisted with his own emolument; but that his wife, an active pains-taking person, could, in his absence, make an admirable shift to please the customers and scold the journeymen. This good lady was in the habit of letting her husband take his way, and go on improving his stock of legal knowledge without interruption; but, as if in requital, she insisted upon having her own will in the domestic and commercial departments which he abandoned to her. Now, as Bartoline Saddletree had a considerable gift of words, which he mistook for eloquence, and conferred more liberally upon the society in which he lived than was at all times gracious and acceptable, there went forth a saying, with which wags used sometimes to interrupt his rhetoric, that, as he had a golden nag at his door, so he had a grey mare in his shop. This reproach induced Mr. Saddletree, on all occasions, to assume rather a haughty and stately tone towards his good woman, a circumstance by which she seemed very little affected, unless he attempted to exercise any real authority, when she never failed to fly into open rebellion. But such extremes Bartoline seldom provoked; for, like the gentle King Jamie, he was fonder of talking of authority than really exercising it. This turn of mind was, on the whole, lucky for him; since his substance was increased without any trouble on his part, or any interruption of his favorite studies.

This word in explanation has been thrown in to the reader, while Saddletree was laying down, with great precision, the law upon Porteous's case, by which he arrived at this conclusion, that, if Porteous had fired five minutes sooner before Wilson was cut down, he would have been *ver sans*

in *licito*; engaged, that is, in a lawful act, and only liable to be punished *propter excessum*, or for lack of discretion, which might have mitigated the punishment to *pena ordinaria*.

"Discretion!" echoed Mrs. Howden, on whom, it may well be supposed, the fineness of this distinction was entirely thrown away,—“whan had Jock Porteous either grace, discretion, or gude manners?—I mind when his father—”

“But, Mrs. Howden,” said Saddletree—

“And I,” said Miss Damahoy, “mind when his mother—”

“Miss Damahoy,” entreated the interrupted orator—

“And I,” said Plumdamas, “mind when his wife—”

“Mr. Plumdamas—Mrs. Howden—Miss Damahoy,” again implored the orator,—“mind the distinction, as Counsellor Crossmyloof says—I,” says he, “take a distinction.” Now, the body of the criminal being cut down, and the execution ended, Porteous was no longer official; the act which he came to protect and guard, being done and ended, he was no better than *civis ex populo*.*

“*Quivis—quivis*, Mr. Saddletree, craving your pardon,” said (with a prolonged emphasis on the first syllable) Mr. Butler, the deputy schoolmaster of a parish near Edinburgh, who at that moment came up behind them as the false Latin was uttered.

“What signifies interrupting me, Mr. Butler?—but I am glad to see ye notwithstanding—I speak after Counsellor Crossmyloof, and he said *civis*.”

“If Counsellor Crossmyloof used the dative for the nominative, I would have crossed his loof with a tight leathern strap, Mr. Saddletree; there is not a boy on the booby form but should have been scourged for such a solecism in grammar.”

“I speak Latin like a lawyer, Mr. Butler, and not like a schoolmaster,” retorted Saddletree.

“Scarce like a schoolboy, I think,” rejoined Butler.

“It matters little,” said Bartoline; “all I mean to say is, that Porteous has become liable to the *pena extra ordinem*, or capital punishment—which is to say, in plain Scotch, the gallows—simply because he did not fire when he was in office, but waited till the body was cut down, the execution which he had in charge to guard implemented, and he himself exonerated of the public trust imposed on him.”

“But, Mr. Saddletree,” said Plumdamas, “do ye really think John Porteous’s case wad hae been better if he had begun firing before any stanes were flung at a’?”

“Indeed do I, neighbor Plumdamas,” replied Bartoline, confidently, “he being then in point of trust and in point of power, the execution being but inchoat, or, at least, not implemented, or finally ended; but after Wilson was cut down, it was a’ ower—he was clean exactorate, and had nae mair ado but to get awa wi’ his guard up this West Bow as fast as if there had been a caption

after him—And this is law, for I heard it laid down by Lord Vincovincement.”

“Vincovincement?—Is he a lord of state, or a lord of seat?” inquired Mrs. Howden.*

“A lord of seat—a lord of session.—I fash mysell little wi’ lords o’ state; they vex me wi’ a when idle questions about their saddles, and curpels, and holsters, and horse-furniture, and what they’ll cost, and when they’ll be ready—a when galloping geese—my wife may serve the like o’ them.”

“And so might she, in her day, hae served the best lord in the land, for as little as ye think o’ her, Mr. Saddletree,” said Mrs. Howden, somewhat indignant at the contemptuous way in which her gossip was mentioned; “when she and I were twa gillies, we little thought to hae sitten down wi’ the like o’ my auld Davie Howden, or you either, Mr. Saddletree.”

While Saddletree, who was not bright at a reply, was cudgelling his brains for an answer to this home-thrust, Miss Damahoy broke in on him.

“And as for the lords of state,” said Miss Damahoy, “ye suld mind the riding o’ the parliament, Mr. Saddletree, in the guide auld time before the Union,—a year’s rent o’ mony a gude estate gaed for horse-graith and harnessing, forby broidered robes and foot-mantles, that wad hae stude by their lane wi’ gold brocade, and that were muckle in my ain line.”

“Ay, and then the lusty banqueting, with sweetmeats and comfits wet and dry, and dried fruits of divers sorts,” said Plumdamas. “But Scotland was Scotland in these days.”

“I’ll tell ye what it is neighbors,” said Mrs. Howden, “I’ll ne’er believe Scotland is Scotland ony mair, if our kindly Scots sit down wi’ the affront they hae gien us this day. It’s not only the blude that *is* shed, but the blude that might hae been shed, that’s required at our hands; there was my daughter’s wean, little Eppie Daidle—my oe, ye ken, Miss Grizel—had played the truant frae the school, as bairns will do, ye ken, Mr. Butler—”

“And for which,” interjected Mr. Butler, “they should be soundly scourged by their well-wishers.”

“And had just cruppen to the gallows-foot to see the hanging, as was natural for a wean; and what for mightna she hae been shot as weel as the rest o’ them, and where wad we a’ hae been then? I wonder how Queen Carline (if her name be Carline) wad hae liked to hae had ane o’ her ain bairns in sic a venture?”

