

THE BRITISH GOVERNMENT AND THE PRISONERS  
OF THE FIFTEEN REBELLION

by

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## ABSTRACT

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The purpose of this thesis is the examination of the treatment by the British Government of the prisoners of the Jacobite Rebellion of 1715. It is the main contention of this work that, in general, the government was lenient with the large numbers of captives, making examples of only a few in London and Lancashire. Those who languished in prison did so for less than two years, and the prisoners from the upper class enjoyed a higher standard of living than that of the common felon. Primarily due to the plethora of information on the upper classes and the dearth of accounts relative to the lower classes in the primary source materials, this thesis is based for the most part on the experiences of the former.

Chapter I begins with a general discussion of the events leading to The Fifteen Rebellion: the Protestant Settlement of the British Crown after the Glorious Revolution of 1688, the growth of Jacobitism throughout the reigns of William and Mary and Queen Anne, and the abortive military attempts of the Jacobites to regain the throne. The capture

of the prisoners of the Rebellion and the resultant Raree-shows are the subjects of Chapter II. Chapter III, which is set in Newgate Prison in London, examines the lives of the upper-class prisoners incarcerated there. The trials of the seven Jacobite peers captured at the Battle of Preston, their subsequent executions, and their forfeited estates form the theme of Chapter IV. Chapter V deals with public opinion concerning the plight of the prisoners, with the Act of Indemnity, and with the trials of the remainder of the rebels. Finally, Chapter VI, which discusses the nature of actions taken by the government against the imprisoned rebels, presents a comparison with the "Bloody Assizes" of 1685, only thirty years before The Fifteen, and sees the Government treatment of the rebels in its relation to political stability in England.

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## PREFACE

The purpose of this thesis is to examine the treatment of the prisoners of the Jacobite Rebellion of 1715 by the Hanoverian Government. It is the main contention of this work that, in general, the British Government was lenient with the large numbers of prisoners, making examples of only a few in London and Lancashire. For the sake of brevity as well as style, the Rebellion itself will often be referred to as The Fifteen, a term much in use by modern historians of the period.

The study of the prisoners themselves proved to be somewhat difficult since most of the records of the period dealt only with the few socially prominent prisoners. Naturally, the large majority of the captives were ordinary men most of whom remain faceless and anonymous primarily due to their sheer numbers, the illiteracy of the lower classes resulting in their inability to write their own accounts, and the lack of interest shown in them by contemporary chroniclers of the Rebellion. In addition, the chroniclers were most interested in the tale of the Rebellion itself. Many of the histories that were potential sources for this thesis ignored the prisoners altogether and concentrated only on political and military events. Following their lead, the secondary sources perpetuated the imbalance.

Within the primary sources, there was a definite agreement of factual material. The exceptions to this general rule have been noted in the footnotes throughout the thesis. For example, speeches given in the anonymous Compleat History of the Rebellion are found almost verbatim in the trial records, The Whole Proceedings to Judgment Upon the Articles of Impeachment of High Treason, and in Cobbett's Parliamentary History. Such agreement in presentation of the facts is a powerful argument for the reliability of even little-utilized and often anonymous source materials. Peter Rae's History of the Rebellion usually agrees factually with the other sources, but its conclusions and interpretations are often erratic. The Reverend Robert Patton's History of the Late Rebellion is factually as reliable as the other sources, but as Patton turned King's evidence to save his life, the work tows the Hanoverian line strictly.

There is little corroboration for The Secret History of the Rebels in Newgate since no other primary work deals in such detail with the prisoners in that particular London goal. However, trial dates, and to some extent names of prisoners, can frequently be checked in other primary works. As these dates usually correspond, one may assign at least marginal acceptance of the account. The great majority of the material in The Secret History is unverifiable and thus open to question. Certain things, however, do ring true: the Governor Pitt mentioned in The Secret History was the

Governor of the prison, and prisoners were required to pay for their accommodations, board, and special services. Given what is generally known regarding prison conditions and the "Raree-show"--the parading of the prisoners throughout the country--the Reverend John Alexander's letter to his wife also assumes an air of authenticity. Charles Andrews's Authentick Narrative of the Intended Horrid Conspiracy and Invasion provides us with the only detailed account of several conspirators: the six Members of Parliament arrested by order of the Legislature--substantiation for this account appears in Cobbett's Parliamentary History--and Andrews's account of the Sullivane-Whitty-Hara trial.

In an attempt to examine some of the public opinion then current concerning the prisoners, a small section has been included in Chapter V based on three contemporary accounts by different men. In so doing, no espousal has been made of their arguments nor any claim that they were correct in their opinions, but the monographs do provide us with some of the contemporary views on the subject.

The Carlisle Trials are based on letters from William Nicholson, Bishop of Carlisle, to Sir William Dawes, Archbishop of York. These letters, which appear to have been for the eyes of the Archbishop alone, discuss church business and the inclement weather in Carlisle, in addition to providing a rare look at the trials. The Bishop, who naturally towed the Anglican line, seems to have been an observant man and to have

had access to many lawyers connected with the proceedings there, and by virtue of his office, to the prisoners as well.

On the assumption that the literature of a period constitutes an integral part of its history, some brief, but applicable, excerpts from contemporary Jacobite and Whig songs have been included at the beginning of each chapter. Quite understandably, such material on the prisoners is somewhat scarce from the Jacobites as it did not embody their vision of their struggle; and somewhat more frequent from the Whigs for whom the Raree-show and the large numbers of captive rebels were a matter of triumph.

Of the secondary sources, Burton's History of Scotland was used due to its concentration on the Jacobite period, and with some care since it tended to differ in detail with certain primary sources. Arnold's Northern Lights: The Story of Lord Derwentwater presents a sympathetic and detailed picture of the young Earl with some attention--more than in most of the other sources--to public reaction and superstition. Although one could not accuse Arnold of being deceived by superstitious nonsense, the title of his work is derived from the shining of the Aurora Borealis--an authentic natural phenomenon which had elicited a certain amount of fear--eleven days after the executions of Derwentwater and Viscount Kenmure.

John Baynes's The Jacobite Rising of 1715 has been used extensively throughout this thesis. Baynes, a military man who wrote the most recent history of The Fifteen, is not



heavy on interpretation, but bases his work on many of the major primary sources as well as Sir Charles Petrie's The Jacobite Movement. Factually, his work appears to be solid enough and he devotes an entire chapter to the prisoners. Sir Charles Petrie's Jacobite Movement is heavily interpretive and devotedly pro-Stuart, but it still remains one of the most important works in this area. I have relied on this a great deal in the earlier part of the thesis but his very sketchy treatment of the prisoners precluded the use of his work for the subsequent chapters.

With the wealth of primary material surviving the Jacobite period, it is unfortunate that there has been little competent secondary work done about The Fifteen in the nineteenth or the twentieth centuries. Hopefully, when historians begin to recognize it as a fertile field which requires new research and liberation from the overly-romanticized histories of the nineteenth century, this trend will change.

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## CHAPTER I

### INTRODUCTION:

#### THE FIFTEEN REBELLION IN ENGLISH HISTORY

Scotland and England must be now  
United in a nation,  
And we must all perjure and vow,  
And take the abjuration.  
The Stuarts' ancient freeborn race,  
Now we must all give over;  
And we must take in to their place  
The Bastards of Hanover.

Curs'd be the Papists, who withdrew  
The king to their persuasion.  
Curs'd be that covenanting crew,  
Who gave the first occasion.  
Curs'd be the wretch who seiz'd the throne,  
And marr'd our constitution;  
And curs'd be they who helped on  
That wicked revolution.

Curs'd be those traiterous traitors who,  
By their perfidious knavery,  
Have brought our nation now into  
An everlasting slavery.  
Curs'd be the parliament, that day,  
Who gave their confirmation;  
And curs'd be every whining Whig,  
And damn'd be the whole nation.<sup>1</sup>

When Charles II died in 1685 without legitimate heirs, the English crown fell to his Catholic brother James, Duke of York. James II's avid championing of Catholicism, his ill-treatment of Protestants, and the birth of a son to his Italian-Catholic Queen, Mary of Modena, precipitated an

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<sup>1</sup>"The Curses," in James Hogg, The Jacobite Relics of Scotland; Being the Songs, Airs, and Legends, of the Adherents to the House of Stuart, 2 Vols. 1st Series (Edinburgh: Printed for William Blackwood and T. Cadell and W. Davies, 1819; reprint ed., New York: AMS Press, 1974), I, 104-05.

unusual alliance between the Whigs and Tories to drive James from the throne. Within a month after the birth of James's and Mary's son, James Francis Edward, seven eminent Whigs and Tories approached the Dutch Protestant William of Orange and his Stuart wife, Mary, to invade England and restore English liberties. Mary of Orange and her younger sister, Anne, the daughters of James II and his first wife, Anne Hyde, were the Protestant Stuarts nearest the throne, and thus, the logical candidates to initiate a Protestant succession. When William invaded England with his troops, James's family and much of his army deserted him, opening the path for a bloodless coup d'etat. James and his immediate family left for France where Louis XIV, always eager to spite the English and support unfortunate Catholics, welcomed the exiles. Often at war with England, the French would offer much financial aid throughout the years to James and his son. The French and the Britons who supported James II and the future (but only titular) James III would be dubbed "Jacobites" from the Latin term for James, Jacobus.

This Glorious Revolution of 1688 in which the English exiled their Catholic King, James II, set into motion a series of minor revolts and rebellions in England, Ireland, and Scotland that would continue until 1746. The attempts made by James himself to regain the crown suffered from lack of co-ordination and failed due to insufficient support from English Jacobites. People of influence in England had not been inconvenienced by the change in sovereigns, and therefore, support for the foolish

ex-monarch and later for his young son was far more evident in loyal toasts of good wine at dinner than in the fury of battle.<sup>2</sup> The sudden death of Queen Mary II in late 1694 and English weariness with the French war momentarily revived Jacobite hopes. William III's pursuit of some unpopular policies had fueled Jacobite beliefs that the English people would terminate the reign of a foreign king. Stuart sympathizers appear to have miscalculated, for William was too competent a monarch and politician to allow himself to be so easily shunted aside.

James II died in 1701, leaving the struggle to regain the English crown to his thirteen-year-old son. The elder James, on behalf of his son, lost two opportunities to ascend peacefully to the throne. William, in 1696, offered to name the younger James as his heir if he were sent to England to be raised a Protestant. Despite James II's refusal, the offer was again tendered in 1700 when the last of the Princess Anne's seventeen children died. Although early in his career the son was not as inclined to insist upon his Catholicism as was the father, William met with another refusal. William, as a result, pressed for the passage of the Act of Settlement.

William, who was determined to have a share in the decision about the succession, may have been offended by the refusals. The lack of issue from both Mary II and Anne would force a solution--at the risk of war--upon Anne's death. The

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<sup>2</sup>Charles Petrie, The Jacobite Movement (London: Eyre & Spottiswoode, 1959), p. 136.

direct result of this dilemma was the Act of Settlement in 1700, inviting the grand-daughter of James I, the Electress Sophia of Hanover, to accept the crown for her line. Many Englishmen were dismayed at the prospect of Sophia's successor, a "petty German princeling," as King of England, but the probability of a puppet monarch was too appealing to the Whig Oligarchy for the opposition to it to have been considered seriously.<sup>3</sup>

The Act of Settlement was passed by Parliament in 1700, in order to define the line of succession upon the death of Anne. James II and his son were omitted due to their religion, and the crown was settled on the only surviving descendant of James I's daughter, Elizabeth, who had married the Elector Palatine of the Rhine. The succession devolved upon the eldest son of Elizabeth's daughter, the Elector George Augustus of Hanover, when Sophia of Hanover died shortly before the demise of Queen Anne.<sup>4</sup> The Act of Settlement excluded Catholics by specifying that the right was limited to Sophia's Protestant heirs.<sup>5</sup>

The Act of Settlement had several provisions which secured the supremacy of Parliament. England was forbidden to go to war to defend any foreign territory not included under

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<sup>3</sup>Ibid., p. 151.

<sup>4</sup>Albert Tucker, A History of English Civilization (New York: Harper & Row, 1972), p. 417.

<sup>5</sup>Ibid., p. 418.

the English crown without the consent of Parliament. More importantly, "No pardon under the great seal of England [would] be pleadable to an impeachment by the Commons in Parliament."<sup>6</sup> This forced the King's ministers to be responsible to Parliament for their actions. This clause also would have a most unexpected and interesting effect on the attainders and trials that are the subject of this paper. The Act of Settlement cemented Parliamentary supremacy and protected the monarchy, resulting in an increasing effort to maintain political stability in the upper echelons of the central government.<sup>7</sup>

The Parliament of the Scots objected so strongly to the Act of Settlement that a group of Scottish and English commissioners met to agree upon the terms of a "legislative union." This negotiation culminated in the Act of Union in 1707, the legal binding of the separate kingdoms of Scotland and England into the Kingdom of Great Britain. The terms were relatively simple: The Scots agreed to abolish their Parliament, and, in return, received a representation in the English Parliament of 45 members in the House of Commons and 16 in the House of Lords. The Scots retained the Presbyterian Kirk as their state church and their own system of laws. They accepted the Hanoverian Succession and assumed responsibility for their

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<sup>6</sup>Statutes at Large, from Magna Carta to the End of the Eleventh Parliament of Great Britain (London: Danby, Pickering, 1762), 7 William III, CAP. 3.

<sup>7</sup>Tucker, History, pp. 419-20.

share of the national debt. As an incentive, the English Parliament presented Scotland with £ 400,000 for her losses in the Darien disaster.<sup>8</sup>

The Act of Union, which bound Scotland to the Hanoverian Succession, had many political and economic repercussions. Without the Act, Scotland would have been legally free to choose its own monarch when the Stuarts ceased to rule England. The benefits of the Union were such (especially for the Celtic lowlands) that nationalism developed very slowly and without the bitterness and anguish exhibited in Ireland. The economy of Scotland, though poorer than England's, was far healthier than that of Ireland and less likely to provide serious stimulus to revolt. Unlike Ireland, Scotland had someone interested in helping her. James II as Duke of York, whose efforts in the plantation trade, fisheries, manufacturing, and woolens had initiated a period of relative prosperity in Scotland, had done much work to stimulate her economy.<sup>9</sup> The period of growth had leveled off when the Act of Union caused the return of capital to Scotland, reviving even those areas that had not shared in the previous prosperity.<sup>10</sup> Despite

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<sup>8</sup>In 1695, the Scottish Parliament established a company to trade with Africa and the Indies. The company began a colony named "Darien" in Panama in the Spanish Empire. Since William was involved in negotiations concerning the Spanish Succession, English merchants were not permitted to trade with Darien. The settlement soon went bankrupt--a matter the Scots much resented. *Ibid.*, p. 422.

<sup>9</sup>George Pratt Insh, The Scottish Jacobite Movement: A Study in Economic and Social Forces (Edinburgh: Moray Press, 1952), p. 89.

<sup>10</sup>*Ibid.*, p. 85.



these advantages, Scotland, especially the Highland areas, was still poor enough to be discontented.

The negotiations for the Union had increased the plotting of the Jacobites to restore the Catholic Stuarts. Admittedly, a Jacobite succession in Scotland would have made a Hanoverian King in England uneasy, since Scotland could have been a base of operations for an invasion of England. Thus, Scotland, which had not been a matter of great concern to the English ministers, came to sudden importance. Naturally, the Jacobites in Scotland opposed the Union, because they felt it would prevent a Jacobite succession. There was also a widespread fear in Scotland that no matter how favorable the original terms of the Union were, they could always be altered at a later date to Scotland's disadvantage, and there would be little that Scotland could do to prevent it. The Presbyterians were particularly concerned lest the Union be used as a tool to destroy the Kirk after the Act was approved. The planned rebellion in 1706, the result of these apprehensions, failed before it started when the Duke of Hamilton, the leader of the Jacobite party in the Scottish Parliament, abandoned the conspiracy.<sup>11</sup>

Louis XIV of France sent Colonel Nathaniel Hooke to Scotland to ascertain if the time had arrived to initiate a rebellion. When he appeared, the Scots were beginning to coalesce in opposition to the terms of the Union, and he

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<sup>11</sup>George Hilton Jones, The Main Stream of Jacobitism (Cambridge: Harvard University Press, 1954), pp. 73-74.

returned to France with a highly favorable report for the French King.<sup>12</sup> The stage was set for the Rising of 1708. Louis XIV offered James III six thousand men, arms for additional thousands, and money; the Pope promised to send financial aid if a landing succeeded. Twenty-one privateers, five men-of-war, two transports, 5100 troops, and twelve thousand arms were assembled at Dunkirk.<sup>13</sup>

Almost immediately after James joined his supporters, he personally experienced the effects of an ill-omen that should have convinced him of the wisdom of remaining in France --the measles. Despite his illness, the Chevalier<sup>14</sup> embarked with his ships and men on March 17. The rough passage forced three of the ships with a total of eight hundred men to turn back. The French pilots of the ships which made the crossing bungled the navigation, badly overshooting the landing site in Scotland. Several ships which had strayed could not be found, and when an English squadron was sighted, the French ran for home. The Scots lords were much distressed by the news of the failure. Those arrested for the attempted rebellion were saved only by the Duke of Hamilton's ability to strike a bargain with

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<sup>12</sup>John Baynes, The Jacobite Rising of 1715 (London: Cassell & Co., Ltd., 1970), pp. 15-16.

<sup>13</sup>Jones, Main Stream, pp. 78-82.

<sup>14</sup>The term "Chevalier" was one of many applied to James III and VIII. Other terms used to refer to him include: the Pretender, the Old Pretender, Mr. Blackbird, the Old Chevalier, the Chevalier de Saint-George, and Jamie the Rover.

the Tory opposition to the Duke of Marlborough and Sidney Godolphin, whose policies had incurred the displeasure of the remainder of the Tory party. Although they were leaders of the Tory party, Marlborough and Godolphin were in the unusual position of holding office when the Whigs were in power. The Whigs reacted to the rebellion by recalling English troops from the continent, suspending habeas corpus, and imposing a universal oath of abjuration of the Pretender. The coming election, precipitated by careful Whig planning and the preaching of a High Church minister against the Whigs and the Revolution of 1688, which resulted in riots in London, tempered the hand of the Whigs when it came to dealing with the prisoners for fear the public would resent harsh treatment.<sup>15</sup>

By 1710, the Tories were in control of Parliament. The leaders of the Tory party were: Robert Harley, Earl of Oxford; Henry St. John, Viscount Bolingbroke; and James Butler, Duke of Ormonde--all known to be sympathetic to the Jacobite cause. Bolingbroke later would join James III as his secretary, and Ormonde would become an ardent Jacobite. While the Whigs in general had supported the Hanoverian Succession, the Tories tended to favor the Stuarts. The political situation, however, was so tenuous that few politicians were willing to ally themselves firmly with either side until well after Anne's death. Despite Jacobite hopes in 1710, the Tories were able to give them no aid or comfort. In fact, the Tory determination to

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<sup>15</sup>Jones, Main Stream, pp. 78-82.

conclude the war with France did James and his supporters disservice. In order to obtain Whig consent to ending the war, the Tory negotiators inserted a clause in the Treaty of Utrecht (April 1713) that forced the French to banish James.<sup>16</sup>

The death of the heirless Queen Anne in 1714 revived Jacobite hopes and conspiracies. Although they had been grudgingly willing to tolerate another Stuart on the throne in place of James III, the thought of the Hanoverian George spurred them to strike. Gambling also that the English people would not tolerate rule by a foreigner, the Jacobites hoped to gain increased support when they invaded. In addition, Stuart sympathizers were greatly disappointed by Anne's failure to indicate her half-brother as her successor. Any discussion of the succession had been repugnant to Anne while she lived, and there was speculation in the Eighteenth Century as to whether she might have wished James to be king.<sup>17</sup> Anne was known to be unpredictable, but her faithful devotion to the Anglican church makes this seem highly unlikely.

Nonetheless, as John Baynes points out in The Jacobite Rising of 1715, if the Jacobites had been prepared to move at the time of Anne's death, James might well have been declared to be the new monarch. Instead, Anne's leading ministers were too entangled in a death-bed power struggle involving the

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<sup>16</sup>Baynes, Rising, pp. 16-17.

<sup>17</sup>Ibid., p. 13.

appointment of a new Lord Treasurer for any of them to have shown interest in James III.<sup>18</sup> To the immediate proclamation of George Augustus of Hanover as George I, King of England, there was no opposition in London, though James protested from the Continent.<sup>19</sup>

When the new King arrived in England, he deliberately and ill-advisedly snubbed both the Tories and several prominent Scottish nobles. Among the latter was James Erskine, Earl of Mar, who would lead James's army in the forthcoming rebellion of 1715. The Earl of Mar had shown himself willing to accept the Hanoverians until the King wounded his pride.<sup>20</sup> The Tories were so incensed by the King's behavior that they began a campaign to defame George and the Whigs.

The first signs of real trouble for the new regime were a Jacobite riot in Bristol with some loss of life<sup>21</sup> and a proclamation of James as King in Devonshire. Very little resulted from these events, but they proved that the Stuarts could still rely on support in the southwest of England.<sup>22</sup> In April 1715, an Irish Catholic in Lincoln was pilloried for proclaiming

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<sup>18</sup>Bolingbroke had been able to secure Harley's dismissal as Lord Treasurer. Anne appointed the Duke of Shrewsbury, and Bolingbroke's ability to manipulate him led to the proclamation of George of Hanover as King.

<sup>19</sup>Baynes, Rising, pp. 17-18.

<sup>20</sup>Petrie, Movement, p. 209.

<sup>21</sup>Ibid., p. 209.

<sup>22</sup>Baynes, Rising, pp. 17-18.

