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A Diplomatic Transcription of Hume’s “volunteer pamphlet” for Archibald Stewart: Political Whigs, Religious Whigs, and Jacobites

M. A. BOX, DAVID HARVEY, AND MICHAEL
SILVERTHORNE

Many scholars interested in David Hume will have encountered his defense of the beleaguered Archibald Stewart as it appears in an appendix in John Valdimir Price’s *The Ironic Hume* (Austin: University of Texas Press, 1965). Additionally they might know of Price’s discussion for *The Bibliotek* of 1973 of a copy with manuscript markings. A reason for revisiting this pamphlet is that the National Library of Scotland has graciously given permission to reproduce a copy (shelfmark NE.10.e.4) featuring a preface and significant markings in manuscript not in the copy that Price reproduced in his book. As Hume assumes considerable familiarity with the events to which he alludes, we have annotated the text to make it fully intelligible to readers two and half centuries after its composition.

The rudimentary bibliographic facts and mysteries are as follows. Two editions survive to us, an octavo (in fours) and a rare duodecimo. Although there is no reason to regard the duodecimo as a second edition correcting or augmenting a first edition, it probably was manufactured after, and was textually derivative from, the octavo. We know nothing of the publishing of

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the duodecimo, and doubtless that is as its producers intended. Its title page indicates, like that of the octavo, that the printing was done “for M. Cooper” in 1748, but William Strahan’s ledgers register the printing in December 1747 of only the octavo in an edition of 1000 copies.¹ The job is listed under bookseller Andrew Millar’s account, not Mary Cooper’s, probably for the reason that Cooper was a front whose role was to screen the true producers. It is possible that Millar hired someone other than Strahan to print the duodecimo, but it is also possible that someone other than Millar had it printed to mimic the octavo and take the opportunity it offered for concealment.² A different editorial judgment is evinced in the duodecimo in that cosmetic measures are taken in it to obscure the identities of two military men ridiculed. For example, “Fowke” is rendered as “F—” and “John Cope” as “J—C—.”

A digression on Mary Cooper is in order. This remarkable woman (died 1761) took over her husband Thomas’s business upon his death 9 February 1743. That business had a history of “publishing” pamphlets and therefore made a plausible front for Millar, who in at least thirty-six other instances, none requiring courage, was willing to have his name appear on a title page with “M. Cooper.” (This figure derives from a search by imprints using the *English Short-Title Catalogue*.) Until Thomas Cooper died, his name appeared on editions of John Armstrong’s *The Oeconomy of Love* (1736 and thereafter) though only Millar’s name is listed in the Stationers’ Register (Foxon, *English Verse* A303–A311), and Mary’s name is on the title page of the 1753 edition for which Strahan charged Millar (Strahan Papers, Add. MS 48800, s.v. August 1753). It was perhaps in this pattern that the second edition of Hume’s heterodox *Philosophical Essays* (1750) would be reissued in 1751 with a new title page replacing Millar’s name with Cooper’s. That book was made temporarily a more alarming property by the superstitious panic of the London populace following the winter earthquakes in 1750, presaged by a bloody cloud. Within that year Bishop Thomas Sherlock caused a stir with a pastoral letter (*A Letter from the Lord Bishop of London*) blaming the earthquakes on several iniquities, “particularly heretical books” (Walpole, *Correspondence* 20: 134; cf. Hume’s report to John Clephane, 18 April 1750, *Letters* 1: 141; and Nichols, *Literary Anecdotes* 3: 213). Subsequently yet another title page was put onto some unsold copies of this edition, restoring Millar’s name for the absorption of the edition into the 1753 *Essays and Treatises* as volume 2. Robert Dodsley would employ Mary Cooper likewise—e.g. on the title page of Edmund Burke’s *Vindication of Natural Society* (1756)—but for the different purpose of preserving the anonymity of authors with whom Dodsley had known associations (Straus, *Robert Dodsley*, 134–5, 171–6, 255, 269).³ At least

for some of her business Cooper was, like her husband before her, one of the remaining "publishers" (as opposed to booksellers or printers). Today this class of person has been termed "trade publishers" to avoid confusion. Her role was to be the nominal distributor for works in which she had little or no property for the purpose of concealing their producers (Treadwell, "London Trade Publishers"). She provided plausible deniability.

The permutations of the octavo edition of *True Account* are as follows. A preface is to be found in some copies, and some copies contain a uniform set of manuscript corrections that arguably have authority.⁴ Without making claims for the authority of the markings, we observe that they look most often like corrections of compositors' errors rather than stylistic suggestions and that, though some of the corrections could have been made by any alert reader, others could not, suggesting derivation from the author. Given our knowledge of extant copies, the markings appear to be present only in copies with the preface. Some copies lack a half-title. With the disappearance of the half-title comes the migration from it to a new title page of the notice of price (one shilling). This new title page correlates (once again, to the best of our knowledge) with the absence of the preface.