“Report says,” answered Butler, “that such a circumstance would not have distressed her majesty beyond endurance.”

“Aweel,” said Mrs. Howden, “the sum o’ the matter is, that, were I man, I wad hae amends o’ Jock Porteous, be the upshot what like o’t, if a’

* A nobleman was called a Lord of State. The Senators of the College of Justice were termed Lords of Seat, or of the Session.

the carles and carlines in England had sworn to he nay-say.

“I would claw down the Tolbooth door wi’ my nails,” said Miss Grizel, “but I wad be at him.”

“Ye may be very right, ladies,” said Butler, “but I would not advise you to speak so loud.”

“Speak!” exclaimed both the ladies together, “there will be naething else spoken about frae the Weigh-house to the Water-gate, till this is either ended or mended.”

The females now departed to their respective places of abode. Plumdamas joined the other two gentlemen in drinking their *meridian* (a bumper-dram of brandy), as they passed the well-known low-browed shop in the Lawnmarket, where they were wont to take that refreshment. Mr. Plumdamas then departed to his shop, and Mr. Butler, who happened to have some particular occasion for the rein of an old bridle (the trunants of that busy day could have anticipated its application), walked down the Lawnmarket with Mr. Saddletree, each talking as he could get a word thrust in, the one on the laws of Scotland, the other on those of syntax, and neither listening to a word which his companion uttered.

CHAPTER V.

Eliswhair he colde right weel lay down the law,
But in his house was meek as is a daw.

DAVIE LINDSAY.

“THERE has been Jock Driver the carrier here, speering about his new graith,” said Mrs. Saddletree to her husband, as he crossed his threshold, not with the purpose, by any mean, of consulting him upon his own affairs, but merely to intimate, by a gentle recapitulation, how much duty she had gone through in his absence.

“Weel,” replied Bartoline, and deigned not a word more.

“And the Laird of Girdingburst has had his running footman here, and ca’d himsell (he’s a civil pleasant young gentleman), to see when the embroidered saddle-cloth for his sorrel horse will be ready, for he wants it agane the Kelso races.”

“Weel, aweel,” replied Bartoline, as laconically as before.

“And his lordship, the Earl of Blazonbury, Lord Flash and Flame, is like to be clean daft, that the harness for the six Flanders mears, wi’ the crests, coronets, housings, and mountings conform, are no sent hame according to promise gien.”

“Weel, weel, weel—weel, weel, gudewife,” said Saddletree, “if he gangs daft, we’ll hae him cognosed—it’s a’ very weel.”

“It’s weel that ye think sae, Mr. Saddletree,” answered his helpmate, rather nettled at the indifference with which her report was received; “there’s mony ane wad hae thought themselves affronted, if sae mony customers had ca’d and naebody to answer them but women-folk; for a’

the lads were aff, as soon as your back was turned, to see Porteous hanged, that might be counted upon; and sae, you no being at hame—”

“Houts, Mrs. Saddletree,” said Bartoline, with an air of consequence, “dinna deave me wi’ your nonsense; I was under the necessity of being elsewhere—*non omnia*—as Mr. Crossmyloof said, when he was called by two macers at once—*non omnia possumus—pessimus—possimis*—I ken our law-latin offends Mr. Butler’s ears, but it means, Naebody, an it were the Lord President himsel, can do twa turns at ance.”

“Very right, Mr. Saddletree,” answered his careful helpmate, with a sarcastic smile; “and nae doubt it’s a decent thing to leave your wife to look after young gentlemen’s saddles and bridles, when ye gang to see a man, that never did ye nae ill, raxing a halter.”

“Woman,” said Saddletree, assuming an elevated tone to which the *meridian* had somewhat contributed, “desist,—I say forbear, from intruding with affairs thou canst not understand. D’ye think I was born to sit here brogging an elshin through bend-leather, when sic men as Duncan Forbes, and that other Arniston child there, without muckle greater parts, if the close-head speak true, than mysell, maun be presidents and king’s advocates, nae doubt, and wha but they? Whereas, were favor, equally distribute, as in the days of the wight Wallace—”

“I ken naething we wad hae gotten by the wight Wallace,” said Mrs. Saddletree, “unless as I hae heard the auld folk tell, they fought in thae days wi’ bend-leather guns, and then it’s a chance but what, if he had bought them, he might have forgot to pay for them. And as for the greatness of your parts, Bartley, the folk in the close-head maun ken mair about them than I do, if they make sic a report of them.”

“I tell ye, woman,” said Saddletree in high dudgeon, “that ye ken naething about these matters. In Sir William Wallace’s days, there was nae man pinned down to sic a slavish wark as a saddler’s, for they got ony leather graith that they had use for ready-made out of Holland.”

“Well,” said Butler, who was, like many of his profession, something of a humorist and dry joker, “if that be the case, Mr. Saddletree, I think we have changed for the better; since we make our own harness, and only import our law yers from Holland.”

“It’s ower true, Mr. Butler,” answered Bartoline, with a sigh; “if I had had the luck—or rather, if my father had had the sense to send me to Leyden and Utrecht to learn the Substitutes and Pandex—”

“You mean the Institutes—Justinian’s Institutes, Mr. Saddletree?” said Butler.

“Institutes and substitutes are synonymous words, Mr. Butler, and used indifferently as such in deeds of tailzie, as you may see in Balfour’s Practiques, or Dallas of St. Martin’s Styles. I understand these things pretty weel, I thank God; but I own I should hae studied in Holland.”

"To comfort you, you might not have been farther forward than you are now, Mr. Saddletree," replied Mr. Butler; "for our Scottish advocates are an aristocratic race. Their brass is of the right Corinthian quality, and *Non cubis contigit adire Corinthum*—Aha, Mr. Saddletree?"

"And aha, Mr. Butler," rejoined Bartoline, upon whom, as may be well supposed, the jest was lost, and all but the sound of the words, "ye said a gliff syne it was *quibus*, and now I heard ye say *cubis* with my ain ears, as plain as ever I heard a word at the fore-bar."

"Give me your patience, Mr. Saddletree, and I'll explain the discrepancy in three words," said Butler, as pedantic in his own department, though with infinitely more judgment and learning, as Bartoline was in his self-assumed profession of the law—"Give me your patience for a moment—You'll grant that the nominative case is that by which a person or thing is nominated or designed, and which may be called the primary case, all others being formed from it by alterations of the termination in the learned languages, and by prepositions in our modern Babylonian jargons—You'll grant me that, I suppose, Mr. Saddletree?"