James at Boston. Later that month, riots resulted in London when a group of Jacobites harassed passers-by. The birthday of George I, May 28, and the anniversary of the Restoration of Charles II, May 29, were excuses for further disturbances in London and in Oxford at the University.<sup>23</sup> Significantly, local officials merely jailed a few of the ringleaders and took no further action. In his discussion of The Jacobite Movement, Sir Charles Petrie suggests that this would seem to indicate that their own convictions did not rest with the Hanoverian Succession.<sup>24</sup> Dislike of the new reign coupled with the indifference of the local authorities toward supporting it resulted in a rapid rise in Jacobite adherence among all classes throughout the nation. Violent demonstrations broke out in West Bromwich, Gloucester, Wolverhampton, Manchester, Warrington, and Leeds on James's birthday, June 10. Local officials practically refused to halt the riots.<sup>25</sup> At Oxford University, the riots subsided to a less violent level when the University administration came to realize the consequences for itself if it permitted Jacobite sympathies to flourish unchecked.<sup>26</sup>

Regardless of local feeling, Parliament took a more serious approach to the widespread disturbances. On July 15, Commons authorized an investigation and ordered those involved

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<sup>23</sup>Petrie, Movement, p. 209.

<sup>24</sup>Ibid., p. 210.

<sup>25</sup>Ibid., p. 210.

<sup>26</sup>Ibid., p. 211.

in the riots to be prosecuted to the full extent of the law. Despite Parliament's action, disturbances again broke out in Stafford, Shrewsbury, Newcastle-under-Lyme, Wigan, Worcester, Lichfield, Wolverhampton, and in many of the centers where riots had occurred earlier. Increased Jacobite activity was noted in Bridgenorth, Birmingham, Dudley, Sheffield, Wrexham, Wem, and Bath. A revolt in favor of James must have appeared to be an immediate prospect, for only puritan East Anglia and the London-dominated Home Counties were free from trouble. The riots continued throughout August with Oxford as the center of the disturbances.<sup>27</sup> New riots broke out in Peterborough, Leek, and Burton-on-Trent.<sup>28</sup> The Rebellion of 1715 had begun.

After Tory leaders Bolingbroke and Ormonde fled England, the leadership of the rebellion passed to Ormonde's brother, the Earl of Arran, the Earl of Mar, Sir William Wyndham, and George Gransville, Lord Lansdowne. Arran, possibly due to his relationship to Ormonde, functioned as the figurehead; Mar attended to the Scottish plans; and Lansdowne and Wyndham with Sir John MacLean, Arran's secretary, planned the English rising after Arran fled to France. The Rising in the southwest of England was primarily directed by Lansdowne.<sup>29</sup>

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<sup>27</sup>Ibid., pp. 212-13.

<sup>28</sup>Ibid., p. 214.

<sup>29</sup>Ibid., p. 222.

There is no evidence of carefully co-ordinated planning in the 1715 Rebellion,<sup>30</sup> but there appears to have been an early plan for three simultaneous revolts. The first and most important was to be in the West Counties of Oxfordshire, Wiltshire, Gloucestershire, Somerset, Dorset, Devonshire, and Cornwall. Its center was to be Bath, where a Jacobite arsenal had already been established. From Bath, the Jacobites would immediately seize Bristol and Plymouth, thus securing the two most important seaports in the western part of England and allowing communications with the Continent. Strategically, it augured well and would have been a sound move. The West had always stood staunchly behind the Stuarts, and it was to be expected that the center of the rising would be there. It was also conveniently close to London. Simultaneous risings in Scotland and Northern England were included only as secondary and supportive movements. The Pretender himself was to land at Plymouth where he would be closer to London.<sup>31</sup> The Scottish Allan Cameron, later a Lieutenant in James's service, was sent to England to reconnoiter. He returned to France with the opinion of English Jacobites that the time for a rebellion had arrived, and not a day should be lost. Public opinion, they believed, was swinging away at an increased velocity from the Hanoverians and in the favor of the Stuart cause. Petrie suggests that a revolt in the West

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<sup>30</sup>Baynes, Rising, p. 22.

<sup>31</sup>Petrie, Movement, p. 222.



supported by the rebellions of Thomas Forster in Lancashire, William Gordon, Viscount Kenmure, in the Lowlands, and Mar in the Highlands could well have brought the Jacobites what they wished.<sup>32</sup>

The government was not unaware of Jacobite plans and sagaciously determined to take appropriate actions where they were most necessary--in the West and in London. On September 2, the first arrest was made. Lieutenant Colonel Paul of the First Guards was apprehended for recruiting his brigade for the service of the Pretender. This particular case is one reason for the charge that many politically-minded men straddled the fence, for the Colonel of the King's Regiment in which Paul was a Lieutenant Colonel was the great Marlborough, who had also contributed £ 4,000 to the Jacobites between April and August, 1715. On September 4, the nominal Duke of Powis was seized. Lord Lansdowne and Lord Dupplin were taken on September 21. The House of Commons acquiesced in the arrests of six of its members on the same day as the arrests of Lansdowne and Dupplin. These were: Sir William Wyndham, M.P., Somerset; Sir John Packington, M.P., Worcester; Edward Harvey, M.P., Clitheroe; Thomas Forster, M.P., Northumberland; John Anstis, M.P., Launceston; and Corbet Kynston, M.P. Shrewsbury.<sup>33</sup>

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<sup>32</sup>Ibid., p. 223.

<sup>33</sup>William Cobbett, Cobbett's Parliamentary History of England. From the Norman Conquest in 1066 to the Year 1803. For Which Last-Mentioned Epoch It Is Continued Downwards in the Work Entitled, "Cobbett's Parliamentary Debates" Vol. VII (London: Printed by T. C. Hansard, 1811; reprint ed., New York: AMS Press, Inc., 1966), VII, 216.

Packington was questioned in London and then freed. Harvey was jailed despite his unsuccessful suicide attempt. Anstis, who proved his innocence, died thirty years afterwards as the Hanoverian Garter King of Arms. Kyneston fled from England. Wyndham and Forster will be discussed in a later chapter of this paper.<sup>34</sup>

The government's timing was such that the rising in the West was snuffed out almost before it began.<sup>35</sup> Lord Berkeley, the Lord Lieutenant of Gloucestershire, re-captured Bristol with three infantry regiments and part of a regiment of cavalry. Major General Wade secured Bath, and the Whigs overran Cornwall.<sup>36</sup> Oxford alone was undeterred by the government. The Duke of Ormonde had quit his post as Chancellor of the University. The students were so strongly pro-Jacobite that they elected Ormonde's brother, the Earl of Arran, as the new Chancellor. He was invested with his office on September 26, amid large Jacobite demonstrations.<sup>37</sup> By the end of September 1715, the political atmosphere in Oxford was explosive. The University town was so dangerous that the government's Major General Pepper could not march directly on Oxford, but had to feint in the direction of Bristol while a spy scouted Oxford for the important strategic positions. On

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<sup>34</sup>Petrie, Movement, p. 224.

<sup>35</sup>Ibid., p. 224.

<sup>36</sup>Baynes, Rising, p. 24.

<sup>37</sup>Petrie, Movement, p. 226.

the night of October 5, Pepper and his men made a forced march and were waiting outside the city gates when they were opened the following morning. After arresting twelve Jacobites and warning the University, Pepper proceeded to Abington. Leaderless, but increasingly furious, the Oxford Jacobites attempted to raise an undergraduate regiment for James's service. The Pretender was proclaimed King in Oxford on the night of October 27. The government raided the city the following day,<sup>38</sup> leaving an infantry regiment in the town to maintain order.<sup>39</sup>

The government continued to make arrests in London. Lord Scarsdale and Lord Dupplin were lodged in the Tower. A Mr. Crawlry, influential in the iron trade, was released several days after his capture. A Jew, Francis Francia, was acquitted at his trial. A chocolate-house proprietor named Ozinda, an undertaker named King, and militia Sergeant Joseph Scriven were imprisoned in Newgate. A chest of arms for Jacobite use was found in the King's Arms Tavern in Holborn. Journalist George Dormer was arrested for upsetting people by publishing untrue news stories.<sup>40</sup>

Meanwhile, James III was receiving very little information regarding the true state of affairs in England. By the middle of October, there were still plans for James to land at

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<sup>38</sup>Ibid., p. 227.

<sup>39</sup>Baynes, Rising, p. 24.

<sup>40</sup>Petrie, Movement, pp. 227-28.

Plymouth. Fortunately for James, Ormonde returned to Cornwall long enough to ascertain that the revolt had been crushed in the West and to perceive the potential foolhardiness of a landing there. The only alternative remaining to the Pretender was a landing in Scotland.<sup>41</sup> It was becoming clear even this early in the rebellion that the lack of strong leadership--on the part of James or of anyone else--was a great detriment to the Cause. The Chevalier did not lack personal courage. His service in the French wars proved his bravery. The little information that was filtering through to the Continent combined with the pernicious inaction and lack of co-ordination on the part of James and his staff proved to be almost fatal to the Cause. Sir Charles Petrie, a leading historian of the Jacobites, wrote:

The fact that the Fifteen, besides not being nearly so spectacular as the Forty-Five, never came so close to success cannot blind us to the fact that it was far better conceived, and that it constituted an incomparably greater threat to the new dynasty. We have seen how widespread was Jacobite feeling, and had there been a Charles Edward in the field the Stuart cause must surely have triumphed.<sup>42</sup>

Petrie further pointed out that the Hanoverians must have been incredibly unpopular if the sons of the West Country men who were treated with such absolute barbarity by James II and Judge Jeffries in the Bloody Assizes that followed the Monmouth

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<sup>41</sup>Baynes, Rising, p. 24.

<sup>42</sup>Petrie, Movement, p. 213.

Rebellion of 1685 were willing to rise and fight for James's son.<sup>43</sup>

With the revolt in the West defused, one must now examine the rebellion in the North. John Erskine, 6th Earl of Mar, rallied the Scots for the Stuart cause. Mar, a man of vascillating character, was inclined to act rashly at times. He was not a born military leader, and he never seemed to understand that a revolt on the defensive (as was the Scottish Fifteen) was as good as lost. He was the wrong man in the wrong place at the wrong time. Another leader, such as Viscount Dundee or Bonnie Prince Charlie, could well have won Scotland. Mar's record as a Jacobite was disconcerting for the rebels. His propensity to switch sides previous to 1715 was probably responsible for the nickname of "Bobbing John."<sup>44</sup> As a member of the Scottish Parliament he supported William III, became a Privy Councillor in 1698, joint Secretary of State in 1705, Knight of the Thistle in 1706, a Union Commissioner, and Secretary of State for Scotland in 1713. After such a career, he sent a letter of flattering praise to George I, who nevertheless, dismissed the Earl from office. No doubt this pushed Mar toward the Jacobites. Eleven months later, in August, Mar appeared at court where the King snubbed him.<sup>45</sup> Mar returned to Scotland and raised the Jacobite standard there on September 6 at Braemar. The rebellion in Scotland went well at the beginning. James was proclaimed at

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<sup>43</sup>Ibid., p. 213.

<sup>44</sup>Ibid., pp. 236-37.

<sup>45</sup>Baynes, Rising, pp. 224-26.

Perth, Aberdeen, Dundee, Montrose, and Forres with little protest. An army of five thousand men was soon raised. With an able commander, it probably could have been welded into an effective fighting force.<sup>46</sup>

George Seton, 5th Earl of Wintoun, gathered a large following in the Lowlands when resentment against the Union had peaked. In Dumfries and Galloway, William Maxwell, 5th Earl of Nithsdale, and William Gordon, 6th Viscount Kenmure, took to the field. Scotland was in revolt in what appears to have been a national rising against the Union and the Hanoverians. Had James III seized the moment and proclaimed his conversion to Protestantism, Petrie reasoned, the whole kingdom would have backed the Pretender to the hilt. As it was, the men of the Lowlands had an opportunity to reconsider and promptly settled down again. Life under the Stuarts had not gone so well for them that they could afford to discard the advantages of the Union.<sup>47</sup>

The British government had only fifteen hundred regular troops in Scotland. Reinforcements were not to be sent quickly, because the government had correctly determined that the rebellion in England itself was a far greater danger. The government also had the advantage of a superior general in the Highlands, John Campbell, 2nd Duke of Argyle.<sup>48</sup> Argyle placed his troops at

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<sup>46</sup>Petrie, Movement, p. 237.

<sup>47</sup>Ibid., p. 240.

<sup>48</sup>"Argyle" is the Eighteenth Century spelling of "Argyll."

Stirling to prevent Mar from infiltrating the Lowlands. Mar, however, planned to remain at Perth.<sup>49</sup> Since the town was a center of trade and communications as well as a suitable military base, the capture of Perth had been an important move.<sup>50</sup>

Despite Mar's inability to command and an abortive attempt to seize Edinburgh Castle on September 8, the rebellion spread to the north of England. Thomas Forster, the M.P. from Northumberland, was still at large. He joined James Radcliffe, 3rd Earl of Derwentwater, and William Widdrington, 4th Baron Widdrington, in early October. The inexperienced Forster was chosen as the leader due to the enormous propaganda value of his Protestantism. Unfortunately, he was even more incompetent than the Earl of Mar.<sup>51</sup>

James was proclaimed at Warkworth and Alnwick. The primary target in the North of England was Newcastle, an important port. Lack of initiative, poor generalship on the part of Forster, and the determination of a few Newcastle Whigs all worked together to make Newcastle impregnable. The foolish Forster had not even recruited when he had the opportunity. After deciding to unite with Kenmure's Lowland Scots, Forster met with Derwentwater, Nithsdale, Widdrington, Wintoun, and Robert Dalziel, 6th Earl of Carnwath, at Rothbury on October 19 for a council of war.<sup>52</sup>

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<sup>49</sup>Petrie, Movement, p. 240.

<sup>50</sup>Baynes, Rising, p. 41.

<sup>51</sup>Petrie, Movement, pp. 240-43.

<sup>52</sup>Ibid., pp. 243-44.

Mar in Perth had finally decided to move, but instead of fighting Argyle, he dispatched the skillful Brigadier William Mackintosh of Borlum with over two thousand men to reinforce Kenmure. This weakened Mar and gave Argyle time to bring Edinburgh within his sphere of influence. To make the Jacobite position worse, there was no unity or agreement among the leaders as to the proper course of action. The Scots refused to fight outside Scotland; no one was anxious to engage Argyle; Derwentwater proposed another attempt to capture Newcastle; and Forster, who was certain Lancashire would be friendly to the Jacobites, elected to march on Liverpool. By the time a course of action had been decided upon, it was too late to save the rebellion.<sup>53</sup>

Derwentwater and Forster marched to Lancashire. Their cavalry arrived at Preston on November 9, and the infantry on November 10. Some five or six hundred men had deserted on the march, but there were sixteen hundred raw recruits, undisciplined and unarmed, waiting at Preston to join the Jacobite forces. Forster had been followed from Newcastle by General Carpenter, who reached Preston on November 13, in time to reinforce General Wills who had arrived on November 12 and was beseiging the town. Forster immediately withdrew inside the town, taking few military precautions. Derwentwater and his brother, Charles Radcliffe, wanted to attempt to cut their way out of Preston, but without

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<sup>53</sup>Ibid., p. 245.



consulting anyone, Forster asked for terms of surrender. On November 14, the government troops took 75 English and 143 Scottish noblemen and gentlemen prisoners, and over 1,000 Scots and several hundred English common soldiers. Many of the inexperienced Lancashire recruits were without uniforms and were thus able to filter away to safety. The Jacobite Rebellion of 1715 was finished in England.<sup>54</sup>

On the same day as the battle of Preston, the Battle of Sheriffmuir was fought in Scotland. Mar, still in Perth, led a force of approximately ten thousand men. The Jacobites held the counties of Fife, Forfar, Kincardine, Aberdeen, Banff, and Moray. The inner and outer islands, the Isle of Skye, Perth, and Inverness were also under Jacobite control. Argyle remained in Stirling with few reinforcements and a total force of 3,300 troops when Mar attempted to slip by him on November 10, in order to join Forster at Preston. Argyle, a suburb commander, marched north from Stirling to Dunblane and positioned himself on high ground northeast of the town.<sup>55</sup> His superior cavalry had the room to manuever, and Mar was now forced to fight on Argyle's terms. The Battle on November 13 was a draw despite Mar's overwhelming numbers. The result was that Argyle cut Mar off from the Lowlands and kept him on the defensive.<sup>56</sup>

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<sup>54</sup>Ibid., pp. 256-57.

<sup>55</sup>The Battle of Sheriffmuir is often referred to as the Battle of Dunblane in the Eighteenth Century. "Sheriffmuir" is a large area of high ground extending northeast of Dunblane and is bordered by Allan Water and Wharry Burn, which run into the River Forth.

<sup>56</sup>Petrie, Movement, pp. 247-49.

A rebellion on the defensive is a rebellion lost. Soon, Mar's army began to melt away. The desertion rate was phenomenal. The losses at the battle of Sheriffmuir had been minimal, but the army of ten thousand quickly became an army of four thousand, of which only twenty-five hundred could be depended upon. Mar tried to stem the tide by an attempt to convince the remaining Jacobite leaders to sign an "Association" agreement that pledged them not to desert each other. The men he approached were not pleased with the idea and suggested a surrender. Mar, who had the same thought, sent word on November 24 to James that he should not come to Scotland; but the letter did not arrive in time to prevent James's departure from France. Mar asked Argyle for terms, but Argyle did not have the power to negotiate and wrote to London for instructions.<sup>57</sup> He would have liked to have settled everything as amicably as possible, but the government had been badly frightened and, therefore, considered Argyle too easy on the rebels. Argyle was given no answer, and thus the government lost an opportunity of securing the surrender of a large group of Jacobites. Authorization was finally sent for Argyle to offer clemency to those rebels who voluntarily capitulated, but the government offered this only after the Pretender had landed at Peterhead, near Aberdeen, in December.<sup>58</sup>

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<sup>57</sup>Baynes, Rising, pp. 163-64.

<sup>58</sup>Ibid., pp. 165, 163.

As the day of James's arrival approached, Mar seemed to regain his confidence. His army was shrinking, and he felt obligated to make a bad situation look good for James. Meanwhile the government's position steadily improved. They received reinforcements and recaptured some territory. Unfortunately for Argyle, his replacement, General William Cadogan, also arrived. Cadogan had been sent by the government to ensure that Argyle was not kind to the rebels. Cadogan, an "arrogant and contemptuous" man,<sup>59</sup> would soon be Commander-in-Chief in Scotland.

When James arrived in Scotland, he and his retinue travelled incognito until they reached Perth on January 9. James's behavior on the journey disappointed many of his followers. Stories reached London that the Pretender was highly bigoted, permitting only his own personal Catholic priest to say grace before meals. The Jacobites in Perth were at first astonished and then angry when they realized that James had not brought French reinforcements with him. In fact, when this became known, his popularity fell drastically; however, a proclamation was issued that James would be crowned on January 23 at Scone. This proclamation drew little attention, since the Jacobites were nervously watching Argyle's preparations, noting the arrival of massive reinforcements, and panicking at Argyle's frequent reconnaissance missions.<sup>60</sup>

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<sup>59</sup>Ibid., p. 165.

<sup>60</sup>Ibid., pp. 166-67.

The result of this panic was James's reluctant consent to initiate a "scorched earth" policy between Dunblane and Perth in an attempt to ward off Argyle. The so-called Burning Order of January 17, authorized the destruction of the town of Blackford, the village of Auchterarder, other villages and all provisions that the government troops could possibly use. This barbaric act, born of sheer desperation, was obviously an act of folly.<sup>61</sup> Auchterarder was burned on January 24, and Blackford on January 25. Dunning and Muthil suffered the same fate on January 28. The next day, a Sunday, saw the destruction of Dalreoch.<sup>62</sup> Within a month, James was so filled with remorse over his part in the act that he ordered that any money that was left over after the army had been paid should be given to assist the homeless.<sup>63</sup>

On January 29, Argyle marched toward Perth. The government in London was anxious for quick results, and Argyle was forced to accede to its wishes. That same evening in a council of war held at Perth, the rebels finally determined to retreat toward Dundee.<sup>64</sup> There had been an argument among the leaders over the merits of "cowardice" (retreat) and

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<sup>61</sup>Petrie, Movement, pp. 260-61.

<sup>62</sup>Sixty-five years later, in 1781, the British government paid compensation of £ 4,768 to the descendants of the villagers who could be traced. After the bureaucratic expenses were paid, the sum amounted to £ 3,474.

<sup>63</sup>Petrie, Movement, p. 261.

<sup>64</sup>Ibid., p. 261.

"courage" (staying and fighting). Many of the rebels had not yet realized that the Cause was lost. The council of war settled the dispute, and the rebels retreated.<sup>65</sup>

On January 30, James returned to Perth from Scone. He understood that the Cause was forfeited and, though unwilling to desert his loyal supporters, followed the precept that discretion is often the better part of valor. The Pretender left Scotland on February 4, and reached France despite a large contingent of government ships off the coast of Scotland.<sup>66</sup> With his departure, the Fifteen Rebellion was officially over. James's appointment of General Gordon as the new Commander-in-Chief was largely a gesture, and Mar left Scotland with his King.<sup>67</sup> The army was dispersed at Badenoch, but the hopes of those involved lingered on.<sup>68</sup>

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<sup>65</sup>Baynes, Rising, p. 174.

<sup>66</sup>Ibid., pp. 176-77.

<sup>67</sup>Petrie, Movement, p. 263.

<sup>68</sup>Baynes, Rising, p. 181.

## CHAPTER II

## THE RAREE-SHOW

"But his poor friends, he's [Mar] left in the Lurch,  
Must run or be hang'd, to be Saints of the Church."<sup>69</sup>

After the rebellion in Scotland was officially crushed, John Campbell, Duke of Argyle, Commander-in-Chief of the Government forces in Scotland, visited Edinburgh on February 27, and a few days later, left for London. As this marked the completion of Argyle's command in the Highlands, his replacement, Lieutenant General William Cadogan, proceeded to Inverness and planned a march throughout the Highlands in order to subdue the still contentious clans. A detachment under Colonel Cholmodly was dispatched to the Lewis River, where the Earl of Seaforth, Brigadier Campbell of Ormundel, and many rebels were yet in arms. The efficient Cholmodly quickly conquered the island and captured Campbell after the

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<sup>69</sup>"The High Church Expedition," in A Collection of State Songs, Poems, & etc. That Have Been Publish'd Since the Rebellion: and Sung in the Several Mug-Houses in the Cities of London and Westminster, & etc. To Be Publish'd Annually (London: Printed for Andrew and William Bell, J. Baker and T. Warner, 1716), p. 2. (Microfilm currently in possession of W. Reynolds McLeod, Morgantown, West Virginia)

Brigadier's men deserted him. The Earl of Seaforth managed to effect his escape to France.<sup>70</sup>

A detachment of troops was sent to the Isle of Skye to capture Sir Donald McDonald and his men. Colonel Clayton, the British commander of the expedition, returned to Fort William after defeating the rebels. McDonald, who had been given no assurance of clemency from the Government, fled to France.<sup>71</sup>

Cadogan, who was more willing to accept orders from London than Argyle had been, commanded that an order from Court was to be read in the parish churches. This order made the following points: 1) the rebels must surrender, 2) commoners who were rebels and surrendered themselves would be allowed to return home safely, and 3) those who remained in arms would be "reduced with Rigour."<sup>72</sup> Most of the Lowland commoners duly surrendered and returned to their homes. The clans remained obstinate.<sup>73</sup>

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<sup>70</sup>Peter Rae, *The History of the Rebellion Rais'd Against His Majesty King George I. By the Friends of the Popish Pretender. Containing an Account of the Settlement of the Succession to the Crown of Great-Britain, in the Illustrious Family of Hanover, and the Tory Scheme to Defeat it, During the Last Four Years of the Late Queen Anne. Of His Majesty's Happy Accession, the Rebellious Conspiracy Form'd by His Enemies, and the Execution thereof; Both by the High-Church Mobs, on Pretence of the Church's Danger Under His Majesty's Administration, and by the Open Rebellion; Which is Here Exposed in all its Parts, from its First Rise to its Final Extinction.* 2nd ed. (London: Printed for A. Millar, 1746), p. 373.

<sup>71</sup>Ibid., pp. 373-74.

<sup>72</sup>Ibid., p. 373.

<sup>73</sup>Ibid., p. 374.

Cadogan, who marched to Blair of Athole, left an order with his subalterns to receive the arms of the Highland rebels. When Colonel Campbell<sup>74</sup> returned, he disbanded the militia which had aided him in pursuing the rebels and made a journey to Blair to join General Cadogan. Campbell left his deputy-lieutenants in Argylshire to receive arms. After an occupation of five or six days in Blair, Cadogan marched to Ruthven in Badenoch where he shortly discovered that, like Blair, Ruthven had surrendered before Cadogan's arrival. Meanwhile, Colonel Clayton advanced to Lochliel's House to disarm the Cameron Clan. The British had information charging that the Camerons, the Keppoch, and Clanronald were determined to continue the resistance to British subjugation of Scotland. Cadogan, who received Clan Glengary's submission at Inverness, returned to Fort William. He again marched to Inverness, where the Scots Fusileers were posted and dispatched Grant's Regiment to Inverlochie. Cadogan, who reached Edinburgh on May 1, 1716, relinquished his command to General Sabine and returned to London.<sup>75</sup>

The Rebellion of 1715 was now finished in Scotland. As disorganized and confusing as the troop movements may appear to be, Cadogan accomplished his mission with a minimum of bloodshed and difficulty. The unusually deep snows

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<sup>74</sup>This "Colonel Campbell" is not John Campbell, Duke of Argyle.

<sup>75</sup>Ibid., pp. 374-75.



in the Highlands in the Spring of 1716 hindered the search for the remaining rebellious clans. George Pratt Insh in The Scottish Jacobite Movement suggests that if James III had remained in Scotland longer, a far more thorough search would have been made in spite of the rigours of the weather. Indeed, Cadogan's chances of capturing some of the ring-leaders would have improved vastly for many of them would not have abandoned the Pretender. His departure probably saved the lives of some minor Jacobites hidden in the mountains and of those who felt free to flee once James had returned to France.<sup>76</sup>

One of the early prisoners taken in connection with The Fifteen was involved only in plotting for the rebellion and not in any actual military action. Lieutenant Colonel Paul attempted with some success to convince his brigade of guards to go over to the Pretender. Paul was a Lieutenant Colonel in the Pretender's service as well as a Captain in the King's Foot Guards--an obvious conflict of interest. One of Paul's highly trusted sergeants, who had been promised a lieutenancy for entering James's service when the revolt broke out, began to feel guilty about his treasonous actions while listing persons for the Pretender's service. The sergeant went to the Duke of Marlborough, who immediately informed the

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<sup>76</sup>Insh, Scottish Jacobite, p. 110.

King and his Council. The Duke was subsequently ordered to arrest the errant Paul.<sup>77</sup>

Knowing nothing of these proceedings, Paul attended Marlborough's levee the following morning as usual. The Duke detained him, saying that Lord Townshend would like to speak to him. Paul was under the impression that he was to be promoted. Both Marlborough, who probably felt he should be present at the questioning in order to protect his own dubious activities, and Paul proceeded to a room known as the Cock-Pit. Lord Townshend asked Paul to be seated while he perused a few papers and assisted the Privy Council in the adjoining chamber. Marlborough then arrived and said nothing to Paul except to return his greeting. Paul finally began to be suspicious of the situation in which he found himself. When he attempted to leave, the doorkeeper, who had been instructed to watch Paul carefully, physically pushed him away from the door and informed him that he must remain there. Presently, Paul, under examination by the Privy Council, confessed all, including the names of his accomplices.<sup>78</sup>

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<sup>77</sup>Charles Andrews, A Full and Authentick Narrative of the Intended Horrid Conspiracy and Invasion; With a Compleat History of the Rebellion from its Original to the Battle of Dunblain. Containing I. The Case of Edward Harvey of Combe, Esq.; and John Anstis, Thomas Forster, Corbet Kyneston, Esq.; And Sir John Packington, Bart. II. A Particular Account of the Taking of Sir William Wyndham; and of his Escape, Surrender, and Commitment to the Tower. III. Some Remarkable Circumstances Relating to the Lord Lansdowne. IV. The Tryals of Joseph Sullivane, Robert Whitty, and Felix Hara, Who Were Executed for High Treason. 2nd ed. (London: Printed for J. Roberts, 1716), p. 3. (Microfilm currently in possession of W. Reynolds McLeod)

<sup>78</sup>Ibid., pp. 3-4.

Information taken from Paul's confession and garnered by the Earl of Stair led to the King's decision to order the arrests of Sir William Wyndham, Baronet; Sir John Packington, Baronet; John Anstis, Esquire; Edward Harvey, Esquire; Thomas Forster, Esquire; and Corbet Kyneston, Esquire. Secretary of State Stanhope was dispatched to Commons to request the members' consent to the arrests. The House of Commons quickly and graciously voted an address of thanks to King George for his regard of the privileges of the House and assented to the arrests.<sup>79</sup>

Edward Harvey was the first of the Members of Parliament to be arrested. Mr. Hilcox, a messenger, was sent to Harvey's lodgings above a Pall Mall bookseller's shop at 5:00 a.m. where he took Harvey's papers into custody and sealed them. Since Harvey was not in London, Hilcox journeyed to Combe in Surry where he found Harvey hawking and riding. Despite the unpleasant news, Harvey made Hilcox welcome, and after taking refreshments, they set out for London. Before the Council, Harvey behaved as though he were innocent until he was shown a certain paper he had written. At this, he became very upset and was granted permission to withdraw. After he was locked in his room, Harvey stabbed himself twice in the chest with a small pruning knife that he carried in his pocket. The next morning, Harvey's servant became suspicious when his master did not rise as usual, and broke down the bedroom door. Still bleeding, Harvey refused medical attention until the Earl

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<sup>79</sup>Ibid., p. 4.

of Nottingham, who was the Lord President of the Council and a relative of Harvey, convinced him to allow a surgeon to assist him. The wound was not fatal, and the surgeon, Mr. Bussiere, administered "hypnoticks" to ease Harvey's mind.<sup>80</sup>

Recovering from his self-inflicted wounds, Harvey decided to confess before the Privy Council. When he attempted to do so, he was immediately informed that neither the Council nor the King was in need of his confession. The Council stated that they knew more about the plotting than he did.<sup>81</sup> No explanation is found in any of the primary sources, including Charles Andrews' A Full and Authentick Narrative, for this knowledge. Perhaps the Council had heard the confessions of others or reports from the Government's spies, and after reading Harvey's papers, decided he was not so knowledgeable as they had originally thought. During his recovery, Harvey requested a Mr. Broughton, the Vicar of Kingston-upon-Thames, to administer the sacrament to him. Broughton refused to do so until Harvey repented and did penance for his attempted suicide. In addition, Broughton did not think himself worthy of hearing a confession of treason and requested Lord Viscount Townshend, one of the principal Secretaries of State, to issue a warrant for a Council member to hear Harvey's confession. This accomplished, Broughton administered the sacrament.<sup>82</sup>

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<sup>80</sup>Ibid.

<sup>81</sup>Ibid., p. 5.

<sup>82</sup>Ibid., pp. 5-6.

John Anstis, hereditary High Steward of the Tinnors and Member of Parliament for Launceton in Cornwall, and Lord Lansdowne both were arrested after Harvey. Anstis's papers were examined, but the contents were not publicly revealed. Lansdowne was suspected because of his close alliance with Sir Thomas Higgons, the Pretender's Secretary of State at Bar-le-Duc. The two men were cousins and had corresponded for several years. Although the Government knew of their plans to raise a Jacobite revolt in Cornwall, Lansdowne acted as though he were guilty of nothing when he was captured, and willingly consenting to accompany the messenger to London, surrendered the keys to his papers. The Government was aware that Lansdowne's papers relating to the revolt were kept in a certain cabinet. When the messenger requested the key, the devious lord pretended it had been lost. After Lansdowne was subsequently informed by the messenger that he had specific orders to search that particular cabinet, and that he would use a hammer and chisel if necessary to open it, the key was immediately produced. The papers in question were so incriminating that within a few days Lansdowne was given lodging in the Tower of London as befitted his rank. Lansdowne was followed to the Tower by the Earl of Scarsdale and Viscount Duplin. All three men were arrested for identical reasons: corresponding with the King's enemies, abetting the Jacobites at home and abroad, and wishing to depose the King.<sup>83</sup>

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<sup>83</sup>Ibid., p. 7.

Sir William Wyndham's arrest soon followed. A Colonel in the Guards and Mr. Sherman, a messenger, were sent to capture Sir William at Orchard Wyndham, his estate in Somersetshire. Sherman and the Colonel, who arrived between 4:00 and 5:00 a.m. on Wednesday, September 21, were admitted by the porter who refused to disturb Wyndham's sleep. Finally, under the pretense that the Colonel carried a packet of papers and letters that was so important that Wyndham must see them at once, they persuaded the porter to arouse the sleeping baronet, who appeared in his nightgown only to be arrested for treason. Typically, Wyndham submitted, but requested that no one disturb his wife. The Colonel, upon searching Wyndham's clothes, found the papers for which he and Sherman had been sent. Wyndham had attempted to divert them with the key to a large scrutoire, which was also searched, but to no avail.<sup>84</sup> Wyndham requested that they not leave until 7:00 a.m. to allow him sufficient time to order a coach and horses, to dress, and to take leave of his lady. The Colonel had orders to treat Sir William well, and he trusted his word. A man of more cunning and originality than the previous Members of Parliament who had been arrested, Wyndham used the time granted him to jump from the upstairs window and reach a clergyman's house. There, he disguised himself in a cassock and gown, and ordered a good horse to be sent to him

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<sup>84</sup>Ibid., p. 8.

from his own stables. Since Wyndham was a man with many enemies, who would delight in discovering a method to capture him should he set out for France, he took the Wiltshire road as far as the city of Winton, where the Quarter Sessions were being held. Wyndham managed to find a room in an inn across the street from the inn where Lord William Pawlet, Paul Burrard, Esq., and other Members of Parliament and Justices of the Peace were lunching at noon. Unfortunately for Wyndham, the "clergyman" looked familiar, and his acquaintances in the group all wondered where they had seen him before.<sup>85</sup>

Meanwhile, Wyndham decided to hide in Surrey until the Government hunt for him was discontinued. There was now a price of one thousand pounds on his head, but he still hoped to escape to France from Surrey. On the road to Farnham, Wyndham stopped for a snack in a public house near the home of Edward Nicholas, Esq., who had married a kinswoman of Wyndham's. Since Nicholas possessed a good opinion of Wyndham, the itinerent "clergyman" sent a note to him by messenger requesting permission to hide in Nicholas's house until he could make peace with the Government through his father-in-law, the Duke of Somerset. As Nicholas was visiting a neighbor, his wife took the message. When she learned its origin, she became concerned lest correspondence with a traitor might reflect poorly upon them. She, therefore, took the unopened letter to a Justice of the Peace, who had the messenger arrested in order to question him the

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<sup>85</sup>Ibid., pp. 9-10.

following day at the Quarter Sessions.<sup>86</sup> At the Sessions, the servant-cum-messenger was excused from revealing the activities of his master as not befitting a servant.<sup>87</sup> After his messenger had been missing for three hours, Wyndham became suspicious and left the inn, leaving word that his man would know where to find him. Wyndham then proceeded to London.<sup>88</sup>

Sir William found it difficult to remain hidden. In London, he went to Northumberland House, the residence of the Duke of Somerset and now of Wyndham's wife, in the hope that the Duke's influence could aid him. Still in disguise, Wyndham surrendered to the Earl of Hertford and assured his father-in-law, the Duke, that he was repentant for having offended the King. Sir William admitted that the Government had just cause for its suspicions. The good Duke, who greatly loved his daughter and was glad to see Wyndham contrite, begged the King for a pardon if his son-in-law would confess his accomplices. Foolishly, when Sir William appeared before the Privy Council, he behaved as though he had committed no wrong, even though his papers confirmed his guilt. The Council lost no time in dispatching Wyndham to the Tower after the "most favourable hearing that could be given a person in his circumstances."<sup>89</sup>

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<sup>86</sup>Ibid., pp. 10-11.

<sup>87</sup>Ibid., p. 12.

<sup>88</sup>Ibid., p. 11.

<sup>89</sup>Ibid., pp. 12-13.



A garrulous King's messenger nearly prevented the arrest of Sir John Packington. When this messenger stopped at the King's Arms Inn at Tedsworth, approximately ten miles from Oxford, he told the innkeeper, Mr. Bartlet, the errand he was on. Since Sir John was a good customer of the inn and Posthouse, Bartlet informed another courier at the inn, who arranged to rent a good horse from Bartlet so as to arrive in Northumberland in the early morning to warn Sir John. He set off immediately when the King's messenger attempted to rent a horse. The latter was told there were no more to be had. The messenger, raving that Bartlet was against the Government and had betrayed him, threatened him with the loss of the Post Office. Nevertheless, the messenger remained at the inn until another horse was procured for him.<sup>90</sup>

Six hours before the King's man arrived, Sir John Packington received the news that he was to be arrested. Declaring his willingness to be taken into custody in obedience to the Council, Sir John arranged to depart the following day on the Worcester stage. At his hearing, Sir John appeared so innocent that the Council, glad of an opportunity to demonstrate their impartiality, unanimously declared him innocent.<sup>91</sup>

Corbet Kyneston and Thomas Forster were also warned in advance and managed to escape. Kyneston, according to all

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<sup>90</sup>Ibid., pp. 13-14.

<sup>91</sup>No doubt Sir John was innocent, but the Council was quick to see the potential value of an acquittal. Ibid., p. 14.

available sources, was never heard from again. Forster, who led the Pretender's army at the Battle of Preston, was captured there and sent to Newgate Prison in London.<sup>92</sup>

During the military action of The Fifteen, there were three basic groups of prisoners taken:

- 1) Those taken at Preston and conveyed to London,
- 2) Those taken at Preston and tried in Lancashire, and
- 3) Those captured in Scotland.<sup>93</sup>

The men in these three groups differ from the previously mentioned prisoners in that these men were captured in open and armed rebellion. Colonel Paul and the Members of Parliament also committed treason, but were only engaged in the conspiracy to begin the rebellion.

After the Battle of Preston, General Thomas Forster and his representative, Colonel Oxborough, made worried efforts to obtain terms from the Government forces. The rebels offered to surrender if they would be considered as prisoners of war and recommended for royal clemency by the victorious general. The General for the Government force, Lieutenant General Sir Charles Wills refused to bargain with the rebels on the grounds that they had killed subjects of the King and must, therefore, expect death. Wills was able to promise only that his soldiers would not kill them if they surrendered and that they would be permitted to live until Wills received different orders. Sir Charles gave the rebels one hour to consider the terms with

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<sup>92</sup>Ibid.

<sup>93</sup>Baynes, Rising, p. 183.

the statement that he possessed neither the authority nor the inclination to alter them. Oxborough was later executed, but on the scaffold he claimed that Wills had also said, "You cannot better entitle yourselves to that clemency, than by surrendering yourselves prisoners at "discretion."<sup>94</sup> Wills may have meant to imply that the rebels in general would be mercifully dealt with, with only the ringleaders being executed. Regardless of his meaning, Oxborough saw it as an extension of royal clemency.<sup>95</sup> Indeed, this supposed offer of clemency would be a recurring theme throughout the imprisonment and trials of the rebels. Many of them, despite their offenses, would come to believe that they had been cheated of their lives and fortunes by their decision to surrender themselves voluntarily. Those men who were given as hostages by the rebels to insure the armistice while the leaders deliberated the terms would become equally embittered.

The figures listed for the numbers of prisoners taken at Preston vary somewhat, but not sufficiently for this to be a matter of major concern. One primary source breaks down the figures in the following manner:

|            |                                    |     |
|------------|------------------------------------|-----|
| Prisoners: | English noblemen and Gentlemen     | 75  |
|            | Their vassals, followers, servants | 83  |
|            | Private men in the Church          | 303 |
|            | Total of English                   | 463 |

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<sup>94</sup>John Hill Burton, The History of Scotland, From the Revolution to the Last Jacobite Insurrection (1689-1748), 2 Vols. (London: Longman, Brown, Green, and Longmans, 1853), II, 185-86.

<sup>95</sup>Ibid., p. 186

|   |                    |
|---|--------------------|
| Scotch [sic] Noblemen, Officers,<br>and Gentlemen | 143                |
| Vassals, Servants, and others                     | 862                |
| Total of Scots                                    | 1005               |
| English in Preston                                | 463 [sic]          |
| Taken in Lancaster                                | 4                  |
| Total English                                     | 467                |
| Scotch [sic] in Preston                           | 1005               |
| Taken in Lancaster                                | 17                 |
| Total Scots                                       | 1022               |
| Total English                                     | 467                |
| Total Scots                                       | 1022               |
| Total Prisoners                                   | 1489 <sup>96</sup> |

A secondary source indicates that only 462 English prisoners were taken while 1088 Scots prisoners were captured.<sup>97</sup> This total of 1550 is only a 4.3% increase over the earlier estimate of 1487.

The most important of the prisoners, approximately one hundred, captured at Preston were to be taken to London where stories of Jesuit intrigue, inquisitors, and Highland savages had made the capitol city hostile to the prisoners before their arrival. On November 26, the Jacobite prisoners began the journey to London.<sup>98</sup> The peers traveled in carriages and the other prisoners rode on horseback. The procession reached Barnet on December 8, and London the following day.<sup>99</sup>

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<sup>96</sup>A Compleat History of the Late Rebellion (London: Printed for W. Hinchliffe, 1716), pp. 75-76. (Microfilm currently in possession of W. Reynolds McLeod)

<sup>97</sup>Burton, Scotland, p. 186.

<sup>98</sup>Ibid., p. 212.

<sup>99</sup>Baynes, Rising, p. 184.

The prisoners had been securely guarded to Highgate by Brigadier Panton, Lieutenant Colonel of Lumley's Regiment of Horse, and one hundred of his troopers.<sup>100</sup>

From Highgate, where the cavalcade formed to march through London, Major General Tatton, Lieutenant Colonel of the 1st Regiment of Guards, at the head of three hundred foot guards and one hundred and twenty horse guards, became responsible for the prisoners. To increase the degradation of the prisoners, each captive's arms were tied with cords across his back so as not to allow any one of them to hold his bridle. Each horse was led by a foot soldier. The prisoners were divided into four sections according to the prison to which they would be taken. The noblemen were to be marched to the Tower of London as befitted their station in life. Forster, Brigadier Mackintosh, and those considered to have committed the worst crimes went to Newgate. The remainder were lodged in Marshalsea and the Fleet. Between each division of captives were a guard of horse grenadiers and a platoon of foot soldiers.<sup>101</sup> The government was obviously guarding against the possibility of a crowd of Jacobite sympathizers attempting to free the prisoners.<sup>102</sup>

The parade, which departed from Highgate at noon on December 9 with drums beating, drew large crowds of spectators

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<sup>100</sup>Compleat History, p. 85.

<sup>101</sup>Ibid.

<sup>102</sup>Baynes, Rising, p. 184.

who lined the route to insult and jeer at the unfortunate men.<sup>103</sup> Some of the prisoners had retained enough spirit to answer the crowd's taunts. The soldiers guarding the men often showed they were not unsympathetic to the plight of the prisoners for if a member of the mob lining the street became too bold, the soldiers would take appropriate action. General Thomas Forster's chaplain, the Reverend Robert Patton, who turned King's evidence to save his own neck, was insulted by a Quaker. The Quaker soon found himself sprawled in a ditch from a push administered by the butt-end of a grenadier's rifle.<sup>104</sup>

The crowd was especially interested in catching a glimpse of Brigadier Mackintosh, who had been a fearsome "bogey-man" to the Whigs.<sup>105</sup> One anonymous author wrote that with this disgraceful spectacle "Those unhappy wretches began to taste the bitter Effects of their own Folly; for Death it self, [sic] to a generous Mind, must needs be preferable to the infamy of such a Cavalcade."<sup>106</sup> The Flying Post, a Whig periodical of the day, found the parade reminiscent of an ancient Roman Triumph.<sup>107</sup> This triumph was referred to in

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<sup>103</sup>Compleat History, p. 85.

<sup>104</sup>Baynes, Rising, p. 184.

<sup>105</sup>Ralph Arnold, Northern Lights: The Story of Lord Derwentwater (London: Constable & Co., Ltd., 1959), p. 127.

<sup>106</sup>Compleat History, p. 85.