"I dinna ken whether I will or no—*ad avisan-dum*, ye ken—naeboddy should be in a hurry to make admissions, either in point of law, or in point of fact," said Saddletree, looking or endeavoring to look, as if he understood what was said.

"And the dative case," continued Butler—"I ken what a tutor dative is," said Saddletree, "readily enough."

"The dative case," resumed the grammarian, "is that in which anything is given or assigned as properly belonging to a person, or thing—You cannot deny that, I am sure."

"I am sure I'll no grant it though," said Saddletree.

"Then what the *deevil* d'ye take the nominative and the dative cases to be?" said Butler, hastily, and surprised at once out of his decency of expression and accuracy of pronunciation.

"I'll tell you that at leisure, Mr. Butler," said Saddletree, with a very knowing look; "I'll take a day to see and answer every article of your condescendence, and then I'll hold you to confess or deny, as accords."

"Come, come, Mr. Saddletree," said his wife, "we'll hae nae confessions and condescendences here, let them deal in thae sort o' wares that are paid for them—they suit the like o' us as ill as a lempique saddle would suit a draught ox."

"Aha!" said Mr. Butler, "*Opat ephippia vos piger*, nothing new under the sun—But it was a fair hit of Mrs. Saddletree, however."

"And it wad far better become ye, Mr. Saddletree," continued his helpmate, "since ye say ye hae skeel o' the law, to try if ye can do ony thing for Effie Deans, pair thing, that's lying up in the Tolbooth yonder, cauld, and hungry, and comfortless—A servant lass of ours, Mr. Butler, and as innocent a lass, to my thinking, and as asefu' in the chop—When Mr. Saddletree gangs

ont,—and ye're aware he's seldom at hame when there's ony o' the plea-houses open,—poor Effie used to help me to tumble the bundles o' barked leather up and down, and range out the gudes, and suit a' body's humors—And troth she could aye please the customers w' her answers, for she was aye civil, and a bonnier lass wassa in Auld Reekie. And when folk were hasty and unreasonable, she could serve them better than me, that am no sae young as I hae been, Mr. Butler, and a wee bit short in the temper into the bargain. For when there's ower mony folks crying on me at anes, and nane but ae tongue to answer them, folk maun speak hastily, or they'll ne'er get through their work—Sae I miss Effie daily."

"*De die in diem*," added Saddletree.

"I think," said Butler, after a good deal of hesitation, "I have seen the girl in the shop—a modest-looking, fair-haired girl?"

"Ay, ay, that's just pair Effie," said her mistress. "How she was abandoned to herself, or whether she was sackless o' the sinful deed, God in Heaven knows; but if she's been guilty, she's been sair tempted, and I wad amaist take my Bible-ait she hasna been herself at the time."

Butler had by this time become much agitated; he fdgeted up and down the shop, and showed the greatest agitation that a person of such strict decorum could be supposed to give way to. "Was not this girl," he said, "the daughter of David Deans, that had the parks at St. Leonards taken? and has she not a sister?"

"In troth has she—pair Jeannie Deans, ten years aulder than herself; she was here greeting a wee while syne about her tittle. And what could I say to her, but that she behoved to come and speak to Mr. Saddletree when he was at hame? It wasna that I thought Mr. Saddletree could do her or ony ither body muckle good or ill, but it wad aye serve to keep the pair thing's heart up for a wee while; and let sorrow come when sorrow maun."

"Ye're mistaen though, gudewife," said Saddletree, scornfully, "for I could hae gien her great satisfaction; I could hae proved to her that her sister was indicted upon the statute sixteen hundred and ninety, chapter one—For the mair ready prevention of child-murder—for concealing her pregnancy, and giving no account of the child which she had borne."

"I hope," said Butler,—"I trust in a gracious God that she can clear herself."

"And sae do I, Mr. Butler," replied Mrs. Saddletree. "I am sure I wad hae answered for her as my ain daughter; but, wae's my heart, I had been tender a the simmer, and scarce ower the door o' my room for twal weeks. And as for Mr. Saddletree, he might be in a lym-in-hospital, and ne'er find out what the women can there for. Sae I could see little or naething o' her, or I wad hae had the truth o' her situation out o' her, I'se warrant ye—But we a' think her sister maun be able to speak something to clear her."

"The hail Parliament House," said Saddle-

tree, "was speaking o' naething else, till this job o' Porteous's put it out o' head—It's a beautiful point of presumptive murder, and there's been nane like it in the Justiciar Court since the case of Luckie Smith the howdie, that suffered in the year sixteen hundred and seventy-nine."

"But what's the matter w' you, Mr. Butler?" said the good woman; "ye are looking as white as a sheet; will ye tak a dram?"

"By no means," said Butler, compelling himself to speak. "I walked in from Dumfries yesterday, and this is a warm day."

"Sit down," said Mrs. Saddletree, laying hands on him kindly, "and rest ye—ye'll kill yourself, man, at that rate.—And are we to wish you joy o' getting the scule, Mr. Butler?"

"Yes—no—I do not know," answered the young man vaguely. But Mrs. Saddletree kept him to the point, partly out of real interest, partly from curiosity.

"Ye dinna ken, whether ye are to get the free scule o' Dumfries or no, after hinging on and teaching it a' the simmer?"

"No, Mrs. Saddletree—I am not to have it," replied Butler, more collectedly. "The Laird of Black-at-the-bane had a natural son bred to the kirk, that the presbytery could not be prevailed upon to license; and so—"

"Ay, ye need sae nae mair about it; if there was a laird that had a pair kinsman, or a bastard that it wad suit, there's enough said.—And ye're e'en come back to Libberton to wait for dead men's shoon?—and, for as frail as Mr. Whack-bairn is, he may live as long as you, that are his assistant and successor."

"Very like," replied Butler, with a sigh; "I do not know if I should wish it otherwise."

"Nae doubt it's a very vexing thing," continued the good lady, "to be in that dependent station; and you that hae right and title to sae muckle better, I wonder how ye bear these crosses."

"*Quos diligit castigat*," answered Butler; "even the Pagan Seneca could see an advantage in affliction. The Heathens had their philosophy, and the Jews their revelation, Mrs. Saddletree, and they endured their distresses in their day. Christians have a better dispensation than either—but doubtless—"

He stopped and sighed.