<sup>107</sup>Baynes, Rising, p. 184.

the vernacular as a side show or "raree-show," an entertainment of strange and exotic sights. The term found its way into a song in James Hogg's Jacobite Relics of Scotland. The song, which describes and names the captured men, was written, for obvious reasons, in a mock-German dialect of English and presumably has George I exhorting the loyal masses to

. . . come zee my vine raree-show,  
 Dat your voes vrom your vriends den you truly may know;  
 In dis box is de vinest zight ever you zaw,  
 Vor it shows all de willians attained by law.<sup>108</sup>

Those prisoners who remained in Lancashire were imprisoned in the jails of Lancaster, Liverpool, and Chester. Due to the large numbers of prisoners (1,385) remaining there, some were quartered for the first month in the Parish church.<sup>109</sup>

After the Jacobite retreat in Scotland began on January 30, 140 of the leaders, including the Earl of Mar and James III, escaped to France from the Aberdeenshire coast. Mar abandoned his followers to save his own life, leaving them to suffer their respective fates and so become "Saints" in the Jacobite hagiography. Many also escaped to the Orkney Islands, where they were picked up by French vessels and taken to Sweden. Thus, Argyle lost the opportunity to capture many important prisoners. When he reached Aberdeen on February 8, the rebel army had disappeared. Argyle captured, perhaps, a total of

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<sup>108</sup>"The Raree-show," in Hogg, Jacobite Relics, II, 443.

<sup>109</sup>Baynes, Rising, p. 192.

two hundred stragglers before he was relieved of his command a month later.<sup>110</sup>

Eighty-three prisoners were taken in the Battle of Sheriffmuir, including James Maule, Earl of Panmure. Panmure, desperately wounded, had been left with a dragoon to guard him in a nearby cottage. While he was there, his brother arrived and carried him off in the night. Many of the prisoners taken at Sheriffmuir were imprisoned in the Castle of Stirling.<sup>111</sup> In general, the prisoners in Scotland were captured piecemeal and incarcerated in local gaols, Edinburgh Castle, the Tolbooth of Edinburgh, the Canongate Tolbooth, or the Winton House in the Canongate.<sup>112</sup>

One of the few available sources on the Scottish prisoners is a letter written by the Reverend John Alexander of Kildrummy to his wife after he was shunted from prison to prison. Alexander was eventually imprisoned in Winton House in the Canongate of Edinburgh. It is obvious from his letter that the Raree-show of London had its counterpart in Scotland. The prisoners were led through towns in mock pomp to be insulted by the populace while their horses were led by Dutch

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<sup>110</sup>Burton, Scotland, p. 206-07.

<sup>111</sup>An Account of the Battle of Dunblain in a Letter from a Gentleman at Stirling, to His Friend at Edinburgh, November 15, 1715, p. 2. (Microfilm currently in possession of W. Reynolds McLeod)

<sup>112</sup>A List of Scot's Noblemen and Gentlemen Prisoners, That Are Designed for England (Edinburgh: Printed by Margaret Reid, nd), p. 1. (Microfilm currently in possession of W. Reynolds McLeod)



mercenaries.<sup>113</sup> Many of the prisoners were ill horsed with work horses. Many of the riders, who had neither saddles nor bridles, relied only on a halter.<sup>114</sup> On April 16, 1716, the prisoners reached Montrose at 4:00 p.m. where they were kept on horseback over an hour before being taken to jail. The whole town watched, laughed, and mocked them, and only a few felt enough pity to actually weep for the unfortunate men. The following day at Aberbroth, they suffered even worse treatment, and at Dundee on April 18, the mob derided them for at least an hour.<sup>115</sup> These experiences were repeated over and over again throughout Scotland until the Reverend Alexander complained of being paraded through every town in Fife as though they were a freak show.<sup>116</sup>

On Thursday, April 12, the prisoners landed at Leith, where a large crowd walked them to Edinburgh at a fast pace with no stopping. At Edinburgh, the entire town watched, and, in what must have been a welcome change for the prisoners, harassed the guards instead of the captives as they marched to the Canongate.<sup>117</sup>

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<sup>113</sup>John Alexander of Kildrummy, "Letter Written by Reverend John Alexander of Kildrummy, to His Wife, April 14, 1716," in James Allardyce, ed., Historical Papers Relating to the Jacobite Period, 1699-1750 (Aberdeen: Printed for the New Spalding Club, 1895), p. 124.

<sup>114</sup>Ibid., p. 125.

<sup>115</sup>Ibid.

<sup>116</sup>Ibid., p. 126.

<sup>117</sup>Ibid., pp. 126-27.

There seems to be little information on the prisoners in Scotland and there appears to be no reliable set of statistics on the prisoners taken in Argyle's march or the Battle of Sheriffmuir. Prisoner lists often designate which prisoners were taken in the latter engagement, but they offer little pertinent information on the Scottish prisoners as a whole. The evidence presented by the recorders of the English "Raree-show" make Alexander's account relative to Scotland seem all the more reliable and factual.

Obviously, at this point in the story, the prisoners have endured great humiliation for their activities in The Fifteen. All of the men shared the experience of being forcibly paraded through the countryside like curious aberrations as part of their punishment and as an example to the people. These unfortunates would again endure a common experience--prison--which for some would be a time of discomfort and despair, for others a time of revelry, and for a few, a cherished opportunity to escape their responsibility for their actions.

## CHAPTER III

## THE REBELS IN PRISON

Sometimes I'm a rebel and sometimes a saint;  
 Sometimes I can swear, and at other times cant;  
 There's nothing but grace, thanks to Jove, I do want;  
 Which nobody can deny, deny, which nobody can deny.

All this I can do when I'm foolish and merry,  
 And I can sing psalms as if never weary:  
 But I still find more joy in a boat to the ferry;  
 Which nobody can deny, &c.

I can pledge any health my companions drink round,  
 And can say, Heaven bless! when I wish hell confound!<sup>118</sup>

Prison in the eighteenth century, like its twentieth century descendant, was an expensive form of accommodations. Whereas the modern taxpayer ultimately underwrites the bill for the support of society's undesirables, the incarcerated themselves were expected to pay for their own lodgings in prison in eighteenth century England. Obviously only the wealthier of the prisoners could afford to purchase comfort for which they were forced to pay prices that would have rented the best house in Saint James Square. Jacobite General Thomas Forster paid five pounds a week for food and accommodations in Newgate Prison, but such charges were not confined to him alone. Charles Radcliffe, Mr. Widdrington, and others paid a fee of twenty guineas each for the removal of their

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<sup>118</sup>"Nobody Can Deny," in Hogg, Jacobite Relics, I, 143-44.

irons, while Mr. Anderton was charged twenty-five guineas for the same service. Those prisoners that did not wish to be lodged in the "common" side of the prison paid fees ranging from ten guineas to ten shillings each per week for better quarters in the Governor's House.<sup>119</sup> In the more "genteel" sections of the prison, ten men would be confined in one room and share four beds. The unknown author of The Secret History of the Rebels in Newgate suggests that the prisoners collectively disbursed between three and four thousand pounds in as many months for the privilege of being imprisoned there.<sup>120</sup>

Obviously, if imprisonment was so expensive to the imprisoned, there must have been a source of income to enable the incarcerated to live in a manner approximating that to which they had been accustomed. The Secret History of the Rebels in Newgate indicates that there were many sources of financial support for them. In addition to their own personal fortunes and family help, much money was sent by Jacobites in England and abroad. Visitors brought valuable gifts and money, especially the women, who in an excess of sympathy,

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<sup>119</sup>The term, "Governor's House," referred to the entire confines of the prison and not to any special accommodations in the governor's own residence.

<sup>120</sup>The Secret History of the Rebels in Newgate: Giving an Account of Their Daily Behavior from Their Commitment to their Gaol-Delivery. Taken from a Diary, Kept by a Gentleman in the Same Prison. 2nd ed. (London: Printed and Sold by J. Roberts, nd), p. 6. (Microfilm currently in possession of W. Reynolds McLeod, Morgantown, W. Va.)

would sacrifice their jewelry and movable items.<sup>121</sup> Female visitors, perhaps swept off their feet by the plight of their cavaliers, were equally generous with their sexual favors. The turnkeys at Newgate fared quite well also, for the callers were more than cognizant of the value of judicious bribery.<sup>122</sup> The value of the gifts to the prisoners can best be judged by the extremely comfortable manner in which the captives lived. They fed on costly food, such as venison pasties, hams, chickens, and a large quantity of good foreign wines.<sup>123</sup> They also could afford to pay outrageous prices for ordinary provisions: forty shillings for a dish of peas and beans and thirty shillings for a dish of fish with the best French wine. One prisoner, a Captain Silk, grew so heavy that his clothes no longer fit him.<sup>124</sup> The author of The Secret History, who felt it was an unusual practice for men who were in prison for principles of conscience to so live, indicates in his account that he was appalled by the profligate and hearty manner of the prisoners' living.<sup>125</sup> He believed they were so well fed and wined that they possessed no sense of their crimes.<sup>126</sup>

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<sup>121</sup>Ibid., p. 4.

<sup>122</sup>Ibid., pp. 6-7.

<sup>123</sup>The high cost of living in prison is corroborated by Lord Nairn in Ralph Arnold, Northern Lights: The Story of Lord Derwentwater. Ibid., p. 4

<sup>124</sup>Ibid., p. 7.

<sup>125</sup>Ibid., p. 5.

<sup>126</sup>Ibid., p. 6.

The prisoners do not appear to have lacked recreation. During the day they were permitted the freedom of the Press-yard and visitors. They are also known to have played various games, including shuttlecock, at which Thomas Forster was the best player in prison. At night, there was much drinking, and one would assume fashionable pastimes like cards and gambling would not have been neglected. Consequently, the prisoners remained relatively content and in good spirits until the first of the convictions and executions, those of Derwentwater and Kenmure, took place. When the rebels in Newgate received orders to prepare for their own trials, their spirits began to fall, and they initiated conspiracies to escape.<sup>127</sup>

On March 14, 1716, some of the Newgate rebels attempted an escape from the Press-yard by breaking through part of the wall. They were confined in irons but released from them on March 23. It is not known whether or not the prisoners paid for the removal of their irons, but The Secret History of the Rebels in Newgate claims that the jailer would not have dared to do so if it had not received the approval of the Governor of Newgate.<sup>128</sup> On April 10, an escape attempt succeeded. A servant of Thomas Forster's, Thomas Lee, made an impression of the keyhole of the outer door of the prison and commissioned a key to be manufactured to fit it. On the evening of the 10th, eleven days after he had been informed

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<sup>127</sup>Ibid., p. 7.

<sup>128</sup>Ibid., p. 8.

to prepare for his trial, Forster and Mr. Anderton were drinking French wine with Governor Pitt. Forster sent his servant for another bottle of his own wine, and, a few minutes later, on the excuse that a trip to the water closet was a necessity, Forster also left the room.<sup>129</sup> After some time had passed, the Governor became suspicious and went to look for Forster. The Governor found only Forster's nightgown, which he had worn over his clothes, on the stairs, and one of his own servants locked in a small room.<sup>130</sup> The false key, which had been used to lock the door from the outside, was left in the lock of the main door of Newgate.<sup>131</sup> Lee and Forster, who reached France within twenty-four hours, probably obtained some well-planned outside aid. There was speculation in London when the escape occurred that it had been effected in order to spare the Government the embarrassment of trying a Protestant Member of Parliament for treason.<sup>132</sup> After the escape, the Government posted a Lieutenant with thirty foot guards on constant duty at Newgate, and Governor Pitt himself was tried for high treason in allowing the prisoner to escape, but was acquitted. Several prisoners were put in irons

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<sup>129</sup>Ibid., p. 9.

<sup>130</sup>Baynes, Rising, p. 190.

<sup>131</sup>Newgate, p. 9.

<sup>132</sup>Baynes, Rising, p. 190.

to prevent their escaping, and even an attempt to bribe the guard on April 30, was to no avail.<sup>133</sup>

As the indictments for treason began to filter in, there was little change in prison life. The prisoners drank more frequently to help them keep up their courage, and the number of visitors increased.<sup>134</sup> Brigadier Mackintosh and twelve to fourteen other Jacobite prisoners broke out of Newgate on May 4, 1716. The Brigadier had managed to free himself from his irons around 11:00 p.m. By hiding behind the door of the jail, he was able to knock down the turnkey when he answered the door. Mackintosh, Charles Wogan, his son-in-law, William Delmehoy, Alexander Delmehoy, Robert Hepburn, John Tasker, and James Talbot all escaped.<sup>135</sup> Six to eight others, bewildered by London, were re-captured. Public interest, fired by the escape and the colorful character of the Brigadier, lionized Mackintosh. The reward for his capture began at two hundred pounds and quickly reached one thousand. The Government, however, appears to have been the only party disturbed that Mackintosh remained at liberty for the remainder of his life.<sup>136</sup>

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<sup>133</sup>Newgate, pp. 9-10.

<sup>134</sup>Ibid., pp. 10-11.

<sup>135</sup>Talbot was re-taken some days later at a relative's house in Windmill Street because a serving maid talked. He was returned to Newgate on May 9. Ibid., p. 11.

<sup>136</sup>Baynes, Rising, p. 191.



The notorious escapes of Forster and Mackintosh prompted Sir Charles Peers, the Lord-Mayor of London, and the city Magistrates to take some precautions to make Newgate more secure. They appointed Carleton Smith and a Mr. Russel to watch the rebels when they walked in the Press-yard and to search all visitors. No riding hoods, cloaks, or arms were permitted to be worn inside the prison for obvious reasons. Consequently, due to the watchfulness of Smith and Russel, there were no more escapes from Newgate during their tenure.<sup>137</sup>

As the number of indictments and sentences for high treason increased, the prisoners became mutinous and more eager to escape. The sentencing of Colonel Oxborough to death was nearly the cause of a riot in Newgate.<sup>138</sup> The new keepers, Russel and Smith, scrutinized the prisoners so closely that the captives became abusive to them and complained to the Lord-Mayor. They continued to attempt to escape: on May 21, they crowded around a door and tried unsuccessfully to force their way out. A turnkey was beaten by the rebels when he brought a prisoner from his trial. The prison staff itself was not immune from deplorable behavior. They were frequently drunk, well bribed, fraternized with the prisoners, and on occasion, even stole the property of the visitors. Mr. Taylor,

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<sup>137</sup>Newgate, p. 11.

<sup>138</sup>Oxborough was executed on May 14, and his head placed on Temple Bar. Ibid., p. 12.

an attorney for the rebels, visited the prison and left his sword, which was worth five pounds, with the sentry. When he returned, he found an iron-hilted mourning sword worth eighteen pence in its place. It must have been speedily restored to its owner, for The Secret History of the Rebels in Newgate only states that the officer who stole it was repentant.<sup>139</sup>

The prisoners were as willing to drink to the health of King George I as to that of James III. The reprieves of Justice Hall, Nicholas Wogan, Robert Talbot, Charles Radcliffe, and Launcelot Mackintosh, led to the rebels' drinking to the King in the hope that they all would escape punishment. The indictments of an additional dozen of the prisoners led to a hasty reversal of that custom. Isaac Dalton, a man imprisoned for libel, was discovered giving money to the sentinels to drink to James's health. Carleton Smith remedied the situation by giving them wine to drink to the King. "The King Shall Enjoy His Own Again," a popular Jacobite song, was frequently sung by the guards as well as the prisoners which led to the reprimand of some soldiers on May 28.<sup>140</sup> On many nights, the prisoners, drunk and singing Jacobite songs, were so rebellious that the keepers experienced great difficulty in locking them in their cells by midnight or 1:00 a.m.<sup>141</sup> Eventually, the

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<sup>139</sup>Ibid., pp. 12-13.

<sup>140</sup>Ibid., pp. 14-15.

<sup>141</sup>Ibid., pp. 20, 25.

visitors also extended their dancing and drinking hours at the prison and gave the turnkey a great deal of trouble. Even the Keeper's neighbors drank with the rebels.<sup>142</sup> There was a distinction, however, between the life styles of the Catholic Jacobites and the Protestant Jacobites in prison. The Catholic Jacobites lived extremely well, but the Protestants were so poor that their daughters went to the turnkey every day for the brown bread that was commonly given to poor prisoners.<sup>143</sup>

Holidays, especially June 10, the Pretender's birthday, were always an excuse for the prisoners to drink more than usual. On the anniversary of the Restoration of Charles II, the guard was habitually reinforced, because the mob outside the prison carried oak branches that could easily have been used as clubs.<sup>144</sup> On June 10, 1716, Captain Booth, one of the prisoners, placed a bouquet of white roses at his window. Even the visitors came bearing white roses to commemorate the day. The Keepers threw the roses to the ground and crushed them underfoot.<sup>145</sup> On May 29 of the following year, the anniversary of the Restoration, Jacobite visitors drank to such excess that they could hardly find their way home.<sup>146</sup>

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<sup>142</sup>Ibid., p. 38.

<sup>143</sup>Ibid., p. 40.

<sup>144</sup>Ibid., p. 16.

<sup>145</sup>Ibid., p. 19.

<sup>146</sup>Ibid., p. 41.

The perpetual drunkenness of the prisoners was no deterrent to frequent escape attempts. Contrary to orders, the prisoners were no longer kept in irons except when they were going to and from their trials. On June 6, two days after the capture of a woman who helped Mackintosh escape, the Lord-Mayor of London ordered the prisoners put in double irons and allowed no liberty in the Press-yard.<sup>147</sup> Despite these measures, Barlow of Barlow Hall, dressed as a woman, tried to walk out of Newgate with some other women when the turnkey suspected him and threw him down. The accompanying women cried, "Don't abuse the lady, she's with child!"<sup>148</sup> Barlow, who acted the part well and had the assistance of cosmetics and pads for breasts, convinced the turnkey. If Carleton Smith had not searched him, Barlow would have escaped. He offered ten guineas to the Keeper to release him, but Smith took Barlow in female dress before the court then sitting at Old Bailey. Barlow claimed that the clothes were brought to him by his wife. The court was much amused to see him so dressed, but ordered him put in heavy irons and the clothes kept as evidence. The other prisoners were understandably angry with the Keeper for exposing Barlow.<sup>149</sup>

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<sup>147</sup>Ibid., pp. 17-18.

<sup>148</sup>Ibid., p. 24.

<sup>149</sup>Elizabeth Powel, a crazy-woman in Westminster Market, came to Barlow thirteen days earlier with the plan. He thought it was a trick and turned her over to the Keepers. Ibid., pp. 22-25.

A prisoner named Robertson failed to escape dressed as a clergyman, but another man, Bruce, succeeded. On Sunday, September 16, a certain Ramsey escaped in a crowd.<sup>150</sup>

On December 11, Charles Radcliffe, the brother of the Earl of Derwentwater, escaped. An old criminal was selling canes and pretended to bargain with Radcliffe, who slipped under the chain at the gate. The cane peddler, who claimed to be a visitor, was released and may have bribed the turnkey.<sup>151</sup> James Swineburn also managed to desert Newgate unnoticed.<sup>152</sup>

During the escapes, Governor Pitt was again supervising Newgate, but the unauthorized releases of certain prisoners so alarmed the Lord-Mayor that he and the aldermen reinstated Smith and Russel on April 5, 1717.<sup>153</sup> The new Keepers soon angered the prisoners by refusing to drink with them and forbidding them to walk in the fields. The fact that the Keepers were armed was also a matter of concern to the rebels.<sup>154</sup> There were no escapes under Smith and Russel,

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<sup>150</sup>Ibid., pp. 27-28.

<sup>151</sup>Ibid., p. 29.

<sup>152</sup>Baynes, Rising, p. 191.

<sup>153</sup>Governor Pitt, who had been removed as chief administrator of Newgate Prison on suspicion of high treason, was reinstated upon his acquittal of the charges. Smith and Russel were interim keepers for the period of time that Pitt was absent. No one escaped during their tenure. When the escapes resumed after Pitt's return, he was again removed, and Smith and Russel reinstated as Keepers. Newgate, p. 30.

<sup>154</sup>Ibid., pp. 33, 36, 35.

so the prisoners turned to other mischief and pastimes. Badger baiting became popular, and the Keepers soon had to turn out an old fiddler the prisoners paid to play treasonous songs.<sup>155</sup>

Although most of the prisoners were difficult at one time or another, the resident troublemaker in Newgate was Captain William Silk. He first appears in The Secret History of the Rebels in Newgate threatening Russel.<sup>156</sup> When the Lord-Mayor ordered double irons on June 6, 1716, Silk, who was the only rebel who caused any trouble on that occasion, bullied the Keepers and made snide remarks about the Lord-Mayor and the Sheriffs.<sup>157</sup> On the Pretender's birthday, Silk, who expected special privileges, was furious over the Keeper's refusal to have supper brought in to the rebels after 10:00 p.m.<sup>158</sup> The following day, Silk caused a disturbance by beating one of the prison servants.<sup>159</sup> He threatened Carleton Smith when he refused to permit visitors after hours, and with the help of others, cursed and assaulted the man who rang the bell for them to retire to their cells. When some of the prisoners tried to obey the bell, Silk taunted them,

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<sup>155</sup>Ibid., p. 37.

<sup>156</sup>Ibid., p. 16.

<sup>157</sup>Ibid., p. 18.

<sup>158</sup>The Keepers had been informed that neighboring women would come to the prison to help the prisoners escape in disguise. Ibid., p. 19.

<sup>159</sup>Ibid., p. 20.

saying, "Get up ye Slaves, go!"<sup>160</sup> Silk's colorful behavior won him many friends among the visitors, especially the most notorious Jacobites, and, indeed, he had more visitors than any other prisoner. On Good Friday, April 19, 1717, Silk cursed the Keepers, because the door was shut during divine services and his friends could not enter the prison to drink with him.<sup>161</sup> The prisoners themselves were not immune from Silk's wrath. He tried to persuade the Keepers to lodge Alexander Menzies on the "common" side of Newgate, because Menzies did not agree with him. Four days later, Silk argued with a fellow prisoner named Grierson about their respective pedigrees and noble achievements.<sup>162</sup> On June 22, there was another quarrel between Menzies and Silk, who abused Menzies by falsely claiming that a notorious whore who visited Grierson also called on Menzies. When Menzies denied it, Silk struck him across the face. The other prisoners tried to restrain them, but Silk demanded that Russel house Menzies on the "common" side. Later that day, Silk broke into Menzies's room and attempted to strike him, but Menzies threw a candlestick at him and cut his assailant's head. The Keepers confined them both to their cells, while Silk, in a towering rage, swore revenge on all of them.<sup>163</sup> The Secret History of

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<sup>160</sup>Ibid., pp. 21-22.

<sup>161</sup>Ibid., p. 33.

<sup>162</sup>Ibid., pp. 44-45.

<sup>163</sup>Ibid., p. 45.

the Rebels in Newgate says nothing further on the subject of Captain Silk or his eventual fate. Evidently, the Keepers found a method of controlling him.

Various other activities took place in Newgate. King's messengers inspected the jail and gave instructions for the security of the prisoners.<sup>164</sup> Isaac Dalton, the printer of the Last Shift, sent a letter with Anne Leonard to Newgate begging the rebels to stand by his paper or it would fail for lack of money. On June 7, the Day of Thanksgiving for the victory over the rebels, visitors arrived at the prison with rue and thyme, which the Keepers promptly snatched away and trampled on the floor. At midnight, brickbats were thrown from neighboring houses at the guards who fired at the houses. Carleton Smith was searching several residences in an attempt to find the malefactors when a shot was fired into a room he was investigating. Smith found a man there in the dark, whom he confined for the rest of the night. The man was released the following day by the Lord-Mayor as there was no proof the man had indeed attempted to shoot the Keeper.<sup>165</sup> Three days later, on the Pretender's birthday, Jacob Forden, a Catholic journeyman printer in Bloomsbury, was shot dead by the guards at Newgate for insulting them as "King George's Bull Dogs."<sup>166</sup> The Jacobites and Tories promptly named Jacob an eminent martyr,

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<sup>164</sup>Ibid., p. 15.

<sup>165</sup>Ibid., pp. 18-19.

<sup>166</sup>Ibid., p. 20.



and a High Church court termed the shooting to be wilful murder, but Jacob was such an obnoxious character that his wife refused to come near him or his friends to bury him.<sup>167</sup> There were quite a few deaths in Newgate during the term of the rebels' imprisonment. Many of them were unexplained, and the only disease mentioned in The Secret History of the Rebels in Newgate is a "spotted fever" of which many died.

The riotous life of the upper-class rebels in Newgate can hardly be considered to be a difficult one. Their daily practice of gluttony, drunkenness, gaming, and whoring (especially on Sunday when they had the most of their female visitors) points to a prison that was run with little severity. Friends, family, and other Jacobites looked to the pleasures of the prisoners in such a manner that few suffered due to their confinement.<sup>168</sup>

Prison conditions were generally worse in Lancashire than they were in London, and few prisons either place could even be remotely described as clean. In Liverpool, the Old Tower Gaol housed most of the prisoners. Baynes describes it as containing

. . . seven cells off a passageway ten steps down under ground level. Six of the cells were small ones measuring only six feet in height, length, and width, and had no windows. The only source of light and ventilation

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<sup>167</sup>The Parish buried him. Ibid., p. 20.

<sup>168</sup>The frequent visits of priests and non-juring ministers did nothing to elevate the moral standards of the rebels. The priests themselves often came to drink with them.

was a small aperture in the door. They were designed for four men each. The exercise-yard was twenty yards long by ten wide, and was used as a lavatory.<sup>169</sup>

Unlike London, there seem to have been few escapes in the shire prisons. Robert Patten in A History of the Late Rebellion mentions only four: two in Chester, one in Preston, and one in Lancashire.<sup>170</sup>

Prison conditions appear to have varied greatly throughout Scotland. They ranged from squalid holes without straw--dungeons with no room to stand and nothing to sit on, and one prison in which the prisoners had only an old bier used to carry prisoners and paupers to the grave to lie upon--to the best, with large galleries to walk in, clean bedding, large, well-lighted rooms, and good food and drink. In the best prisons, those at Carlisle, Kirkaldie, Dundee, and Winton House in the Canongate (Edinburgh), the conveniences were supplied by the prison. A minister who was confined in many of these gaols, Reverend John Alexander, whose letter to his wife provides much of what is known of these prisons, makes no mention of a fee in Kirkaldie, where they were kept in the Town Council House, or in Dundee.<sup>171</sup> Accomodations in Carlisle were expensive, but quite comfortable. Tulloch of Tannachy, a Jacobite prisoner there, spent twenty-two shillings for a

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<sup>169</sup>Baynes, Rising, pp. 194-95.

<sup>170</sup>Robert Patten, The History of the Late Rebellion. With Original Papers, and Characters of the Principal Noblemen and Gentlemen Concern'd in it (London: Printed for J. Baker and T. Warner, 1717), p. 137.

<sup>171</sup>Alexander, "Letter," pp. 124-28.

bottle of wine. Beds cost thirty shillings for two to a bed. The linen was changed daily and clothes washed for a fee, of course. The prisoners also had to purchase their own fuel for the fires in their cells.<sup>172</sup>

In the worst of prisons, Fife, Stonehive, Montrose, and Aberbroth, mentioned by the Reverend Alexander, the local gaols were only filthy holes in which there were not even the necessities of life for the imprisoned. Only the thoughtfulness of the people living in the area--who probably knew the conditions in the prisons well--made the lot of the prisoners bearable. John Alexander never ceased to praise the many kindnesses he had been afforded by strangers. The women of the area would bring clean linens, blankets, plaids, food, drink, and straw to make the Jacobite prisoners comfortable. In Aberbroth, which Alexander described as the worst prison in the kingdom, twenty prisoners were crowded into a pestilent dungeon with only a bier to sit upon. They had been given no food all day, and after they had been in the dungeon five hours, the women arrived with food, bottles of ale, and bedclothes. Alexander does not mention that anyone gave him money or that he had to pay for favorable treatment during his imprisonment, but in the letter to his wife, he sent money for her and the children to live on.<sup>173</sup>

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<sup>172</sup>Baynes quotes part of a letter from Tulloch of Tannachy to his wife, September 27, 1716. Baynes, Rising, p. 198.

<sup>173</sup>Alexander, "Letter," pp. 124-28.

There were more escapes in Scotland than in Lancashire. Several men, probably with the help of the under-keeper, slipped out of the Tolbooth in Edinburgh. Several prisoners escaped from Wintoun House in the Canongate, and nineteen Jacobites fled Edinburgh Castle on August 7, 1716. Only one prisoner was killed in that attempt which involved a drop from the cell windows to the rocks below. Finally, only one prisoner, William Hay, felt compelled to leave Carlisle while at dinner with the Master Gunner of the Castle.<sup>174</sup>

Obviously, the experiences of the prisoners varied a great deal. Nowhere is there evidence that the Jacobite captives were treated any worse than other criminals in jail. Indeed, the financial resources, friends, and families of the Jacobites most assuredly afforded them a far more comfortable life than the common felon--lacking these advantages--would have been able to purchase. The Raree-show had been a humiliating experience for some of the rebels, but many of them found that they could adapt to prison life. One rebel, William Shaftoe, in a philosophical mood, remarked, "The Spoke of a Wheel never went down but it came up again; so that the Staff might be in their Hands one Day, as it was now in the Hands of others."<sup>175</sup> The Jacobites were never to experience this rise in their fortunes. For the men in prison for their

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<sup>174</sup>Baynes, Rising, pp. 197-98.

<sup>175</sup>Newgate, p. 42.

activities in *The Fifteen*, the story of the trials and attainders explains why most of them would never again achieve political prominence in England.

## CHAPTER IV

## THE SEVEN LORDS

"Farewell to pleasant Ditson Hall,  
 My father's ancient seat;  
 A stranger now must call thee his,  
 Which gars my heart to greet.

"And fare thee well, George Collingwood,  
 Since Fate has put us down;  
 If thou and I have lost our lives,  
 Our king has lost his crown."<sup>176</sup>

The investigation by the Privy Council into the subversive activities of the rebel leaders captured at the Battle of Preston began soon after their arrival in London. On December 10, the day following the infamous Raree-show, Thomas Forster, Brigadier Mackintosh, and William Gordon, Viscount Kemure, were examined by the Council. Two days later, James Radcliffe, Earl of Derwentwater, William Maxwell, Earl of Nithsdale, Robert Dalziel, Earl of Carnwath, George Seton, Earl of Wintoun, and William, Baron Widdrington, were questioned.<sup>177</sup> Derwentwater, in particular, was interrogated concerning a letter of gratitude from the Pretender for money he had received from the Earl.<sup>178</sup>

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<sup>176</sup>"Ditson Hall" is sometimes found as "Dilston Hall." George Collingwood was a rebel executed the day after Derwentwater in Lancastershire. "Lord Derwentwater's Goodnight," in Hogg, Jacobite Relics, II, 30-31.

<sup>177</sup>Compleat History, p. 87.

<sup>178</sup>Derwentwater denied having written the letter, but he was a cousin of James III. Derwentwater's mother was a daughter of Charles II and Moll Davis. Arnold, Northern Lights, pp. 130, 42.

According to the Compleat History of the Late Rebellion, each of the rebel lords had little to say in his own defense, except that "they had acted upon Principles of Conscience, and whatsoever was allotted for them they were ready to undergo."<sup>179</sup>

After a successful appeal to the House of Lords, Mr. Lechmere, a crown lawyer, spoke before Commons on January 9, 1716, on the subject of the impeachments of the Jacobite lords captured at the Battle of Preston. He asserted the right of the House of Commons to impeach criminals, and to designate itself as the prosecutor of the rebels. Never in England's history--according to Lechmere--had such notorious criminals been tried anywhere but in Parliament. He further reminded the House that by the terms of the Act of Settlement a pardon under the Great Seal could not alter a conviction by the legislature. At the conclusion of Lechmere's speech, Commons impeached Derwentwater, Nithsdale, Carnwath, Wintoun, Kenmure, Widdrington, and Nairn of High Treason. The seven lords were accused of plotting the death of George I; levying war in Teviotdale, Northumberland, Cumberland, and the County Palatine of Lancaster; wishing to dethrone the King; enlisting men and arms to rebel; invading parts of the Kingdom; and of stealing arms, goods, and chattels of the King's faithful subjects. Thomas Forster, Lord Charles Murray, Edward Howard, Thomas Errington, Ralph Standish, Richard Townly, Thomas Butter, Thomas Walton, Gabriel Hasket, Richard Gascoigne, and others were named

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<sup>179</sup>Compleat History, p. 87.

in the Articles of Impeachment as accomplices of the seven lords. In particular, they were charged with causing the Pretender to be declared King; stealing public money from the King's Officers of the Revenue for the Pretender's use; disguising their purposes and attempting to delude the faithful subjects by convincing ministers of the Church of England to join them and others in praying in the churches for James as the King of England; and of having occupied and seized the town of Preston in Lancaster and inciting a war there "on or about November 9, 10, 11, 12, or 13." In addition, the seven lords and their accomplices were impeached of the murders of many loyal subjects of the King. Commons demanded that they be required to answer the charges and be given a fair trial.<sup>180</sup>

After Mr. Lechmere brought word of the Articles of Impeachment to the House of Lords, Viscount Townshend informed them that the accused lords were being held in the Tower of London. The House of Peers ordered the seven lords to be brought before the House on the following day, Tuesday, January 10. When the seven lords appeared before their peers, the Articles of Impeachment were read to them. The Lord Chancellor asked for their responses to the charges and whether they had any requests to make. Derwentwater and the others asked for copies of the Articles, some time to draft replies to the charges, and counsel to assist them.<sup>181</sup> These appeals were granted, for the House

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<sup>180</sup>Cobbett, Parliamentary History, pp. 230-43.

<sup>181</sup>Ibid., p. 244.



was "pleas'd to shew all possible Favour to Persons of their own Rank."<sup>182</sup> The Counsel that the accused were permitted to name could be either peers or commoners and were given free access to all necessary materials. Derwentwater chose the Dukes of Saint Albans and Richmond, Lord Longville, and Lord Lumley. Those chosen by the other defendants were not named<sup>183</sup> in any of the sources. The lords were allowed until the following Saturday to present answers to the Articles of Impeachment.<sup>184</sup>

On Monday, January 16, the rebel lords petitioned for additional time to prepare their replies to the charges.<sup>185</sup> They were given until January 19, when all of them with the exception of the Earl of Wintoun, pleaded guilty with extenuating factors. Each of them was brought by the Gentleman Usher of the Black Rod to kneel before the Bar of the House of Lords and to deliver his answer.<sup>186</sup>

The Earl of Derwentwater, who as the only English peer accused, was called first to deliver his reply, admitted his guilt, claiming his act of rebellion against the King was embarked upon rashly and without premeditation. As proof of this, he claimed that he joined the rebels without any of the

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<sup>182</sup>Compleat History, p. 112.

<sup>183</sup>Ibid.

<sup>184</sup>Cobbett, Parliamentary History, p. 244.

<sup>185</sup>Compleat History, p. 112.

<sup>186</sup>Cobbett, Parliamentary History, p. 265.

necessities of war--men, horses, and arms. When the King's generals demanded hostages at the Battle of Preston to guarantee the truce, he had freely volunteered to be one. An important part of the Earl's defense was that the officer sent to the rebels by General Wills had extolled George I's clemency and gave them reason to believe that by surrendering themselves they would be entitled to that mercy. The Earl further claimed that in his wish to prevent the useless murders of the King's subjects he wrote a letter to the remainder of the Pretender's army to exhort their surrender. He realized that a just sentence would deprive him of his life and estates. Derwentwater begged only for his life, and pleaded for the intercession of the Lords in his behalf.<sup>187</sup>

Lord Widdrington, upon being asked the same question as was Derwentwater, stated that he refused all defense since he had surrendered to the King's mercy. He pictured himself as a private and retired man who rashly and without forethought joined the Pretender and committed his family to ruin. He, too, enlisted without any material preparation. Widdrington denied any knowledge of plans to harm the King or the established government and refused to admit having stolen goods from the King's subjects. Widdrington further claimed that he had been most influential in obtaining the general submission of the rebels to the Government forces at Preston. He, who was among

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<sup>187</sup>Ibid., pp. 266-67.

the first to have surrendered, would not have done so if the King's officers had not promised clemency.<sup>188</sup>

The Earl of Nithsdale also acknowledged his guilt and claimed that he had no knowledge of any plot against the King or the government. He was also without the equipment for war, having rashly joined with four servants while the men in his neighborhood enlisted. He relied upon the King's clemency after having been assured at Preston that the monarch was merciful.<sup>189</sup>

The remaining three pleas were very brief. The Earl of Carnwath admitted his guilt and begged the mercy of the King, promising that if he were pardoned, he would feel obligated to be a faithful subject. Viscount Kenmure, repentantly acknowledging his guilt, importuned the lords to intercede for mercy for him. After the customary admission of guilt, Lord Nairn presented a petition on his own behalf. He represented himself as a good Protestant who had lived quietly until his estate was surrounded by the Pretender's forces. He denied any knowledge of conspiracy or the invasion of England and but for fear of being considered a coward would have refused to fight for James. Nairn, pleading that his wife and twelve children needed him, threw himself on the mercy of the King, which he had been led to expect when he surrendered.<sup>190</sup>

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<sup>188</sup>Ibid., pp. 268-69.

<sup>189</sup>Ibid., pp. 270-71.

<sup>190</sup>Ibid., pp. 272-73.

The Earl of Wintoun entered a petition for additional time, since his counsel had declined to help him. He requested that Sir Constantine Phipps and Peer Williams be appointed as his counselors, Charles Menzies and James Lesslie as his solicitors, and George Herot of the Church of England, a relative of Wintoun's, as his minister. The House of Lords approved his choice of counselors, offered Wintoun a choice of either one of the solicitors, and assigned the clergyman to him if the minister would consent to remain in prison with the Earl. Wintoun, who chose Menzies as his solicitor, was granted until Monday, January 23, to complete his plea.<sup>191</sup>

The House of Lords was then informed by the Lieutenant of the Tower of London that in defiance of their orders to allow no unauthorized persons to speak with the seven lords, the guards who escorted the prisoners between the Tower and Parliament permitted the accused to dine at the Fountain Tavern in the Strand. The House refused to permit the continuation of this practice, stating that if the prisoners required refreshments they would be provided before they began their return journey to the Tower.<sup>192</sup>

On January 23, the House of Commons demanded a judgment by the House of Lords against Derwentwater, Nithsdale, Carnwath, Kenmure, and Nairn. That same day, the plea of the Earl of Wintoun to the Articles of Impeachment was heard. Wintoun,

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<sup>191</sup>Ibid., p. 272.

<sup>192</sup>Ibid., p. 274.

rueing his having incurred the displeasure of the Commons, stoutly maintained his innocence of the charges. He claimed that having been arrested in the company of guilty persons, his culpability was understandably assumed. He extolled his ancient and noble lineage which had never been stained with disloyalty. He further contended that there was no written evidence of his collusion with the rebels. In fact, the rebels had broken into his chapel at Seaton Place, looted it, defaced the tombs, thrust irons through the remains of his ancestors, and bombarded his house. Wintoun claimed that he joined the rebels only to protect his property and dependents from further damage, but that he never assisted them in their acts of rebellion. Dishonor being foreign to his nature, he trusted that the Lords would find him a worthy subject of clemency.<sup>193</sup>

The trial of the six lords, which was held on February 9, 1716, was presided over by a Court of High Commission and the Lord High Steward in the House of Lords. Lord Cowper, the Lord Chancellor, served as the Lord High Steward.<sup>194</sup>

At the trial, which by virtue of the guilty pleas of the defendants was actually only a sentencing of the prisoners, the Articles of Impeachment and the replies of the accused men

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<sup>193</sup>Ibid., pp. 279-82.

<sup>194</sup>Unfortunately for Lord Cowper, the Lord High Stewardship was not a position he particularly desired. Arnold, Northern Lights, p. 137.

were read to the assembled House of Lords. The six lords were individually asked if they had any further statements to make. The wording of Derwentwater's answer was found to be unclear by Lord Cowper. Derwentwater confirmed his guilt and requested the House to intercede with the King for clemency. Lord Widdrington, who had been ill when he drafted his answer, asked that its imperfections be excused and requested the assistance of the Lords in his behalf. The remaining lords merely voiced additional pleas for mercy.<sup>195</sup>

The Lord High Steward, after declaring the prisoners to be impeached of High Treason, asked each of them "why judgment should not pass upon you according to Law?"<sup>196</sup> Derwentwater, who repeated many of the circumstances his plea had related, stated that he possessed no concept of how to extenuate his crime. Speaking so low that he could not be heard in the back of the room, he gave no reason he should not be sentenced.<sup>197</sup> The remainder of the lords also reiterated their earlier pleas, but could produce no reason they should not be lawfully judged.<sup>198</sup>

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<sup>195</sup>The Whole Proceeding to Judgment Upon the Articles of Impeachment of High Treason Exhibited by the Knights, Citizens, and Burgesses in Parliament Assembled, in the Name of Themselves and of all the Commons of Great Britain, Against James Earl of Derwentwater, William Lord Widdrington, William Earl of Nithsdale, Robert Earl of Carnwath, William Viscount Kenmure, and William Lord Nairn, In Westminster-Hall, on Thursday the Ninth Day of February, 1715: Published by the Order of the House of Peers (London: Printed for Jacob Tonson, 1716), pp. 6-12. (Microfilm currently in the possession of W. Reynolds McLeod)

<sup>196</sup>Ibid., p. 13

<sup>197</sup>Ibid.

<sup>198</sup>Ibid., pp. 13-19.

Proceeding to his admonition of the rebel lords, Lord Cowper declared them guilty of plotting the King's death, levying war to depose and murder the King, and of proclaiming the Pretender to be the rightful monarch of England. The Lord Chancellor mentioned that it was not proper for him to notice arguments for mercy which did not mitigate guilt. He further did not accept the excuse that the lords "rashly" joined the rebellion. In his view, enlisting in an uprising without preparation merely indicated that these men were so desperate to be a part of it that they were not willing to take the time to be properly prepared. He felt that it was only partially true that they committed no rapine or plunder, but these charges carried little weight when compared to a charge of treason. In addition, the rebels had marched so quickly that there had been little time to thief. Lord Cowper spared no opportunity to taunt the unfortunate lords with their servile efforts to obtain mercy. After expressing regret that it was necessary, the Lord High Steward pronounced the customary sentence for treason--hanging, drawing, and quartering--but noted that the worst parts of the punishment were usually remitted for the nobility. He then rose from his seat, broke the staff of his office, and dissolved the Commission.<sup>199</sup>

The Earl of Wintoun's trial was held on March 15, in much the same manner as the trial of the other lords. His

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<sup>199</sup>The trial was in session from February 9 until February 19. Ibid., pp. 19-20.

plea of not guilty combined with a weak defense led to a unanimous verdict of guilty and the same sentence as his predecessors.<sup>200</sup> In a vain attempt to obtain a sentence of life imprisonment, Wintoun's counsel had hinted that the Earl was not mentally competent.<sup>201</sup>

The friends and families of the defendants made several attempts to secure pardons for them.<sup>202</sup> On February 13, the Countess of Nithsdale and Lady Nairn sprang from behind some curtains in the palace of Saint James and threw themselves at George I's feet to implore mercy for their husbands. The Countess of Derwentwater, her sister, and the Duchesses of Cleveland, Bolton, and Buccleugh, were introduced to the King by the Dukes of Richmond and Saint Albans.<sup>203</sup> The King was gracious to Derwentwater's obviously pregnant lady, but the audience had little effect. Two days later, February 21, Lady Derwentwater and twenty other distinguished ladies begged the assistance of the House of Lords. The Peers declined on the grounds that it was improper for them to take notice of such a plea. Realizing this, Lady Derwentwater and her friends recruited an even greater number of women and went before the

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<sup>200</sup>Rae, History of the Rebellion, p. 377.

<sup>201</sup>Wintoun's trial began on March 15 and continued until March 19. Compleat History, p. 130.

<sup>202</sup>Arnold, Northern Lights, p. 141.

<sup>203</sup>Cobbett, Parliamentary History, p. 282.



combined Houses of Parliament on February 22.<sup>204</sup> Here they found a more sympathetic hearing for Sir Richard Steele, Mr. Farrer, and Mr. Shippen sponsored a petition in their behalf. The opposition, led by Robert Walpole, cleverly circumvented the petition by carrying a vote to adjourn until March 1. The Duke of Richmond, a close relative of Derwentwater's, presented a similar petition in the Earl's behalf in the House of Lords.<sup>205</sup> The Earl of Derby did the same for Lord Nairn as did other peers for the remainder of the condemned lords. Lord Nottingham, Lord Aylesford, the Chancellor of the Duchy of Lancaster, and Lord Finch, a Lord of the Treasury, spoke for the petition while Lord Townshend and the Whigs vehemently opposed it.<sup>206</sup> The petition, which, according to Cobett, passed in Lords "by nine or ten votes," permitted the King to pardon those rebels who deserved mercy, but left the time of the respite to the Crown.<sup>207</sup>

The King was displeased by the Lords' speeches, especially those of Lord Nottingham, and felt that the House pressed the matter too much. He told Lord Bolton, who delivered the petition, that he would act as he believed was best for the country and the people. Meanwhile, Nottingham,

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<sup>204</sup>Arnold, Northern Lights, p. 142.