"I ken what ye mean," said Mrs. Saddletree, locking toward her husband; "there's whiles we lose patience in spite of baith book and Bible—But ye are no gaun awa, and looking sae poorly—ye'll stay and take some kale w' us."

Mr. Saddletree laid aside Balfour's Practiques (his favorite study, and much good may it do him), to join in his wife's hospitable importunity. But the teacher declined all entreaty, and took his leave upon the spot.

"There's something in a' this," said Mrs. Saddletree, looking after him as he walked up the street; "I wonder what makes Mr. Butler sae distressed about Effie's misfortune—there was

nae acquaintance atween them that ever I saw or heard of; but they were neighbors when David Deans was on the Laird o' Dumbiedikes' land. Mr. Butler wad ken her father or some o' her folk—Get up, Mr. Saddletree—ye have set yourself down on the very brecham that wants stitching—and here's little Willie, the prentice.—Ye little rin-there-out deil that ye are, what takes you raking through the gutters to see folk hangit?—how wad ye like, when it comes to be your ain chance, as I winna ensure ye, if ye dinna mend your manners?—And what are ye maundering and greeting for, as if a word were breaking your banes?—Gang in by, and be a better bairn another time, and tell Peggy to gie ye a bicker o' broth, for ye'll be as gleg as a gled, I'se warrant ye.—It's a fatherless bairn, Mr. Saddletree, and motherless, whilk in some cases may be waur, and aye would take care o' him if they could—it's a Christian duty."

"Very true, gudewife," said Saddletree, in reply, "we are *in loco parentis* to him during his years of pupillarity, and I hae had thoughts of applying to the Court for a commission as factor *loco tutoris*, seeing there is nae tutor nominate, and the tutor-at-law declines to act; but only I fear the expense of the procedure wad not be *in rem versam*, for I am not aware if Willie has ony effects whereof to assume the administration."

He concluded this sentence with a self-important cough, as one who has laid down the law in an indisputable manner.

"Effects!" said Mrs. Saddletree, "what effects has the pair wean?—he was in rags when his mother died; and the blue polonie that Effie made for him out of an auld mantle of my ain, was the first decent dress the bairn ever had on. Poor Effie! can you tell me now really, w' a' your law, will her life be in danger, Mr. Saddletree, when they arena able to prove that ever there was a bairn awa?"

"Whoy," said Mr. Saddletree, delighted at having for once in his life seen his wife's attention arrested by a topic of legal discussion—"Whoy, there are two sorts of *murdrum* or *murdragium*, or what you *populariter et vulgariter* call murder. I mean there are many sorts; for there's your *murthrum per vigiliis et insidias*, and your *murthrum* under trust."

"I am sure," replied his moiety, "that murder by trust is the way that the gentry murther us merchants, and whiles make us shut the nooth up—but that has naething to do w' Effie's misfortune."

"The case of Effie (or Euphemia) Deans," resumed Saddletree, "is one of those cases of murder presumptive, that is, a murder of the law's inferring or construction, being derived from certain *indicia*, or grounds of suspicion."

"So that," said the good woman, "unless poor Effie has communicated her situation, she'll be hang'd by the neck, if the bairn was still-born, or if it be alive at this moment?"

"Assuredly," said Saddletree, "it being a statute made by our Sovereign Lord and Lady, to

prevent the horrid delict of bringing forth children in secret.—The crime is rather a favorite of the law, this species of murder being one of its ain creation."

"Then, if the law makes murders," said Mrs. Saddletree, "the law should be hanged for them; or if they had hang a lawyer instead, the country wad find nae fault."

A summons to their frugal dinner interrupted the farther progress of the conversation, which was otherwise like to take a turn much less favorable to the science of jurisprudence and its professors, than Mr. Bartoline Saddletree, the fond admirer of both, had at its opening anticipated.

CHAPTER VI.

But up then raise all Edinburgh,
They all rose up by thousands three.

JOHNNIE ARMSTRANG'S *Goodnight*.

BUTLER, on his departure from the sign of the Golden Nag, went in quest of a friend of his connected with the law, of whom he wished to make particular inquiries concerning the circumstances in which the unfortunate young woman mentioned in the last chapter was placed, having, as the reader has probably already conjectured, reasons much deeper than those dictated by mere humanity, for interesting himself in her fate. He found the person he sought absent from home, and was equally unfortunate in one or two other calls which he made upon acquaintances whom he hoped to interest in her story. But everybody was, for the moment, stark-mad on the subject of Porteous, and engaged busily in attacking or defending the measures of government in relieving him; and the ardor of dispute had excited such universal thirst, that half the young lawyers and writers, together with their very clerks, the class whom Butler was looking after, had adjourned the debate to some favorite tavern. It was computed by an experienced arithmetician, that there was as much twopenny ale consumed on the discussion as would have floated a first-rate man-of-war.

Butler wandered about until it was dusk, resolving to take that opportunity of visiting the unfortunate young woman, when his doing so might be least observed; for he had his own reasons for avoiding the remarks of Mrs. Saddletree, whose shop-door opened at no great distance from that of the jail, though on the opposite or south side of the street, and a little higher up. He passed, therefore, through the narrow and partly-covered passage leading from the north-west end of the Parliament Square.

He stood now before the Gothic entrance of the ancient prison, which, as is well known to all men, rears its ancient front in the very middle of the High Street, forming, as it were, the termination to a huge pile of buildings called the Lucken-booths, which, for some inconceivable reason, our ancestors had jammed into the midst of the principal street of the town, leaving for passage a narrow street on the north, and on the south,

into which the prison opens, a narrow crooked lane, winding betwixt the high and sombre walls of the Tolbooth and the adjacent houses on the one side, and the buttresses and projections of the old Cathedral upon the other. To give some gaiety to this sombre passage (well known by the name of the Krames), a number of little booths or shops, after the fashion of cobblers' stalls, are plastered, as it were, against the Gothic projections and abutments, so that it seemed as if the traders had occupied with nests, bearing the same proportion to the building, every buttress and coign of vantage, as the martlett did in Macbeth's Castle. Of later years these booths have degenerated into mere toy-shops, where the little loiterers chiefly interested in such wares are tempted to linger, enchanted by the rich display of hobby-horses, babies, and Dutch toys, arranged in artful and gay confusion; yet harrassed by the cross looks of the withered pantaloons, or spectacled old lady, by whom these tempting stores are watched and superintended. But in the times we write of, the hosiers, the glovers, the hatters, the mercers, the milliners and all who dealt in the miscellaneous wares now termed haberdasher's goods, were to be found in this narrow alley.