<sup>205</sup>Cobett, Parliamentary History, pp. 282-83.  
Arnold, Northern Lights, mentions that Walpole claimed the friends of Derwentwater offered him a bribe of £ 60,000 for a pardon.

<sup>206</sup>Arnold, Northern Lights, p. 144.

<sup>207</sup>Cobett, Parliamentary History, p. 283.

who had failed in his quest for mercy for the defendants, lost his office of Lord President due to a power struggle in the Council. The King ordered Lord Cowper to sign the warrants for the executions of Derwentwater and Kenmure. A reprieve was ordered for Nairn, Nithsdale, Carnwath, and Widdrington until March 7. Nairn was eventually saved by the efforts of Secretary Stanhope who had attended Eton with him and threatened to resign his office if the convicted lord was not pardoned. Carnwath, the second cousin of the physician to the Princess of Wales, Sir David Hamilton, was the object of the intercession of that august lady. It is not certain why Widdrington was reprieved. Arnold suggests that possibly, Lady Cowper, his cousin, exerted some influence there.<sup>208</sup>

The Countess of Nithsdale, who in her visit to the palace had clutched the King's coat so that she was dragged through a room of the palace, had decided to effect her husband's escape from the Tower. Her bribery of the guards had resulted in her being permitted to see her spouse frequently and in defiance of the orders of the House of Lords. On the eve of the executions of Derwentwater and Kenmure, Lady Nithsdale, with the help of another woman, dressed her husband--over his protests concerning female attire--in women's clothes and applied cosmetics to his face. Then, with his handkerchief before his eyes before his eyes as though he were

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<sup>208</sup>Arnold, Northern Lights, pp. 148-49.

weeping, the Earl and his resourceful wife walked out of the Tower in the deepening dusk. They remained hidden in London for three days until the Venetian Ambassador was expected to journey to Dover to meet his brother. Without the Ambassador's knowledge, the Earl assumed the Venetian's livery, and a servant in the Embassy hired a boat to ferry the Earl to Calais. The voyage was so swift that the captain, in ignorance of the identity of his passenger, commented that the weather and speed of the passage could not be better if his fares were fleeing for their very lives.<sup>209</sup>

The eccentric Earl of Wintoun, who was far from the fool he wished to have people believe him to be, refused to beg for mercy or to permit anyone to plead for him. A judicious bribing of the guards and his own persistent sawing of his cell bars soon afforded him his freedom. Like Nithsdale, he also escaped to France and spent the remainder of his days with the exiled Jacobite court.<sup>210</sup>

Despite all the efforts to obtain a pardon, the Earl of Derwentwater kept his appointment with the headsman on February 24. Derwentwater, the only English peer executed for the rebellion, was approximately twenty-five years old, handsome, wealthy, Roman Catholic, and surprisingly popular. When he had volunteered as a hostage at Preston, he dispatched his huntsman to Dilston Hall, his estate, to secure the family

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<sup>209</sup>Petrie, Movement, pp. 271-76.

<sup>210</sup>Wintoun's escape took place in August. Ibid., p. 276.

deeds. He was devoted to the Stuart cause but not blind to the folly of the rebels. On the way to London, he had commented to one of the guards that there was only one prison in London that could house all the prisoners and to which they had the most right--Bedlam Hospital.<sup>211</sup> Ralph Arnold, in Northern Lights: The Story of Lord Derwentwater, claims that Derwentwater and Kenmure had been singled out to be executed because they lacked influential friends at Court. The two lords, aware of the reprieves of the other condemned peers, had also expected to be pardoned.<sup>212</sup> Derwentwater had not purchased a coffin because he did not think he would require one.<sup>213</sup>

At 10:00 a.m. on Thursday, February 24, Derwentwater and Kenmure, who had left the Tower of London in two hackney carriages, were taken to the City Bar and given into the custody of the sheriffs. They were then taken to the Transport Office on the west side of Tower Hill where the scaffold had been built. Access to the black serge-covered scaffold was from an upper window of the Transport Office. A regiment of guards and a large crowd of spectators waited while Derwentwater prayed inside the building for half an hour. When he stepped out onto the scaffold with Sir John Fryer, the senior Sheriff, he was offered his life and freedom if he became an Anglican and promised to support King George. The Earl, elegantly

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<sup>211</sup>Arnold, Northern Lights, pp. 126-27.

<sup>212</sup>Ibid., pp. 150-51.

<sup>213</sup>Ibid., p. 162.

dressed in a black velvet suit, flaxen wig, broad-brimmed beaver hat with a black feather, and a gold crucifix around his neck, courageously refused the offer and proceeded to read his scaffold speech.<sup>214</sup>

In his speech, Derwentwater said that he hoped to find mercy before God as he did not find it before men. He asked the prayers of those attending and the pardon of those whom he had hurt by pleading guilty at his trial. He acknowledged James III as his King, whom he had always wished to serve and for whom he had done all he possibly could do. He had intended to wrong no one and preferred death to dishonor. He regretted having pleaded guilty, and if George I had pardoned him he would never have fought against him again. He claimed that he died a Roman Catholic, freely forgiving those who had repeated falsehoods against him, and asking Heaven's blessings on England. Derwentwater gave his copy of the speech to the Sheriff to dispose as he wished stating that a friend of his also possessed a copy.<sup>215</sup>

Derwentwater, upon examining the block, had the executioner smooth out a rough spot he had discovered in it.

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<sup>214</sup>Ibid., p. 157. Derwentwater had refused two earlier offers of clemency. On Monday, February 20, James, Lord Waldegrave tendered the Earl his life on the same terms as the scaffold offer. On February 21, two clergymen from the Church of England asked Derwentwater in the name of the Lord Chancellor to send for a Protestant minister. The Earl was told that he and the minister did not have to discuss religion. The act was merely a formality that would result in a reprieve. In addition, Derwentwater refused to read a Protestant book. Arnold, Northern Lights, pp. 143-44.

<sup>215</sup>Cobbett, Parliamentary History, pp. 284-85.

Removing his coat and vest, he placed his head on the block and informed the headsman that when he had repeated, "Lord Jesus receive my soul" for the third time, he was to do his duty.<sup>216</sup> Immediately upon his death, a scuffle broke out between the executioner and a keeper from the Tower over possession of Derwentwater's wig and coat. The executioner eventually received the clothes and two guineas for his work.<sup>217</sup>

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<sup>216</sup>Ibid., p. 285.

<sup>217</sup>Arnold, Northern Lights, pp. 159-60. One account of the Earl of Derwentwater's last night claims that Derwentwater sent for an undertaker, Stephen Roome, and asked him to affix a silver plate on his coffin with the inscription, "That he died a sacrifice for his lawful sovereign," but the Government learned of the plate and dismissed the undertaker with the result that there was not even a hearse for the Earl's body. The truncated corpse was taken by Francis Wilson, one of his servants, and the head wrapped in a cloth of red velvet. Derwentwater had requested to be buried in the chapel at Dilston Hall, but the Government, fearing demonstrations, wanted him buried in the Tower. Tradition has it that a mock funeral was held there.

The Tuesday after the execution, Derwentwater's body was taken to Mr. Metcalf's surgery where the head and corpse were embalmed. Metcalf removed the heart and kept it. The body was then taken to an undertaker named King, who placed it in a lead-lined coffin with crimson velvet and gilt-headed nails. A silver plate with the Earl's name, date of death, and age was placed on the coffin. The corpse was then taken to Dilston Hall.

In 1805, after Dilston Hall had long been the property of the Commission of the Royal Hospital for Seamen at Greenwich, people began to question whether Derwentwater's body was really in the vault. When the coffin was opened, the body and head were found to be in good condition. Later, a local blacksmith pulled the teeth and sold them as relics. The vault was then closed and sealed. In 1847, Dilston Hall was sold to a Mr. Beaumont. The coffin was removed to Thornden Hall, Essex, and placed in Lord Petre's chapel.

Derwentwater's heart was said to be responsible for healing a woman who touched it. Others with scrofula, the King's Evil, were said to have been healed of their affliction. The heart, which was not embalmed, kept very well, but was eventually placed in a casket and taken to the Chapel of Augustine Canonesses in Paris where the heart disappeared in 1871 when the Commune sacked the chapel. Ibid., pp. 162-64.

After Derwentwater's corpse had been removed, Kenmure, accompanied by his eldest son and two ministers of the Church of England, mounted the scaffold.<sup>218</sup> Like his predecessor, he behaved calmly and resolutely, although he apologized for wearing a brown suit. Kenmure had not believed that he would be executed, so he had not purchased a black coat. The Viscount made no speech, but while he was on the scaffold, prayed for the Pretender and for forgiveness for having pleaded guilty at his trial, after which he embraced those on the dais with him. Kenmure brought Stephen Roome, the undertaker, and a surgeon to direct the executioner in his duty.<sup>219</sup> He then gave the headsman eight guineas and indicated that he would give no sign.<sup>220</sup> After two blows of the axe, the corpse was placed in a coffin and taken to Roome's place of business where the late viscount was embalmed so the body could be sent to Scotland for burial. A letter, found in his belongings after his death, addressed to King James, begged the Pretender to provide for his poor wife and children.<sup>221</sup>

On the evening before his death, Viscount Kenmure wrote a letter to a nobleman. In it, he stated that his lawyers, Piggot and Eyre, had advised a guilty plea. He blamed the House of Commons for the absence of a reprieve, for both he and Derwentwater had not been recommended for clemency

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<sup>218</sup>Ibid., p. 159.

<sup>219</sup>Cobbett, Parliamentary History, p. 286.

<sup>220</sup>Arnold, Northern Lights, p. 161

<sup>221</sup>Cobbett, Parliamentary History, p. 286.

by the House. Kenmure regretted pleading guilty, claiming he had joined the rebellion only to show his loyalty to the son of James II. He stated that he would die a Protestant, and that he despised the king-killing doctrines of the Catholic Church. Ashamed of his speech at his trial, he refused to make a scaffold speech for fear it would hurt his brother Carnwath's chances for a pardon.<sup>222</sup>

Eleven days after the executions of Derwentwater and Kenmure--Tuesday, March 6, 1716--a spectacular display of the Aurora Borealis was seen in London. According to Lady Cowper, Lady of the Bedchamber to the Princess of Wales and the wife of the Lord Chancellor, people were frightened to death by it. Rumor had it that two fighting armies composed of headless men with flaming swords had been seen in the sky. People reported hearing gunshots and smelling powder. Naturally, the Whigs and Jacobites both attempted to turn the phenomenon to their advantages. The Whigs claimed that it was a sign of God's judgment of the wicked rebellion, whereas the Jacobites saw the Aurora Borealis as God's disapproval of the executions of Derwentwater and Kenmure.<sup>223</sup>

The remainder of the lords--Nairn, Widdrington, and Carnwath--were periodically reprieved and languished in prison

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<sup>222</sup>Compleat History, pp. 127-29.

<sup>223</sup>Rumor also had it that the Northern Lights had shown the night after the executions, had frightened George I, and had caused the river Divelwater to run as red as blood. Arnold, Northern Lights, pp. 13-15.



until the Act of Indemnity set them free in 1717. Nairn, in particular, felt he had been badly treated. He complained at length of the expense of being imprisoned in the Tower--£ 3 per week for lodging and £ 1 per week to the warder who guarded him. He paid £ 1,500 to influential ladies and lawyers to work in his behalf and estimated that his term in prison cost him £ 4,000.<sup>224</sup>

The Government attempted to punish severely the nobility that rose under the Stuart banner. The seven lords--Derwentwater, Kenmure, Wintoun, Nithsdale, Nairn, Carnwath, and Widdrington--paid dearly for their parts in the rebellion. In addition, according to Sir Charles Petrie, nineteen Scottish peerages were forfeited by attainder:

|                              | Annual rents                  |
|------------------------------|-------------------------------|
| Airlie (earldom)             | ----                          |
| Balfour of Burleigh (barony) | £ 697.10.72/3                 |
| Carnwath (earldom)           | 864.8.11                      |
| Dingwall (barony)            | ----                          |
| Duffus (barony)              | ----                          |
| Kenmure (viscounty)          | 608.10.9 5/12                 |
| Kilsyth (viscounty)          | 864.19. 7/12                  |
| Kingston (viscounty)         | ----                          |
| Linlithgow (earldom)         | 1296.4.4 1/6                  |
| Marischal (earldom)          | 1676.6. 1/3                   |
| Nairn (barony)               | 740.10.3 2/3                  |
| Nithsdale (earldom)          | 809.19.7 1/2                  |
| Panmure (earldom)            | 3456.11.10 7/24               |
| Perth (earldom)              | ----                          |
| Seaforth (earldom)           | ----                          |
| Sinclair (earldom)           | ----                          |
| Southesk (earldom)           | 3271.10.2 1/6                 |
| Wintoun (earldom)            | 3393.0.11 5/12 <sup>225</sup> |

<sup>224</sup>Ibid., p. 168.

<sup>225</sup>Petrie, Movement, p. 266. The figures are from: Great Britain. Parliament. A Report from the Commissioners Appointed to Enquire of the Estates of Certain Traytors, &c. In That Part of Great-Britain Called Scotland, (Edinburgh: Printed by James Watson, 1717), pp. 37-47.

Only two English peerages were attained; Derwentwater (earldom) and Widdrington (barony).<sup>226</sup> The Commission, which had been established by Parliament to inquire into the forfeited estates and to dispose of them, published a report which showed no less than thirty-eight forfeited estates. The report adds the following Scottish estates to the list supplied by Petrie:

|                                   | Annual rents                  |
|-----------------------------------|-------------------------------|
| James Stirling of Keir            | £ 907.19.1 2/3                |
| George Home of Wedderburn         | 213.0.10 1/2                  |
| James Home of Ayton               | 323.10.5 5/12                 |
| Sir Hugh Patterson of Bannockburn | 411.14.9. 5/12                |
| Robert Craw of East-Reston        | 137.9.10 2/3                  |
| John, Earl of Mar                 | 1678.5.8 3/4                  |
| John Stewart of Invernitie        | 361.12.1 1/6                  |
| General Gordon of Auchintowl      | 347.6.5                       |
| Robert Rollo of Powhouse          | 377.9.6 2/3                   |
| George Mackenzie of Nutthill      | 73.17.10 2/3                  |
| John Scrimgeor of Bowhill         | 27.14.7 1/3                   |
| Patrick Seaton of Lathrisk        | 208.3.9                       |
| William Douglas of Glenberry      | 75.12.10                      |
| Sir John Preston of Preston Hall  | 230.17.11 1/6                 |
| Alexander Menzies of Woodend      | 83.6.4                        |
| John Balfour of Fairny            | 153.8.7. 1/3                  |
| Master of Nairn                   | 60.9.3 2/3                    |
| Major Henry Balfour of Dunboog    | 170.6.6 1/12                  |
| John Carstairs of Kilconquhar     | 287.8.9 1/4                   |
| Sir David Threpland of Fingask    | 537.19.2 1/3                  |
| John Hay of Cromlix               | 415.0.4                       |
| Alexander Farquharson of Inneray  | 281.11.1 1/12                 |
| James Lord Drummond               | 2566.9.6 7/12                 |
| John Waldinshaw of Scotstown      | 110.5.3                       |
| Willima Graham of Duntroon        | 54.4.9 1/3                    |
| William Grier, jr., of Lagg       | 424.15.0                      |
| Basil Hamilton of Baldoon         | 1495.12.10 1/3 <sup>227</sup> |

The Commission Report listed the total from the Scottish estates at £ 29,694.6.8.<sup>228</sup>

<sup>226</sup>Petrie, Movement, p. 266.

<sup>227</sup>Commission Report, pp. 37-47.

<sup>228</sup>Ibid., p. 47.

The yearly rents of the forfeited estates in England were as follows:

|   | Annual rents       |
|---|--------------------|
| Duke of Drummond<br>(personal estate 7423.10.8) | £ 21,163           |
| Earl of Derwentwater                            | 6,371              |
| Lord Bolingbroke                                | 2,552              |
| Lord Widdrington                                | 5,154              |
| Frances Anderton                                | 1,425              |
| John Thorton                                    | 1,583              |
| Ralph Standish                                  | 671                |
| John Dalton                                     | 661                |
| George Collingwood                              | 924                |
| Thomas Forster                                  | 530                |
| Henry Oxborough                                 | 507                |
| William Shaftoe                                 | 714                |
| Lord Seaforth                                   | 517                |
| Robert Scarisbrick                              | 388                |
| Roger Dickonson                                 | 641 <sup>229</sup> |

It was estimated that the English estates alone [and in addition to the above figures] yielded over £ 30,000 worth of timber. The total value of the estates per annum was estimated to be £ 46,697.01.05.<sup>230</sup>

After a great deal of bargaining, the Crown allowed Lord Widdrington an income of £ 400 per year from his estate; Lord Carnwath received £ 200 per year; and Lord Nairn was given £ 150 per annum. Lady Kenmure unearthed the family deeds where she had buried them, raised enough money to buy back the estate, and proved to be such an excellent manager that she was able to pass the estate on to her eldest son free of debt.<sup>231</sup>

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<sup>229</sup>An Account of the Yearly Rent of the Forfeited Estates in England. (Microfilm currently in the possession of W. Reynolds McLeod.)

<sup>230</sup>Ibid.

<sup>231</sup>Arnold, Northern Lights, pp. 167-68.

The Earl of Nithsdale, who had given his estate to his son, Lord Maxwell, in 1712, had retained only the life-rent of the estate for himself. In this case, only Lord Nithsdale's life-rent was forfeited to the crown.<sup>232</sup> The Radcliffes (Derwentwater) lost Dilston Hall, their ancestral home, forever.

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<sup>232</sup>Petrie, Movement, p. 276.

## CHAPTER V

## REBELS ON TRIAL

"Expel the Poyson, and their Sense restore,  
Hang the State Vipers, and we ask no more."<sup>233</sup>

The seven rebel lords were not the only offenders tried for their part in the Fifteen Rebellion. The Government did not neglect to prosecute the remainder of the one hundred captives from the Battle of Preston who were taken to London, those imprisoned in Lancashire, and those gaoled in Scotland. The trials of the Lords had been a cause célèbre, and contemporary accounts deal with them in much detail. In an age that placed a high value on aristocratic birth, one is not surprised to find much less comment on the trials of the other prisoners. Sheer numbers--more than fourteen hundred--would discourage detailed accounts and many of those imprisoned were of low estate and unable to write their own histories. Those captives taken to London or held in the better gaols of Scotland, like Thomas Forster, Charles Radcliffe, the Master of Nairn, and Basil Hamilton, were of gentle origin and in most cases fairly well educated. Despite that, none of these men seem to have left an account of their suffering for the Cause.

Much of the information on isolated cases is due to the interest shown by an author in a particular instance. One such

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<sup>233</sup>"A Copy of Verses," in A Collection of State Songs, p. 5.

case, recorded by Charles Andrews, took place in London before the Battle of Preston. On Tuesday, October 17, 1715, Sergeant Joseph Sullivane, Robert Whitty, and Falix Hara were tried at the Sessions House in the Old Bailey for High Treason--for planning the King's dethronement and death, and plotting to place the Pretender on the throne. Sullivane, like Lieutenant Colonel Paul, was charged with having recruited the men, Whitty and Hara, for the Pretender's service, having taken the oath of allegiance to James III, having administered the oath to Whitty and Hara, and having paid them each two shillings sixpence as a bounty for enlisting. Whitty and Hara were charged with enlisting as soldiers for James, taking the oath of allegiance, and accepting the bounty money. All the charges were fully proven by three witnesses. Sullivane--alias Silver--who had become a footguard in the King's service in order not to be suspected in his recruiting of men for James III, admitted the charges and claimed that he had also agreed to pay Whitty and Hara twelve pence per day for subsistence. The sergeant had already given Whitty a two shilling advance. All three were found guilty, and on October 28 suffered the usual penalty for High Treason at Tyburn. Sullivan's head was eventually placed on a pole on the Temple Bar.<sup>234</sup>

English law required that the men captured at the Battle of Preston be tried in the county wherein their crime--High Treason--had been committed, but this was thought to be

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<sup>234</sup>Andrews, Authentick Narrative, pp. 37-38.

too difficult in this case. There was no question but that convictions could have been obtained in Lancashire as a number of both military and civil cases had resulted in convictions there. Parliament, however, passed a "Bill for the More Speedy Trial of Such Persons as Have Levied War Against His Majesty, During the Late Rebellion," which made it possible for these men to be tried in London. The Act authorized the formation of a Court in Southwark to try those imprisoned in the Marshalsea, a Commission at Westminster for those in Newgate, and the Court of Common Pleas for those in the Fleet. On April 7, 1716, the new Commission for the trials at Westminster issued Bills of Indictment for High Treason against Thomas Forster, Brigadier Mackintosh, William Shaftoe, Robert Talbot, Colonel Henry Oxborough, Charles Wogan, Thomas Hall, Richard Gascoigne, Alexander Menzies, and John Robertson. After copies of the indictment were distributed, the Court recessed for one week to allow the prisoners to prepare their defenses. On April 14, Mackintosh and Gascoigne pleaded not guilty, and were permitted an additional three weeks to ready their cases. Forster, Mackintosh, and Wogan soon escaped.<sup>235</sup>

The Court's business continued throughout the months of May and July. On May 7, the Court reconvened, arraigning

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<sup>235</sup>Rae, History of the Rebellion, pp. 382-83. There is some disagreement concerning the date of Thomas Forster's escape. Rae and The Secret History of the Rebels in Newgate place it on April 10, and Arnold, Northern Lights, on April 11. All the sources, including Petrie, The Jacobite Movement, agree that it took place before his trial.

fourteen additional men, who pleaded not guilty. On May 11, Oxborough was executed at Tyburn. The Court found Thomas Hall of Otterburn, Robert Talbot, and Richard Gascoigne to be guilty. Gascoigne was executed on May 25 at Tyburn, while the others were reprieved. The Court did not meet again until July 14. Approximately thirty prisoners were tried and condemned in that month.<sup>236</sup>

The Court in Southwark began its work on April 10. The Grand Jury for the County of Surrey found true Bills of Indictment against eleven Marshalsea prisoners. After copies of the indictments were given to the accused, the Court adjourned for eight days to allow them enough time to prepare their answers to the charges. The eleven pleaded not guilty and were permitted more time to prepare their defenses. Bills of indictment were found against several other men, and the Court met again on May 8. In May, Alexander Menzies was found guilty after a vigorous defense. On May 12, five prisoners changed their pleas to guilty and threw themselves on the King's mercy. Two other men, John Ferquharson and a man named Innes, were acquitted upon proving that they were forced into the rebellion. Peter Rae, in The History of the Rebellion, charged a corrupt jury with the acquittals of Robert Townly of Townly and Edward Tildsley of the Lodge on May 15. The

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<sup>236</sup>Ibid., pp. 383-84. The Secret History of the Rebels in Newgate shows that men were tried throughout June. Baynes states that between May 8 and 12, twenty rebels were tried at Westminster, between June 30 and July 15, twelve were dealt with at Southwark, and thirty more prisoners were tried at Westminster in July.



Court reconvened on June 30, when William Turnstal pleaded guilty, and the Jury found John Dalton to be guilty as charged. On June 5, approximately five additional men were tried by the Court.<sup>237</sup>

One of the few anecdotes surviving from this period of the trials concerns Charles Radcliffe, the brother of the Earl of Derwentwater, whom Petrie characterizes as a man of "considerable courage." When Radcliffe and others were being sentenced in May, 1716, Radcliffe suggested the following to a corpulent fellow prisoner when he had nothing to plead in arrest of judgment, "Damn you, plead your belly: many have got off that had not so large an excuse."<sup>238</sup>

The King, before leaving for the Continent, had reprieved twenty-four of the condemned rebels; nevertheless, on July 8, the day after his departure, a warrant was signed in Council for their executions to take place on Friday, July 13, 1716. The day before the executions were to have occurred, a reprieve was granted by the Council to twenty-two of the men. The other two, Reverend William Paul, and Thomas Hall of Otterburn, each read from the scaffold a treasonous

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<sup>237</sup>Ibid., p. 384.

<sup>238</sup>Petrie, Movement, p. 277. Radcliffe obtained a reprieve, but he had little faith in the possibility of a pardon so he arranged his escape to France. In fact, the general rule of the trials was for the prisoners to plead not guilty to give them additional time to plan their escapes. This also held true of the time granted in reprieves.

speech in which they renounced the Church of England and prayed for James III.<sup>239</sup>

Fortunately for many of the accused men, the Habeas Corpus repeal, which had been passed early in the rebellion, expired on June 24, 1716. The Earl of Scarsdale, Lord Duplin, Lord Powis, Sir William Wyndham, Edward Harvey of Combe, the Earl of Wigtoun, the Earl of Hume, and George Lockhart of Carnwath, among others, were able to arrange bail after months of being held in prison without the benefit.<sup>240</sup> The servants of the prisoners brought to London were also set free as a result of the expiration.<sup>241</sup>

It was a common practice in this period for a person accused of a serious offense to petition the Court for banishment to the colonies even before his trial began. Those whose petitions were granted were then doled out to various courtiers and contractors as gifts of the Crown. An Act passed in 1617 permitted them to be given to contractors to be transported to the American Colonies to be used as slave labor for seven or fourteen years. Many of the condemned men from the rebellion were given to courtiers who would then sell them pardons at a very high price. If the prisoners were unable to pay, they would be transported. The ocean passage and ensuing life

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<sup>239</sup>Rae, History of the Rebellion, p. 386. Oxborough, Gascoigne, Hall, and Paul were all hanged, drawn, and quartered at Tyburn.

<sup>240</sup>Ibid., p. 387.

<sup>241</sup>Baynes, Rising, p. 187.

were difficult and many did not survive the experience. Poorer prisoners of the lower classes were usually the ones who so petitioned. The nobility and the upper classes would attempt bribery to obtain a pardon.<sup>242</sup> Of the prisoners in London who were the more important Jacobites, five Irishmen petitioned to enter the service of Venice to fight the Turks.<sup>243</sup>

The first executions in Lancashire were of a military nature. Among the prisoners at Preston were some officers of the King's army on half-pay. On November 28, 1715, these men were tried as deserters by a Court Martial: Lord Charles Murray, Major Nairn, Captain John Shaftoe, Ensign Erskine, Ensign Dalziel, and Captain Philip Lockhart, the brother of George Lockhart of Carnwath.<sup>244</sup> All were found guilty and sentenced to be shot with the exception of Ensign Dalziel, who was acquitted because he was able to prove that he had resigned his commission before the rebellion had begun. Lord Charles Murray, the younger son of the Duke of Athol, was reprieved until further orders, due to his youth and his father's loyalty to the Crown. The remaining four were executed on December 2, 1715.<sup>245</sup>

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<sup>242</sup>Arnold, Northern Lights, pp. 128-29.

<sup>243</sup>Baynes, Rising, pp. 189-90.

<sup>244</sup>Compleat History, p. 84. Dalziel's rank is given in Burton, The History of Scotland, as that of a Captain.

<sup>245</sup>Ibid., p. 84. Burton, The History of Scotland, claims that Murray was able to prove with some difficulty that he had given his commission to a relative.

Most of the ordinary prisoners in Lancashire--some 1,385--were tried by a Commission of Oyer and Terminer. Three judges--Baron Burry, Justice Eyre, and Baron Montague--were sent from London on January 4. They arrived in Liverpool on January 11, and the Commission opened the following day. After forty-eight bills of indictment were found, copies were distributed to the prisoners, and the Court adjourned for eight days to permit the accused men sufficient time to prepare their defenses. A Grand Jury in Liverpool also indicted 113 more prisoners of which forty were Scots. The Commission met again on January 20 for the trials. By February 9, seventy-four persons had been tried. Seven were acquitted, but the remainder were found guilty. One of the acquitted, Faile Fergusson, had been arrested by a Jacobite guard and forced to join the rebellion on the side of the rebels. He had attempted to desert several times, was subsequently threatened with hanging, and ultimately refused a proffered Lieutenant's commission. Richard Shuttleworth of Preston, Roger Moncaster of Garstang, Thomas Cowpe of Wallon in the Dale, William Butler of Mayerscough, and William Achuright, Jr., of Preston, were executed on January 28 in Preston. Shuttleworth's head was placed on a pole on the Town Hall. A second series of executions in Preston followed on February 9.<sup>246</sup> Seven men were executed on February 10 at Wigan and an additional seven on

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<sup>246</sup>Rae, History of the Rebellion, pp. 378-79. Baynes claims that only three men were executed on February 9.

the following day at Manchester.<sup>247</sup> Four prisoners were executed at Liverpool on February 18, four at Garstang on February 16, and four at Lancaster on February 25.<sup>248</sup>

The dispatch with which the Government applied the judicial system at Preston alarmed many of the prisoners who had not believed the state would prosecute such a large number of captives. Many of these acknowledged their guilt and petitioned the Court for banishment. This ended the trials quickly, and the judges left for London on February 10.<sup>249</sup> The amount of information regarding the numbers of men deported from Lancashire is limited due to the lack of interest shown by contemporary chroniclers in the lower classes.<sup>250</sup>

The speed of the trials and the parceling out of the executions to the various towns of the county indicate that this may have been a deliberate ploy to frighten the remaining Jacobites in the area. Liverpool had been chosen by the Government as the site of the trials because the town--unlike the rest of Lancashire--was loyal to the Crown.<sup>251</sup> The

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<sup>247</sup>Ibid., p. 379.

<sup>248</sup>Baynes, Rising, p. 193. Both Baynes and Rae put the total of executions in Lancashire at thirty-four. Rae mentions thirty-eight names, but indicates that four were reprieved. Baynes printed an itemized bill concerning the cost of executing the thirty-four prisoners. The bill amounted to the exorbitant sum of £ 132.15.4, of which sixty pounds and three pence was the fee of the executioners.

<sup>249</sup>Rae, History of the Rebellion, pp. 379-80.

<sup>250</sup>Baynes, Rising, pp. 192-93.

<sup>251</sup>Arnold, Northern Lights, p. 211.

executions not only served as an example to the inhabitants of the county, but word of them reached Scotland in ample time for the Pretender to hear of them. No doubt the news disturbed him and helped to convince him that the Rebellion was hopeless.<sup>252</sup>

The majority of the prisoners in Scotland who had been captured at the Battle of Sheriffmuir or at the close of the Rebellion, were imprisoned in Edinburgh, Blackness, and Stirling until September, 1716, when many of them were taken over the Scottish border to Carlisle to stand trial before an English Commission of Oyer and Terminer.<sup>253</sup> On September 3, eighty-nine prisoners in Edinburgh were transported by the military to Carlisle in what was later characterized as a flagrant violation of the Act of Union and a deliberate insult to Scotland's judicial independence as guaranteed by the Union. Money was raised for the defense of the accused with an almost nationalistic zeal. Many Scottish supporters of the Hanoverian Succession, including government employees, unimpressed with the disapproval of London, contributed to the cause. Some prominent Scottish advocates traveled to the Carlisle Assizes to advise the prisoners and their English lawyers. In spite of the Act of Union, which guaranteed the judicial independence of Scotland, the Act of Parliament passed to permit the trials of the rebels in London was used in an attempt to circumvent

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<sup>252</sup>Baynes, Rising, pp. 193-94.

<sup>253</sup>Rae, History of the Rebellion, p. 387.

Scottish sympathies for the rebels. This, however, did not appease Scottish outrage at the removal of the trials to England.<sup>254</sup>

According to William Nicholson, Bishop of Carlisle, the judges--John Smith, Baron of the Exchequer in Scotland, Sir Robert Price, Baron of the Exchequer, Baron Scroop, and Sir Robert Tracy, Justice of the Common Pleas--opened the Commission in Carlisle on December 7, 1716. Tracy explained the Act of Parliament that authorized the trials to be held outside Scotland. The judges had tried Scots before, and the Government had chosen Carlisle for the trials because the town was loyal to the Crown and, at the same time, conveniently near Scotland in order not to inconvenience the witnesses. The judges and the Solicitor-General, Sir John Fortescue Aland, encouraged the prisoners to plead guilty. Since, however, a conviction or a confession forfeited one's estate, many of the landed prisoners, not wishing to live penniless, felt they might as well risk their necks as their property and pleaded not guilty.<sup>255</sup>

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<sup>254</sup>Burton, History of Scotland, p. 217. Baynes states that twenty-nine prisoners were taken from Stirling and Blackness with forty-five from Edinburgh for a total of seventy-four at Carlisle. The Peers in the Castle of Edinburgh, Lords Strathallan, Rollo, and Stormont, remained there due to their rank. Lord Huntley was used by the Government to help pacify the northern parts of Scotland.

<sup>255</sup>Carlisle to York, December 8, 1716, pp. 523-24. Henry Paton, ed. "Eight Letters by William Nicholson, D.D., Bishop of Carlisle, to Sir William Dawes, Archbishop of York, 1716." in The Miscellany of the Scottish History Society (Edinburgh: Printed at the University Press by T. & A. Constable, 1893), I, 523-36.

Upon being informed that the prisoners in the Castle wished to have the attendance of a minister and the sacrament, the good Bishop of Carlisle sent a clergyman to them. The Bishop exhorted them to pray for King George, to repent of their part in the Rebellion, and to confess their crimes that they might be worthy of the King's clemency.<sup>256</sup> The Bishop, who was frequently visited by the solicitors concerned with the trials and attended many of the sessions himself, showed in his letters that he was the recipient of a steady source of information.

The Bishop's letters are a source of many anecdotes and items of interest on the trials. A Mr. Murray of Auchterlase, who pleaded guilty, stated in Court that he believed he might have been acquitted, but he would rather live with a pardon from the King than a guilty conscience. Sir Thomas Calder, a young baronet, who also pleaded guilty, claimed he had thought he was obligated to join the rebellion since he was the vassal of the Marquis of Huntley, an ardent Jacobite. Calder, repentant of his crime, threw himself on the mercy of the King.<sup>257</sup> One determined Member of Parliament, Sir James Lowther, who was appointed as the foreman of the Grand Jury by the Sheriff, threatened that official that if he were forced to serve he would complain in London of the abrogation of his privilege as an M.P. Needless to say,

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<sup>256</sup>Carlisle to York, December 10, 1716, Ibid., p. 525.

<sup>257</sup>Carlisle to York, December 15, 1716, Ibid., p. 528.



another foreman was found.<sup>258</sup> One prisoner, Alexander Mackenzie of Fraserdale, had such a difficult case that it was hard to decide if he were guilty or innocent. Mackenzie and his witnesses swore that he never fought for the Pretender, but was a prisoner of the rebels in Perth, and escaped before the Battle of Sheriffmuir. Others claimed that he joined the rebellion in the early stage, but deserted to the Duke of Atholl. The Duke sent Lord James Tullibardin to Carlisle to support Mackenzie's right to an acquittal.<sup>259</sup>

A few days after these events, the Scottish Advocates finally protested the following irregularities of the Commission: Their first complaint, based on the ancient rights of the independent Kingdom of Scotland as confirmed by the Act of Union, was that the English Commission did not recognize the equality of Scotland's Commissioners with those of England. Second, in the Scottish Justiciary Courts, the accused were permitted a list of the witnesses against them; this was not done in the Carlisle trials. Third, the Scottish Habeas Corpus Act prohibited the removal of a Scot from Scotland without his own written consent. Fourth, the Act of Parliament for speedy trials was not intended for the north. It would have been far more convenient for the prisoners to have been tried at Edinburgh. Fifth, the Act covered only those men in prison on or before January 23, 1716. By the calculation of

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<sup>258</sup>Carlisle to York, December 8, 1716, *Ibid.*, p. 524.

<sup>259</sup>Carlisle to York, December 17, 1716, *Ibid.*, pp. 530-31.

the Kirk, none of the prisoners were in gaol in Scotland by that date. The Court made no reply to the protest.<sup>260</sup>

The results of the trials could hardly be termed severe. Thirty-four prisoners were granted the King's clemency before their trials began even though there was sufficient evidence to convict them. Thirty-two captives pleaded guilty of which twenty-four were sentenced to death. They were never to be hanged since no date was fixed for their executions.<sup>261</sup> Tulloch of Tanachie, sixty-three years old at the time of his impressment, was acquitted when he was able to prove that he was forced into the Rebellion by a party of nearly thirty men commanded by Farquharson.<sup>262</sup> The remainder of the prisoners at Carlisle were never sentenced<sup>263</sup> and presumably were released.

The officials in Edinburgh had not been certain what to do about the prisoners of The Fifteen. Public opinion was such in Scotland that there was no question of trials and executions on the same scale as those in Lancashire. The Government also doubted that a Scottish jury would find the rebels guilty or that convictions could be obtained at all there. Prisoners of no importance and those who had been

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<sup>260</sup>Carlisle to York, December 20, 1716, Ibid., pp. 531-33.

<sup>261</sup>Rae, History of the Rebellion, pp. 387-88.

<sup>262</sup>Baynes, Rising, p. 197.

<sup>263</sup>Rae, History of the Rebellion, p. 388.

reconciled to the Government before the end of the Rebellion were freed when the Habeas Corpus repeal expired in June, 1716.<sup>264</sup>

Public opinion in England, which had so sturdily supported the Government at the close of the Rebellion, began to shift when the executions and the sufferings of the prisoners in their confinement became known. John Dunton, who published the discoveries of the treason of Bolingbroke and Oxford, made a speech in London in favor of sparing the lives of the rebel lords.<sup>265</sup> Another anonymous author wrote that rebels and Papists had no claim to be martyrs for their strange beliefs and should suffer by the law, which had resulted from earlier papist schemes and majority opinion.<sup>266</sup>

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<sup>264</sup>Baynes, Rising, p. 196.

<sup>265</sup>Royal Gratitude; (OR King George's Promise Never to Forget His Obligations to Those Who Have Distinguish'd Themselves in His Service) Critically Consider'd in a Letter to the Right Honourable Robert Walpole, Esq: The First Lord of the Treasury, Occasion'd by a General Report That Mr. John Dunton, (Author of Neck or Nothing) Will Speedily Be Rewarded With a Considerable Place or Pension. To Which Is Added, The High Church Gudgeons. OR a Day's Ramble to Catch the Foolish Jacks With Their Own Treason, With Mr. Dunton's Speech to the Lord-Mayor of London Upon This Occasion. Also, a Trip to the Loyal Mug-House at Night, to Drink a Health to King George and the Royal Family (London: Printed by R. Toolrey, 1716), pp. 5-7. (Microfilm currently in possession of W. Reynolds McLeod)

<sup>266</sup>A Key to the Plot, by Reflections on the Rebellion: Showing How, as, in Matter of Right, it Was Rais'd by the Revolters Against Their Own, Most Peculiar, Principles; so, by Providence, it Turns Towards the Reverse of Their Design: By Precluding the Like Monstrous Attempts to Perpetuity; and Curing Many Separate Evils, That, Otherwise Might Have Retarded the Completion of Our Felicity Under the Protestant Settlement, Discovering Likewise, Former Vulgar Mistakes, and Great Present Changes, in Relation to the State of Scotland, Especially the North Parts Thereof, With Regard to the Government. In a Letter

Tracts were published, in Edinburgh and London, to support either the Jacobites or the Whigs, some of which exalted the mercy of the Government. One such publication, a Memorial Concerning the State of the Prisoners on Account of the Late Rebellion, was written by a Scottish Member of Parliament, David Dalrymple, who had served in the King's army in Scotland. Dalrymple made an elaborate distinction between those rebels who should be pardoned and those who should not. He felt that those who were forced into the Pretender's army should be the objects of royal clemency. Minors, boys from the ages of fourteen years to twenty-one, who from an error in education, the location of the estate, or the mistakes of relatives, had become embroiled in the Rebellion, should be paroled upon some surety for their good behavior in the future. Dalrymple further suggested clemency for children who accompanied their fathers and servants who were faithful to their masters. He wrote that the common people who were rebellious to the end and were permitted to go in peace upon surrendering were more criminal than those who joined rashly and then deserted while the Rebellion continued. Dalrymple pitied those in prison and claimed that "The Bounty the Government dispensed of proper Motions, . . . would

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From a Countryman in Scotland, to a Courtier in London,  
(London: Printed for Andrew Bell, 1716), pp. 4-5. (Microfilm currently in possession of W. Reynolds McLeod)

soften the Minds of the disaffected, and increase the Zeal of the Loyal Subjects."<sup>267</sup>

Dalrymple feared that the noblemen and gentlemen who escaped to France would form pockets of Britons who would continually supply an army for the Pretender. His solution to this dilemma was that the Government should declare a specific time period in which the exiles would be permitted to return to England with the promise of their lives if they agreed to be confined or pay bail for their behavior for such a length of time as the King wished. Dalrymple suggested the same terms for Papists if their estates were secured to a Protestant succession.<sup>268</sup>

Realizing that it was not in the interest of either the King or the Government to execute all those involved in the Rebellion, it is, nonetheless, just and fair to make an example of a few, Dalrymple argued. He disagreed with the universal forfeiture of estates, because he felt that those who became so impoverished would become a burden to the nation. He felt that the King should extend pardon for the estates if the offenders agreed to pay a certain number of years income of their holdings. According to Dalrymple, life would again become peaceful and the rebels would be grateful to the King if such terms were offered.<sup>269</sup>

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<sup>267</sup>David Dalrymple, Memorial Concerning the State of the Prisoners on Account of the Late Rebellion (Edinburgh, 1716), pp. 3-7. (Microfilm currently in possession of W. Reynolds McLeod)

<sup>268</sup>Ibid., p. 8.

<sup>269</sup>Ibid., pp. 9-12.

Another, but anonymous, author found it strange that the injured parties of the Rebellion, the King and the people, would be willing to forego the justice and satisfaction to which they were entitled by law. He complained, "We hear of nothing now but Mercy, it has pushed boldly in the Senate, it has Whined and Canted in the Pulpit, and has been poured into half the Tea and Coffee that has been drunk for these two Months throughout the whole Nation."<sup>270</sup> The only reasons he found to be adequate for an extension of clemency were alleviating circumstances that would reduce the crime, or sincere repentance. He felt the rebels did not deserve mercy because they offered no reason for their rebellion and were not provoked into it by the King, the Government, or Parliament. Throughout the tract, the King, who supported the Church, is characterized as a mild-mannered, majestic, civilized being, while the rebels are represented as nothing more than insolent barbarians. In addition, the author noted that the rebels admitted they were in rebellion and were repentant, but he said that did not constitute a confession because it was common knowledge. If they truly wished to make reparation, they would divulge the secrets of the enemy, for none of them could possibly be ignorant of the plans of the leaders. To add

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<sup>270</sup>The Mercy of the Government Vindicated. To Which Are Added, Remarks Upon a Late Pamphlet Entitled, "An Argument to Prove the Affections of the People the Best Security of the Government" (London: Printed for James Roberts, 1716), pp. 4-5. (Microfilm currently in possession of W. Reynolds McLeod)

insult to injury, he felt that any rebel who found the above to be dishonorable should be willing to die.<sup>271</sup> Nevertheless, according to the author, Roman Catholics, due to their religion, could not possibly be the objects of mercy. Protestants were even less deserving of clemency for they had broken their oaths and renounced their religion to rebel.<sup>272</sup>

Another writer, identified only by the initials, W. B., saw God's mercy mirrored in the King's behavior towards the rebels. Common humanity, Christian law, and the temperament of the British people were excellent reasons beyond pity for those in prison to grant clemency. Those who wish vengeance are neither good men, good Christians, nor proper Britons, for punishment for the sake of revenge is intolerable. W. B. noted that the Jacobites and Tories forgot that the King had been indulgent to the rebels who nearly cost him his life and crown and, thus, remain disloyal and ungrateful when their friends have been shown great mercy. He felt that the King had graciously taken the view that the fault was not in his people, but in a few principles, therefore, only the most guilty have died for their treason. Although it is just to punish offenders, not only God, but the world, commends clemency and a gentle prince. "Many executions are as great

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<sup>271</sup>Ibid., pp. 6-16.