To return from our digression. Butler found the outer turnkey, a tall thin old man with long, silver hair, in the act of locking the outward door of the jail. He addressed himself to this person, and asked admittance to Effie Deans, confined upon accusation of child-murder. The turnkey looked at him earnestly, and, civilly touching his hat out of respect to Butler's black coat and clerical appearance, replied, "It is impossible any one could be admitted at present."

"You shut up earlier than usual, probably on account of Captain Porteous's affair?" said Butler.

The turnkey, with the true mystery of a person in office, gave two grave nods, and withdrawing from the wards a ponderous key of about two feet in length, he proceeded to shut a strong plate of steel, which folded down above the keyhole, and was secured by a steel spring and catch. Butler stood still instinctively while the door was made fast, and then looking at his watch, walked briskly up the street, muttering to himself, almost unconsciously—

Porta adversa, ingens, solidoque adamante columna
Vis at nulla virum, non ipsi excindere ferro
Cælicolæ valent—Stat ferrea turris ad auras—&c.*

Having wasted half an hour more in a second fruitless attempt to find his legal friend and adviser, he thought it time to leave the city and return to his place of residence, in a small village about two miles and a half to the south-

* Wide is the fronting gate, and, raised on high,
With adamantine columns threats the sky;
Vain is the force of man, and Heaven's as vain,
To crush the pillars which the pile sustain;
Sublime on these a tower of steel is rear'd.

DRYDEN'S *Virgil*, book vi.

ward of Edinburgh. The metropolis was at this time surrounded by a high wall, with battlements and flanking projections at some intervals, and the access was through gates, called in the Scottish language *ports*, which were regularly shut at night. A small fee to the keepers would indeed procure egress and ingress at any time, through a wicket left for that purpose in the large gate; but it was of some importance, to a man so poor as Butler, to avoid even this slight pecuniary mulet; and fearing the hour of shutting the gates might be near, he made for that to which he found himself nearest, although, by doing so, he somewhat lengthened his walk homewards. Bristo Port was that by which his direct road lay, but the West Port, which leads out of the Grassmarket, was the nearest of the city gates to the place where he found himself, and to that, therefore, he directed his course. He reached the port in ample time to pass the circuit of the walls, and entered a suburb called Portsburgh, chiefly inhabited by the lower order of citizens and mechanics. Here he was unexpectedly interrupted.

He had not gone far from the gate before he heard the sound of a drum, and to his great surprise, met a number of persons, sufficient to occupy the whole front of the street, and form a considerable mass behind, moving with great speed towards the gate he had just come from, and having in front of them a drum beating to arms. While he considered how he should escape a party, assembled, as it might be presumed, for no lawful purpose, they came full on him and stopped him.

"Are you a clergyman?" one questioned him.

Butler replied that "he was in orders, but was not a placed minister."

"It's Mr. Butler from Libberton," said a voice from behind; "he'll discharge the duty as well as ony man."

"You must turn back with us, sir," said the first speaker, in a tone civil but peremptory.

"For what purpose, gentlemen?" said Mr. Butler. "I live at some distance from town—the roads are unsafe by night—you will do me a serious injury by stopping me."

"You shall be sent safely home—no man shall touch a hair of your head—but you must and shall come along with us."

"But to what purpose or end, gentlemen?" said Butler. "I hope you will be so civil as to explain that to me."

"You shall know that in good time. Come along—for come you must, by force or fair means; and I warn you to look neither to the right hand nor the left, and to take no notice of any man's face, but consider all that is passing before you as a dream."

"I would it were a dream I could awaken from," said Butler to himself; but having no means to oppose the violence with which he was threatened, he was compelled to turn round and march in front of the rioters, two men partly

supporting, and partly holding him. During this parley the insurgents had made themselves masters of the West Port, rushing upon the Waiters (so the people were called who had the charge of the gates), and possessing themselves of the keys. They bolted and barred the folding doors, and commanded the person, whose duty it usually was, to secure the wicket, of which they did not understand the fastenings. The man, terrified at an incident so totally unexpected, was unable to perform his usual office, and gave the matter up after several attempts. The rioters, who seemed to have come prepared for every emergency, called for torches, by the light of which they nailed up the wicket with long nails, which, it seemed probable, they had provided on purpose.

While this was going on, Butler could not, even if he had been willing, avoid making remarks on the individuals who seemed to lead this singular mob. The torchlight, while it fell on their forms and left him in the shade, gave him an opportunity to do so without their observing him. Several of those who seemed most active were dressed in sailors' jackets, trousers, and sea-caps; others in large loose-bodied great-coats, and slouched hats: and there were several who, judging from their dress, should have been called women, whose rough deep voices, uncommon size, and masculine deportment and mode of walking, forbade them being so interpreted. They moved as if by some well-concerted plan of arrangement. They had signals by which they knew, and nicknames by which they distinguished each other. Butler remarked, that the name of Wildfire was used among them, to which one stout Amazon seemed to reply.

The rioters left a small party to observe the West Port, and directed the Waiters, as they valued their lives, to remain within their lodge, and make no attempt for that night to repossess themselves of the gate. They then moved with rapidity along the low street called the Cowgate, the mob of the city everywhere rising at the sound of their drum, and joining them. When the multitude arrived at the Cowgate Port, they secured it with as little opposition as the former, made it fast, and left a small party to observe it. It was afterwards remarked, as a striking instance of prudence and precaution, singularly combined with audacity, that the parties left to guard those gates did not remain stationary on their posts, but flitted to and fro, keeping so near the gates as to see that no efforts were made to open them, yet not remaining so long as to have their persons closely observed. The mob, at first only about one hundred strong, now amounted to thousands, and were increasing every moment. They divided themselves so as to ascend with more speed the various narrow lanes which lead up from the Cowgate to the High Street; and still beating to arms as they went, and calling on all true Scotsmen to join them, they now filled the principal street of the city.

The Netherbow Port might be called the Temple-bar of Edinburgh, as, intersecting the High street at its termination, it divided Edinburgh, properly so called, from the suburb named the Canongate, as Temple-bar separates London from Westminster. It was of the utmost importance to the rioters to possess themselves of this pass, because there were quartered in the Canongate at that time a regiment of infantry, commanded by Colonel Moyle, which might have occupied the city by advancing through this gate, and would possess the power of totally defeating their purpose. The leaders therefore hastened to the Netherbow Port, which they secured in the same manner, and with as little trouble, as the other gates, leaving a party to watch it, strong in proportion to the importance of the post.

The next object of these hardy insurgents was at once to disarm the City Guard, and to procure arms for themselves; for scarce any weapons but staves and bludgeons had been yet seen among them. The Guard-house was a long, low, ugly building (removed in 1718), which to a fanciful imagination might have suggested the idea of a long black snail crawling up the middle of the High Street, and deforming its beautiful esplanade. This formidable insurrection had been so unexpected, that there were no more than the ordinary sergeant's guard of the city-corps upon duty; even these were without any supply of powder and ball; and sensible enough what had raised the storm, and which way it was rolling, could hardly be supposed very desirous to expose themselves by a valiant defence to the animosity of so numerous and desperate a mob, to whom they were on the present occasion much more than usually obnoxious.

There was a sentinel upon guard, who (that one town-guard soldier might do his duty on that eventful evening) presented his piece, and desired the foremost of the rioters to stand off. The young Amazon, whom Butler had observed particularly active, sprung upon the soldier, seized his musket, and after a struggle succeeded in wrenching it from him, and throwing him down on the causeway. One or two soldiers, who endeavoring to turn out to the support of their sentinel, were in the same manner seized and disarmed, and the mob without difficulty possessed themselves of the Guard-house, disarming and turning out of doors the rest of the men on duty. It was remarked, that notwithstanding the city soldiers had been the instruments of the slaughter which this riot was designed to revenge, no ill usage or even insult was offered to them. It seemed as if the vengeance of the people disdained to stoop at any head meaner than that which they considered as the source and origin of their injuries.

On possessing themselves of the guard, the first act of the multitude was to destroy the drum, by which they supposed an alarm might be conveyed to the garrison in the Castle; for the same reason they now silenced their own, which

was beaten by a young fellow, son to the drummer of Portsburgh, whom they had forced upon that service. Their next business was to distribute among the boldest of the rioters the guns, bayonets, pistols, halberts, and battle or Lochaber axes. Until this period the principal rioters had preserved silence on the ultimate object of their rising, as being that which all knew but none expressed. Now, however, having accomplished all the preliminary parts of their design, they raised a tremendous shout of "Porteous! Porteous! To the Tolbooth! To the Tolbooth!"

They proceeded with the same prudence when the object seemed to be nearly in their grasp, as they had done hitherto when success was more dubious. A strong party of the rioters, drawn up in front of the Luckenbooths, and facing down the street, prevented all access from the eastward, and the west end of the defile formed by the Luckenbooths was secured in the same manner; so that the Tolbooth was completely surrounded, and those who undertook the task of breaking it open effectually secured against the risk of interruption.

The magistrates, in the meanwhile, had taken the alarm, and assembled in a tavern, with the purpose of raising some strength to subdue the rioters. The deacons, or presidents of the trades, were applied to, but declared there was little chance of their authority being respected by the craftsmen, where it was the object to save a man so obnoxious. Mr. Lindsay, member of parliament for the city, volunteered the perilous task of carrying a verbal message from the Lord Provost to Colonel Moyle, the commander of the regiment lying in the Canongate, requesting him to force the Netherbow Port, and enter the city to put down the tumult. But Mr. Lindsay declined to charge himself with any written order, which, if found on his person by an enraged mob, might have cost him his life; and the issue of the application was, that Colonel Moyle, having no written requisition from the civil authorities, and having the fate of Porteous before his eyes as an example of the severe construction put by a jury on the proceedings of military men acting on their own responsibility, declined to encounter the risk to which the Provost's verbal communication invited him.

More than one messenger was despatched by different ways to the Castle, to require the commanding officer to march down his troops, to fire a few cannon-shot, or even to throw a shell among the mob, for the purpose of clearing the streets. But so strict and watchful were the various patrols whom the rioters had established in different parts of the streets, that none of the emissaries of the magistrates could reach the gate of the Castle. They were, however, turned back without either injury or insult, and with nothing more of menace than was necessary to deter them from again attempting to accomplish their errand.

The same vigilance was used to prevent every body of the higher, and those which, in this case

might be deemed the more suspicious order of society, from appearing in the street, and observing the movements, or distinguishing the persons, of the rioters. Every person in the garb of a gentleman was stopped by small parties of two or three of the mob, who partly exhorted, partly required of them, that they should return to the place from whence they came. Many a quadrille table was spoilt that memorable evening; for the sedan chairs of ladies, even of the highest rank, were interrupted in their passage from one point to another, in despite of the laced footmen and blazing flambeaux. This was uniformly done with a deference and attention to the feelings of the terrified females, which could hardly have been expected from the videttes of a mob so desperate. Those who stopped the chair usually made the excuse, that there was much disturbance on the streets, and that it was absolutely necessary for the lady's safety that the chair should turn back. They offered themselves to escort the vehicles which they had thus interrupted in their progress, from the apprehension, probably, that some of those who had casually united themselves to the riot, might disgrace their systematic and determined plan of vengeance, by those acts of general insult and license which are common on similar occasions.

Persons are yet living who remember to have heard from the mouths of ladies thus interrupted on their journey in the manner we have described, that they were escorted to their lodgings by the young men who stopped them, and even handed out of their chairs, with a polite attention far beyond what was consistent with their dress, which was apparently that of journeymen mechanics.* It seemed as if the conspirators, like those who assassinated Cardinal Beaton in former days, had entertained the opinion, that the work about which they went was a judgment of Heaven, which though unsanctioned by the usual authorities, ought to be proceeded in with order and gravity.