<sup>272</sup>Ibid., pp. 17-18.

a Dishonour to a Prince's Reign, as many Funerals to a Physician's Practice."<sup>273</sup>

Public opinion certainly may have influenced the passage of the Act of Indemnity in January, 1717. In the Act, all the King's subjects were forgiven for

. . . all manner of Treasons, Misprisions of Treasons, Felonies, Treasonable and Seditious Words or Libels, Leasing-making, Misprisions of Felony, Seditious and Unlawful Meetings and Coventicles, and all Offenses whereby any Person may be charged with the Danger and Penalty of Praemunire; and also of and from all Riots, Routs, Offenses, Contempts, Trespasses, Entries, Wrongs, Decreipts, Misdemeanors, Forfeitures, Penalties, and Sums of Money, Pains of Death, Pains Corporal, and Pains Pecuniary; and generally of and from all other Things, Causes, Quarrels, Suits, Judgments, and Executions.<sup>274</sup>

Actually, the King's subjects were forgiven for all crimes not excepted in the Act, which were committed before May 6, 1717. Among other things, the Act excepted persons still working for the Pretender, those who fled during or after The Fifteen, those who corresponded with James, the crimes of willful murder or property damage, piracy on the High Seas, mutiny, desertion, the levying of war or High-Treason by a person holding a commission in the King's service, highway robbery, theft from churches, sodomy, rape, perjury, bribery of

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<sup>273</sup>W. B. Reflections on the Conduct of the Present Administration Towards the Persons Engaged in the Late Rebellion (London: W. Hinchliffe, 1716), pp. 9-20. (Microfilm currently in possession of W. Reynolds McLeod)

<sup>274</sup>Great Britain. Parliament. Anno Regni Georgii Regis Magnae Britanniae, Franciae, & Hiberniae. Tertio. An Act for the Kings Most Gracious, General and Free Pardon. (Edinburgh: James Watson, 1717), pp. 1-7.



witnesses, forgery of documents and Exchequer-Bills, embezzling war materials belonging to the Crown, and incest.<sup>275</sup>

Many of the better known Jacobites were not pardoned by the Act of Indemnity. Ormond, Bolingbroke, Oxford, Mar, Panmure, Linlithgow, Southesk, Marischal, Wintoun, Drummond, Nithsdale, Seaforth, Forster, and Brigadier Mackintosh, all of whom either fled the nation or escaped their imprisonment, did not find forgiveness in its few pages. Others, such as Widdrington, Carnwath, Nairn, Anderton, the Master of Nairn, and Basil Hamilton, who had endured their incarceration, would be able to resume the lives they had abandoned in the autumn of 1715.<sup>276</sup>

At Newgate, where The Secret History of the Rebels in Newgate provides us with a rare opportunity to ascertain the reactions to the Act, there had been general joy over the rumor of the passage which alternated with despair when the pardon--by virtue of the same rumors--seemed in danger of failing to pass. On July 14, 1717, the Scots in Newgate damned the English Tories while the other prisoners embraced the keepers, thanking them for their "civility and fidelity" in the past months. Only Silk and Howel, who were not to be

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<sup>275</sup>Ibid., pp. 1-7.

<sup>276</sup>A True and Exact List of the Names of Those Persons Who Are Excepted in His Majesty's Most Gracious Act of Indemnity, and All Those Who Are Clear'd by it (London: Printed for F. Cobb, n.d.), p. 1. (Microfilm currently in possession of W. Reynolds McLeod)

released by the pardon, were surly. The clergy, visiting Jacobites, and prisoners joined in a grand celebration on July 17 to mark the departure of the inmates from what was facetiously termed, "Newgate College." Despite the general good spirits, many of the prisoners proved to be resentfully ungrateful and refused to kneel until forced at the Bar of the Exchequer to ask the King's pardon when they pleaded the Indemnity. One unfortunate, Grierson, had no sooner pleaded the Indemnity than he was arrested by the officers of Saint Andrews Holbourn for having impregnated a female of that parish.<sup>277</sup>

The Act of Indemnity was the final curtain on the often pathetic and sometimes farcial drama of the Fifteen Rebellion. Fortunately for George I, he never knew that, despite his pardon, many of the same men and families would again band together to rebel in the final encore of Jacobitism --the Forty-Five Rebellion. When all was finished, there were no romantic leaders, no knights in shining armor, no evil magicians, --just ordinary men.

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<sup>277</sup>Secret History, pp. 47-48.

## CHAPTER VI

## PRINCIPLES OF CONSCIENCE

"What a pother is here, what whining, what crying,  
 What bawling for mercy, what raving, what lying,  
 "Cause they had their deserts who spoke treason when dying?  
 Which nobody can deny, deny; which nobody can deny.

But though they ne'er so much mischief intend,  
 The King out of mercy should have been their friend;  
 Then his Protestant government soon would have end.  
 Which nobody can deny, &c.

They mercy did merit because they confessed  
 To rebel for a Popish imposter was best,  
 Which shews how sincere they repentance expressed.  
 Which nobody can deny, &c.

Thus merrily matters went on for a while,  
 But death, cruel death, all their hopes did beguile,  
 Which made 'em all sad; but made Protestants smile.  
 Which nobody can deny, &c.<sup>278</sup>

Thirty years before the outbreak of The Fifteen Rebellion, another major uprising in England had been crushed. The illegitimate son of Charles II and Lucy Walters, the young and handsome James Scott, Duke of Monmouth, had led his followers in the West Country against the newly-crowned James II. During the prosecution of the captured rebels in the trials historians refer to as the "Bloody Assizes," there were charges that the Government had cruelly treated the prisoners.<sup>279</sup>

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<sup>278</sup>"Nobody Can Deny," Hogg, Jacobite Relics, II, 456.

<sup>279</sup>Daniel Defoe, The Proceedings of the Government, Against the Rebels, Compared With Persecutions of the Late Reigns, p. 1. (Microfilm currently in possession of W. Reynolds McLeod)

The record of the fates of the prisoners of the Monmouth Rebellion--near the beginning of the Jacobite period--provides a convenient basis of comparison from which to evaluate the treatment of the prisoners of The Fifteen.

In the anonymous Account of the Proceedings Against the Rebels relative to the Monmouth uprising in 1685, 1491 prisoners are listed--closely approximating the number taken in The Fifteen. Of these, 353 were executed; 752 were transported; 75 were to be pardoned; 53 were reprieved; 68 were in custody; 2 were permitted bail; 19 were whipped, fined, and jailed for seditious libel; 15 were discharged for lack of evidence; and 140 were allowed bail at £ 100 each.<sup>280</sup> Daniel Defoe in The Proceedings of the Government Against the Rebels, listed 334 executed and 854 transported. In addition, Defoe noted that 60 of the wounded were immediately hanged, drawn, and quartered without being permitted to see their wives and children. They were also denied the right to speak from the scaffold. When they attempted to do so,

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<sup>280</sup>An Account of the Proceedings Against the Rebels, and Other Prisoners, Tried Before the Lord Chief Justice Jefferies, and Other Judges, in the West of England, in 1685. For Taking Arms Under the Duke of Monmouth. With a Compleat List of All Persons That Suffered, the Counties They Suffer'd in, the Crimes They Were Tryed for, and the Punishments Inflicted on Them. Also an Account of What Was Done Against Those in Scotland, Who Took Arms Under the Earl of Argyle, &c. Against the Protestants in Ireland, by the Late King James, and His Deputy Tyrconnel. Published from an Original Manuscript. To Which Is Prefix'd, the Duke of Monmouth's, the Earl of Argyle's, and the Pretender's Declarations; That the Reader May the Better Judge of the Cause of the Several Rebellions (London: Printed for J. Baker and Thomas Warner, 1716), pp. 1-31.

drums, pipes, and trumpets were used to drown the sounds of their voices. Defoe further mentioned that the notorious Judge Jefferies condemned over 500 men with little or no evidence of their guilt. Of these, 239 were executed. A certain Lady Isle, who had been acquitted three times before, was tried for a fourth time by Jefferies, who ordered the jury to find her guilty. Little girls were convicted for giving their colors to the rebels and the parents were forced to purchase their daughters' pardons for large amounts of money.<sup>281</sup>

Granted, the "Bloody Assizes" of the Monmouth Rebellion took place a generation before The Fifteen, still the difference in the disposal of the prisoners is startling. As has been indicated, after The Fifteen, there was in excess of 1600 prisoners in Scotland and England, approximately 200 more prisoners than were taken in the Monmouth uprising. In Lancashire, where the number of captives reached 1,385, only 38 of the convicted were executed by the Hanoverian government. There are no exact figures on the numbers of men who petitioned to be banished after The Fifteen, and a great many were still in prison when the Act of Indemnity was passed. In London, where 100 of the upper-class prisoners of the Battle of Preston were prosecuted, only 2 peers and 7 commoners were put to death. Only 2 men petitioned for banishment, and there were a large number of escapes. In Scotland, where there were many escapes,

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<sup>281</sup>Defoe, Persecutions, p. 1.

only one man was executed. By the standards of the Monmouth Rebellion and even by the standards of justice today, these men were well-treated. The question remains, "Why?"

One possible answer is presented by J. H. Plumb in The Origins of Political Stability. He paints a picture of an England--a paragon of social stability--wracked by political instability until 1715 when she discovers new solidity with the conclusion of the Rebellion. He notes that George I demanded the execution of the rebels, but the ministry's increasingly narrow majority in both Houses of Parliament forced First Minister Robert Walpole to make the "foolish compromise" of beheading only Derwentwater and Kenmure. Derwentwater has been characterized as inexperienced in political matters but handsome and quite the favorite of the London populace. His execution cost the Government much in terms of popularity.<sup>282</sup>

According to Plumb, the Rebellion had provided Walpole with an unequalled opportunity to decimate the Tory Opposition by branding them as Jacobites--and by inference, traitors. The party survived, its power and ability to strike back curtailed by the passage of the Septennial Act, which lengthened the period of time between elections to seven years. By the mid-1720's, the First Minister had made such successful use of his slander that there was indeed a form of political stability--one party government under Walpole and the Whigs.<sup>283</sup>

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<sup>282</sup>J. H. Plumb, The Origins of Political Stability: England 1685-1725 (Boston: Houghton Mifflin Co., 1967), pp. 169-71.

<sup>283</sup>Ibid.

The Fifteen is similar to the Monmouth Rebellion in that both were attempts to supplant a newly-enthroned monarch with a pretender. The personal reactions of the two kings did not differ markedly in severity for both James II and George I were anxious to hang the entire mass of prisoners. Perhaps the difference lies in the fact that George, unlike James, did not panic, and the Whigs were shrewd enough to realize that mass executions on the scale following the Monmouth Rebellion would be an extremely unpopular act. The Government, which was cognizent of its need to win friends, may have thought to do so by frightening the Jacobites with a few examples and then issuing a general pardon--thus securing the gratitude of the populace and its loyalty in one stroke. Certainly, the shift in public opinion in favor of the imprisoned rebels after the conclusion of the Rebellion influenced the Government to implement more lenient prosecutions and the Act of Indemnity in January, 1717.

The new regime--George I, Walpole, and the Whigs--could afford to be generous in 1717 and proclaim an indemnity. Most of the leaders of The Fifteen had fled unpunished but for the loss of their lands, a few had been executed as examples, some insignificant men had been transported upon their own requests, and many still languished in prison. At such a low cost in terms of lives, the survival of the new political order had been insured, the Hanoverian government could now afford to proclaim its generosity. Despite the humiliation

of the Raree-show and the endurance of ordinary prison conditions, the prisoners of The Fifteen had indeed been well treated. Most of them were able to resume their lives, or even their plotting for Jacobitism, where they had relinquished it only a few years earlier.



## BIBLIOGRAPHY

## BOOKS

Primary

An Account of the Battle of Dunblain in a Letter From a Gentleman at Stirling, to His Friend at Edinburgh. Stirling: 1715. (Microfilm currently in the possession of W. Reynolds McLeod, Morgantown, W. Va.)

An Account of the Proceedings Against the Rebels, and Other Prisoners, Tried Before the Lord Chief Justice Jefferies, and Other Judges, in the West of England, in 1685. For Taking Arms Under the Duke of Monmouth. With a Compleat List of All Persons That Suffered, The Counties They Suffer'd in, the Crimes They Were Tryed for, and the Punishments Inflicted on Them. Also an Account of What Was Done Against Those in Scotland, Who Took Arms Under the Earl of Argyle, &c. Against the Protestants in Ireland, by the Late King James, and His Deputy Tyrconnel. Published from an Original Manuscript. To Which is Prefix'd, the Duke of Monmouth's, the Earl of Argyle's, and the Pretender's Declarations; That the Reader May the Better Judge of the Cause of the Several Rebellions. London: Printed for J. Baker and Thomas Warner, 1716.

An Account of the Yearly Rent of the Forfeited Estates in England. (Microfilm currently in the possession of W. Reynolds McLeod, Morgantown, W. Va.)

Andrews, Charles. A Full and Authentick Narrative of the Intended Horrid Conspiracy and Invasion; With a Compleat History of the Rebellion from Its Origin to the Battle of Dunblain. Containing I. The Case of Edward Harvey of Combe, Esq.; John Anstis, Thomas Forster, Corbet Kyneston, Esq.; and Sir John Packington, Bart. II. A Particular Account of the Taking of Sir William Wyndham; and of His Escape, Surrender, and Commitment to the Tower. III. Some Remarkable Circumstances Relating to the Lord Lansdowne. IV. The Tryals of Joseph Sullivane, Robert Whitty, and Falix Hara, Who Were Executed for High Treason. 2nd ed. London: Printed for J. Roberts, 1716. (Microfilm currently in the possession of W. Reynolds McLeod, Morgantown, W. Va.)

- B., W. Reflections on the Conduct of the Present Administration Towards the Persons Engaged in the Late Rebellion. London: W. Hinchliffe, 1716. (Microfilm currently in the possession of W. Reynolds McLeod, Morgantown, W. Va.)
- Cobbett, William. Cobbett's Parliamentary History of England. From the Norman Conquest in 1066 to the Year 1803. For Which Last-Mentioned Epoch It Is Continued Downwards in the Work Entitled, "Cobbett's Parliamentary Debates." Vol. VII. London: Printed by T. C. Hansard, 1811; reprint ed. New York: AMS Press, Inc., 1966.
- A Collection of State Songs, Poems, & etc. That Have Been Publish'd Since the Rebellion: and Sung in the Several Mug-Houses in the Cities of London, & etc. To Be Publish'd Annually. London: Printed for Andrew & William Bell, J. Baker & T. Warner, 1716. (Microfilm currently in the possession of W. Reynolds McLeod, Morgantown, W. Va.)
- A Compleat History of the Late Rebellion. London: Printed for W. Hinchliffe, 1716. (Microfilm currently in the possession of W. Reynolds McLeod, Morgantown, W. Va.)
- Dalrymple, David. Memorial Concerning the State of the Prisoners on Account of the Late Rebellion. Edinburgh: reprinted 1716. (Microfilm currently in the possession of W. Reynolds McLeod, Morgantown, W. Va.)
- Defoe, Daniel. The Proceedings of the Government, Against the Rebels, Compared With Persecutions of the Late Reigns. (Microfilm currently in the possession of W. Reynolds McLeod, Morgantown, W. Va.)
- Hogg, James. The Jacobite Relics of Scotland; Being the Songs, Airs, and Legends of the Adherents to the House of Stuart. 2 vols. Edinburgh: Printed for William Blackwood & T. Cadell & W. Davis, 1819; reprint ed. New York: AMS Press, Inc., 1974.
- A Key to the Plot, By Reflections on the Rebellion: Shewing How, as, in Matters of Right, It Was Rais'd by the Revolters Against Their Own, Most Peculiar, Principles, so by Providence, it Turns Towards the Reverse of Their Designs by Precluding the Like Monstrous Attempts to Perpetuity; and Curing Many Separate Evils, That, Otherwise Might Have Retarded the Completion of Our Felicity Under the Protestant Settlement, Discovering Likewise, Vulgar Mistakes, and Great Present Changes, in Relation to the State of Scotland, Especially the North Parts Thereof With Regard to the Government. In a Letter from a Countryman in Scotland, to a Courtier in London. London: Printed for Andrew Bell, 1716. (Microfilm currently in the possession of W. Reynolds McLeod, Morgantown, W. Va.)

A List of the Scot's Noblemen and Gentlemen Prisoners, That Are Designed for England. Edinburgh: Printed by Margaret Reid, nd. (Microfilm currently in the possession of W. Reynolds McLeod, Morgantown, W. Va.)

List of the Scottish Noblemen and Gentlemen Attainted of High Treason This Last Session of Parliament. (Microfilm currently in the possession of W. Reynolds McLeod, Morgantown, W. Va.)

The Mercy of the Government Vindicated: To Which Are Added, Remarks Upon a Late Pamphlet Entitled "An Argument to Prove the Affections of the People the Best Security of the Government." London: Printed for James Roberts, 1716. (Microfilm currently in the possession of W. Reynolds McLeod, Morgantown, W. Va.)

Patten, Robert. The History of the Late Rebellion. With Original Papers, and Characters of the Principal Noblemen and Gentlemen Concern'd in It. London: Printed for J. Baker and T. Warner. 1717.

Rae, Peter. The History of the Rebellion Rais'd Against His Majesty King George I. By the Friends of the Popish Pretender. Containing an Account of the Settlement of the Succession to the Crown of Great-Britain, in the illustrious Family of Hanover, and the Tory Scheme to Defeat It, During the Last Four Years of the Late Queen Anne. Of His Majesty's Happy Accession, the Rebellious Conspiracy Form'd by His Enemies, and the Execution Thereof; Both by the High-Church Mobs, on Pretense of the Church's Danger Under His Majesty's Administration, and by the Open Rebellion; Which Is Here Exposed in All Its Parts, From Its First Rise to Its Final Extinction. 2nd ed. London: Printed for A. Millar, 1746.

Royal Gratitude: (OR King George's Promise Never to Forget His Obligations to Those Who Have Distinguish'd Themselves in His Service) Critically Consider'd in a Letter to the Right Honourable Robert Walpole, Esq: The First Lord of the Treasury, Occasion'd by a General Report that Mr. John Dunton, (Author of Neck or Nothing) Will Speedily Be Rewarded With a Considerable Place or Pension. To Which Is Added, The High Church Gudgeons. OR a Day's Ramble to Catch the Foolish Jacks With Their Own Treason, With Mr. Dunton's Speech to the Lord-Mayor of London Upon This Occasion. Also, a Trip to the Loyal Mug-House at Night, to Drink a Health to King George and the Royal Family. London: Printed by R. Toolrey, 1716. (Microfilm currently in the possession of W. Reynolds McLeod, Morgantown, W. Va.)

The Secret History of the Rebels in Newgate. Giving an Account of Their Daily Behavior, from Their Commitment to Their Gaol-Delivery. Taken from a Diary Kept by a Gentleman in the Same Prison. 2nd ed. London: Printed by J. Roberts, nd. (Microfilm currently in the possession of W. Reynolds McLeod, Morgantown, W. Va.)

Statutes at Large, From Magna Carta to the End of the Eleventh Parliament of Great Britain. London: Danby, Pickering, 1762.

A True and Exact List of the Names of Those Persons Who Are Excepted in His Majesty's Most Gracious Act of Indemnity, and All Those Who Are Clear'd by It. London: Printed for F. Cobb, nd. (Microfilm currently in the possession of W. Reynolds McLeod, Morgantown, W. Va.)

#### Secondary

Arnold, Ralph. Northern Lights: The Story of Lord Derwentwater. London: Constable & Co., Ltd., 1959.

Baynes, John. The Jacobite Rising of 1715. London: Cassell & Co., Ltd., 1970.

Burton, John Hill. History of Scotland, from the Revolution to the Extinction of the Last Jacobite Insurrection. Vol. II. London: Longman, Brown, Green, and Longmans, 1853.

Insh, George Pratt. The Scottish Jacobite Movement: A Study in Economic and Social Forces. Edinburgh: Moray Press, 1952.

Jones, George Hilton. The Main Stream of Jacobism. Cambridge: Harvard University Press, 1954.

Petrie, Sir Charles. The Jacobite Movement. London: Eyre & Spottiswoode, 1959.

Plumb, J. H. The Origins of Political Stability: England 1675-1725. Boston: Houghton Mifflin Co., 1967.

Tucker, Albert. A History of English Civilization. New York: Harper & Row, 1972.

Government Documents

Great Britain. Lords. The Whole Proceeding to Judgment Upon the Articles of Impeachment of High Treason Exhibited by the Knights, Citizens, and Burgesses in Parliament Assembled, in the Name of Themselves and of All the Commons of Great Britain, Against James Earl of Derwentwater, William Lord Widdrington, William Earl of Nithsdale, Robert Earl of Carnwath, William Viscount Kenmure, and William Lord Nairn, in Westminster-Hall, on Thursday the Ninth Day of February, 1715. Published by Order of the House of Peers. London: Printed for Jacob Tonson, 1716. (Microfilm currently in the possession of W. Reynolds McLeod, Morgantown, W. Va.)

Great Britain. Parliament. Anno Regni Georgii Regis Mannae Britanniae, Franciae, & Hiberniae. Tertio. An Act for the King's Most Gracious, General and Free Pardon. Edinburgh: James Watson, 1717.

Great Britain. Parliament. A Report from the Commissioners Appointed to Enquire of the Estates of Certain Traitors, &c. In That Part of Great Britain Called Scotland. Edinburgh: Printed by James Watson, 1717.

Letters

Alexander of Kildrummy, John. "Letter Written by Reverend John Alexander of Kildrummy, to His Wife, April 14, 1716," in James Allardyce, ed. Historical Papers Relating to the Jacobite Period, 1699-1750. Aberdeen: Printed for the New Spalding Club, 1895.

Nicholson, William. "Eight Letters by William Nicholson, D.D., Bishop of Carlisle, to Sir William Dawes, Archbishop of York, 1716," in Henry Paton, ed., The Miscellany of the Scottish History Society. Edinburgh: Printed at the University Press by T. & A. Constable, 1893.