While their outposts continued thus vigilant, and suffered themselves neither from fear nor curiosity to neglect that part of the duty assigned to them, and while the main guards to the east and west secured them against interruption, a select body of the rioters thundered at the door of the jail, and demanded instant admission. No one answered, for the outer keeper had prudently made his escape with the keys at the commencement of the riot, and was nowhere to be found. The door was instantly assailed with sledge-hammers, iron-crows, and the coulters of ploughs, ready provided for the purpose, with which they prized, heaved and battered for some time with little effect; for the door, besides being of double

* A near relation of the author's used to tell of having been stopped by the rioters, and escorted home in the manner described. On reaching her own home, one of her attendants, in appearance a *baxter*, i. e., a baker's lad, handed her out of the chair, and took leave with a bow, which, in the lady's opinion, argued breeding that could hardly be learned at the oven's mouth.

oak planks, clenched, both end-long and athwart, with broad-headed nails, was so hung and secured as to yield to no means of forcing, without the expenditure of much time. The rioters, however, appeared determined to gain admittance. Gang after gang relieved each other at the exercise, for, of course, only a few could work at once; but gang after gang retired, exhausted with their violent exertions, without making much progress in forcing the prison-door. Butler had been led up near to this the principal scene of action; so near, indeed, that he was almost deafened by the unceasing clang of the heavy forehammers against the iron-bound portal of the prison. He began to entertain hopes, as the task seemed protracted, that the populace might give it over in despair, or that some rescue might arrive to disperse them. There was a moment at which the latter seemed probable.

The magistrates, having assembled their officers, and some of the citizens who were willing to hazard themselves for the public tranquillity, now sallied forth from the tavern where they held their sitting, and approached the point of danger. Their officers went before them with links and torches, with a herald to read the riot act, if necessary. They easily drove before them the outposts and videttes of the rioters; but when they approached the line of guard which the mob, or rather, we should say, the conspirators, had drawn across the street in the foot of the Luckenbooths, they were received with an unintermitted volley of stones, and, on their nearer approach, the pikes, bayonets, and Lochaber axes, of which the populace had possessed themselves, were presented against them. One of their ordinary officers, a strong resolute fellow, went forward, seized a rioter, and took from him a musket; but, being unsupported, he was instantly thrown on his back in the street, and disarmed in his turn. The officer was too happy to be permitted to rise and run away without receiving any farther injury; which afforded another remarkable instance of the mode in which these men had united a sort of moderation towards all others, with the most inflexible inveteracy against the object of their resentment. The magistrates, after vain attempts to make themselves heard and obeyed, possessing no means of enforcing their authority, were constrained to abandon the field to the rioters, and retreat in all speed from the showers of missiles that whistled around their ears.

The passive resistance of the Tolbooth-gate promised to do more to baffle the purpose of the mob than the active interference of the magistrates. The heavy sledge-hammers continued to din against it without intermission, and with a noise which, echoed from the lofty buildings around the spot, seemed enough to have alarmed the garrison in the Castle. It was circulated among the rioters, that the troops would march down to disperse them, unless they could execute their purpose without loss of time; or, that, even without quitting the fortress, the garrison might

obtain the same end by throwing a bomb or two upon the street.

Urged by such motives for apprehension, they eagerly relieved each other at the labor of assailing the Tolbooth door; yet such was its strength, that it still defied their efforts. At length a voice was heard to pronounce the words, "Try it with fire." The rioters, with an unanimous shout, called for combustibles, and as all their wishes seemed to be instantly supplied, they were soon in possession of two or three empty tar-barrels. A huge red glaring bonfire speedily arose close to the door of the prison, sending up a tall column of smoke and flame against its antique turrets and strongly-grated windows, and illuminating the ferocious and wild gestures of the rioters who surrounded the place, as well as the pale and anxious groups of those, who, from windows in the vicinity watched the progress of this alarming scene. The mob fed the fire with whatever they could find fit for the purpose. The flames roared and crackled among the heaps of nourishment piled on the fire, and a terrible shout soon announced that the door had kindled, and was in the act of being destroyed. The fire was suffered to decay, but, long ere it was quite extinguished, the most forward of the rioters rushed, in their impatience, one after another, over its yet smouldering remains. Thick showers of sparkles rose high in the air, as man after man bounded over the glowing embers, and disturbed them in their passage. It was now obvious to Butler, and all others who were present, that the rioters would be instantly in possession of their victim, and have it in their power to work their pleasure upon him, whatever that might be.*

* The ancient Tolbooth of Edinburgh, situated and described as in the last chapter, was built by the citizens in 1561, and destined for the accommodation of Parliament, as well as of the High Courts of Justice; and at the same time for the confinement of prisoners for debt, or on criminal charges. Since the year 1640, when the present Parliament House was erected, the Tolbooth was occupied as a prison only. Gloomy and dismal as it was, the situation in the centre of the High Street rendered it so particularly well-aired, that when the plague laid waste the city in 1645, it affected none within these melancholy precincts. The Tolbooth was removed with the mass of buildings in which it was incorporated, in the autumn of the year 1817. At that time the kindness of his old schoolfellow and friend, Robert Johnstone, Esquire, then Dean of Guild of the city, with the liberal acquiescence of the persons who had contracted for the work, procured for the Author of Waverley the stones which composed the gateway, together with the door, and its ponderous fastenings, which he employed in decorating the entrance of his kitchen-court at Abbotsford. "To such base offices may we return." The application of these relics of the Heart of Mid-Lothian to serve as the postern gate to a court of modern offices, may be justly ridiculed as whimsical; but yet it is not without interest, that we see the gateway through which so much of the stormy politics of a rude age, and the vice and misery of later times, had found their passage, now occupied in the service of rural economy. Last year, to complete the change, a tom-tit was pleased to build her nest within the lock of the Tolbooth,—a strong temptation to have committed a sonnet, had the author, like Tony Lumpkin, been in a concatenation accordingly.

It is worth mentioning, that an act of benevolence celebrated the demolition of the Heart of Mid-Lothian. A subscription raised and applied by the worthy Magistrate above-mentioned,

CHAPTER VII.

The evil you teach us, we will execute; and it shall go hard but we will better the instruction.

MERCHANT OF VENICE.

THE unhappy object of this remarkable disturbance had been that day delivered from the apprehension of public execution, and his joy was the greater, as he had some reason to question whether government would have run the risk of unpopularity by interfering in his favor, after he had been legally convicted by the verdict of a jury, of a crime so very obnoxious. Relieved from this doubtful state of mind, his heart was merry within him, and he thought, in the emphatic words of Scripture on a similar occasion, that surely the bitterness of death was past. Some of his friends, however, who had watched the manner and behavior of the crowd when they were made acquainted with the reprieve, were of a different opinion. They argued, from the unusual sternness and silence with which they bore their disappointment, that the populace nourished some scheme of desperate and sudden vengeance; and they advised Porteous to lose no time in petitioning the proper authorities, that he might be conveyed to the Castle under a sufficient guard, to remain there in security until his ultimate fate should be determined. Habituated, however, by his office, to overawe the rabble of the city, Porteous could not suspect them of an attempt so audacious as to storm a strong and defensible prison; and, despising the advice by which he might have been saved, he spent the afternoon of the eventful day in giving an entertainment to some friends who visited him in jail, several of whom by the indulgence of the Captain of the Tolbooth, with whom he had an old intimacy, arising from their official connexion, were even permitted to remain to supper with him, though contrary to the rules of the jail.

It was, therefore, in the hour of unalloyed mirth, when this unfortunate wretch was "full of bread," hot with wine, and high in mistimed and ill-grounded confidence, and, alas! with all his sins full blown, when the first distant shouts of the rioters mingled with the song of merriment and intemperance. The hurried call of the jailor to the guests, requiring them instantly to depart, and his yet more hasty intimation that a dreadful and determined mob had possessed themselves of the city gates and guard-house, were the first explanation of these fearful clamors.

Porteous might, however, have eluded the fury from which the force of authority could not protect him, had he thought of slipping on some disguise, and leaving the prison along with his guests. It is probable that the jailor might have connived at his escape, or even that, in the hurry of this alarming contingency, he might not have observed it. But Porteous and his friends alike

procured the manumission of most of the unfortunate debtor confined in the old jail, so that there were few or none transferred to the new place of confinement.

wanted presence of mind to suggest or execute such a plan of escape. The former hastily fled from a place where their own safety seemed compromised, and the latter, in a state resembling stupefaction, awaited in his apartment the termination of the enterprise of the rioters. The cessation of the clang of the instruments with which they had at first attempted to force the door, gave him momentary relief. The flattering hopes, that the military had marched into the city, either from the castle or from the suburbs, and that the rioters were intimidated and dispersing, were soon destroyed by the broad and glaring light of the flames, which, illuminating through the grated window every corner of his apartment, plainly showed that the mob, determined on their fatal purpose, had adopted a means of forcing entrance equally desperate and certain.

The sudden glare of light suggested to the stupefied and astonished object of popular hatred the possibility of concealment or escape. To rush to the chimney, to ascend it at the risk of suffocation, were the only means which seem to have occurred to him; but his progress was speedily stopped by one of those iron gratings, which are, for the sake of security, usually placed across the vents of buildings designed for imprisonment. The bars, however, which impeded his farther progress, served to support him in the situation which he had gained, and he seized them with the tenacious grasp of one who esteemed himself clinging to his last hope of existence. The lurid light, which had filled the apartment, lowered and died away; the sound of shouts was heard within the walls, and on the narrow and winding stair, which, cased within one of the turrets, gave access to the upper apartments of the prison. The huzza of the rioters was answered by a shout wild and desperate as their own, the cry, namely, of the imprisoned felons, who, expecting to be liberated in the general confusion, welcomed the mob as their deliverers. By some of these the apartment of Porteous was pointed out to his enemies. The obstacle of the lock and bolts was soon overcome, and from his hiding-place the unfortunate man heard his enemies search every corner of the apartment, with oaths and maledictions, which would but shock the reader if we recorded them, but which serve to prove, could it have admitted of doubt, the settled purpose of soul with which they sought his destruction.

A place of concealment so obvious to suspicion and scrutiny as that which Porteous had chosen, could not long screen him from detection. He was dragged from his lurking-place with a violence which seemed to argue an intention to put him to death on the spot. More than one weapon was directed towards him, when one of the rioters, the same whose female disguise had been particularly noticed by Butler, interfered in an authoritative tone. "Are ye mad?" he said, "or would ye execute an act of justice as if it were a crime and a cruelty? This sacrifice will lose half

its savor if we do not offer it at the very horns of the altar. We will have him die where a murderer should die, on the common gibbet—we will have him die where he spilled the blood of so many innocents!"

A loud shout of applause followed the proposal, and the cry, "To the gallows with the murderer!—To the Grassmarket with him!" echoed on all hands.

"Let no man hurt him," continued the speaker; "let him make his peace with God, if he can; we will not kill both his soul and body."

"What time did he give better folk for preparing their account?" answered several voices. "Let us mete to him with the same measure he measured to them."

But the opinion of the spokesman better suited the temper of those he addressed, a temper rather stubborn than impetuous, sedate though ferocious, and desirous of coloring their cruel and revengeful action with a show of justice and moderation.

For an instant this man quitted the prisoner, whom he consigned to a selected guard, with instructions to permit him to give his money and property to whomsoever he pleased. A person confined in the jail for debt received the last deposit from the trembling hand of the victim, who was at the same time permitted to make some other brief arrangements to meet his approaching fate. The felons, and all others who wished to leave the jail, were now at full liberty to do so; not that their liberation made any part of the settled purpose of the rioters, but it followed as almost a necessary consequence of forcing the jail-doors. With wild cries of jubilee they joined the mob, or disappeared among the narrow lanes to seek out the hidden receptacles of vice and infamy, where they were accustomed to lurk and conceal themselves from justice.

Two persons, a man about fifty years old, and a girl about eighteen, were all who continued within the fatal walls, excepting two or three debtors, who probably saw no advantage in attempting their escape. The persons we have mentioned remained in the strong-room of the prison, now deserted by all others. One of their late companions in misfortune called out to the man to make his escape, in the tone of an acquaintance. "Rin for it, Ratcliffe—the road's clear."

"It may be sae, Willie," answered Ratcliffe, composedly, "but I have taen a fancy to leave aff trade, and set up for an honest man."

"Stay there and be hanged, then, for a donnard and deevil!" said the other, and ran down the prison-stair.

The person in female attire whom we have distinguished as one of the most active rioters, was about the same time at the ear of the young woman. "Flee, Effie, flee!" was all he had time to whisper. She turned towards him an eye of mingled fear, affection, and upbraiding, all contending with a sort of stupefied surprise. He