The location of these variations in the preliminaries (that is, the pages preceding the main text) means that there is a question whether these permutations of the octavo are different "issues" or "states" of the same issue, a question that might have implications for a choice of copy text for purposes of collation. In the present instance we are presenting not a critical text, exercising editorial judgment to select or reject readings varying from those in a copy text, but rather a diplomatic transcription of one important copy, leaving it to readers to exercise their own judgments concerning, for example, the authority of the manuscript alterations as against the printed text. Nevertheless, it would be of interest to know whether the producers intended two issues to be released, one with and one without the preface, or whether alternatively there is a surviving state of the octavo that the public was not supposed to see.

We can infer that the version with the preface preceded the other one because M. A. Stewart has observed increasing typographical deterioration on unsigned leaf H1 (page 51) to be present in copies without the preface. Whether the preface was removed as an afterthought during the production or as a planned differentiation of two issues, say for the markets in London and Edinburgh, is a matter for speculation. If stop-press censorship is the explanation, the question arises why the printer allowed copies with the preface to survive, but one can readily imagine uncensored copies' being preserved for friends of the author and of Archibald Stewart. One should not assume that a

putative act of censorship was against Hume's wishes and that therefore the permutation with the preface represents the author's final intentions, for Hume's career shows a readiness to delegate authority over his texts when others' welfare was involved. Just such delegation had resulted in deferred publication for "Of the Protestant Succession," and a willingness to be influenced by others' fears resulted in the failure of a dedicatory epistle to appear in some copies of *Four Dissertations* (1757).⁵ The latter instance produced what are clearly different states of an edition in that they resulted from vacillation rather than an intention to produce distinct issues.

Changes of front matter, especially of the title page, are a defining feature of a distinct issue in that they suggest deliberate repackaging for purposes of marketing. R. B. McKerrow's criteria for problem cases like the present one are that in variant states preliminary matter would have been altered to correct something while, conversely, for new issues the alteration would serve to give "a new life to old sheets" (*Introduction to Bibliography*, 177). Neither criterion seems to apply to Hume's octavo. Fredson Bowers allows for special cases in which insufficient time has elapsed between the versions for one to be a reissue of the other, and Hume's octavo appears to fit this exception. Bowers stipulates that, as in the present case, separate issues must feature substantially the same setting of type but different title pages and significant difference with respect to preliminaries (*Principles*, 40–1, 77–9, 99–103). Formally the octavo edition meets this stipulation, but a purposive manufacturing of two issues of the octavo for different markets is difficult to substantiate. Strahan's ledgers indicate only one continuous print run.

Fortunately we do not need for present purposes to settle this question. All that is necessary to justify our choice of a copy for transcription is that readers be interested in consulting one including both the preface and the manuscript markings. To assess the copy intelligently, however, readers need to be aware of the different permutations of the text and their relations insofar as they are determinable. It is possible to contrive alternative histories of these permutations but, if simplicity enhances probability, the probable story is that the duodecimo mimicked the octavo Strahan printed for Millar. Deliberately or not, it mimicked the version lacking the preface and took no cognizance of the manuscript markings in some octavos. If it was created without Millar's approval for commercial rather than political reasons, we can call it a piracy. The earliest and most complete of the permutations, the octavo with the preface, is the one reproduced below.⁶

The anonymous pamphlet consists formally of an epistle dated 20 October 1747 and a postscript dated 4 November, reflecting on Archibald Stewart's acquittal two days before at the end of a long trial and incarceration for

dereliction and misbehavior in office. Dates on Hume's letters indicate that he was at Ninewells when he wrote the pamphlet. The title page is dated ahead to 1748, for the pamphlet was listed for 1 shilling in *General Advertiser*, no. 4105 (21 December 1747), 3, and *General Evening Post*, no. 2217 (22–4 December 1747), 2, having been printed by Strahan that month. It is listed in *Scots Magazine* 9 (December 1747): 612, but was advertised the following month in the *Caledonian Mercury*, no. 4250 (7 January 1748), 3, and the *Edinburgh Evening Courant* (Monday 11 January 1748), 4.

Hume's friend Henry MacKenzie wrote with perfect confidence of Hume's authorship: "When Provost Stewart, who was a distinguished wine merchant at that time (1746) and Provost of Edinburgh, was called to account for an alleged breach of duty in delivering the City to the rebels, D. Hume wrote a volunteer pamphlet in his defence shewing most convincingly that the City could not have been defended, and that standing a siege would have been attended with most disastrous consequences" (*Anecdotes*, 172). Speaking coyly of himself in the third person, Hume wrote to the Stuart loyalist Lord Elibank, 8 January 1748, that the "Author seems to have been engag'd by the Tyes of private Friendship; and as the Subject was rather too particular, as well as for other Reasons, does not choose to own it" (Mossner, "New Hume Letters," 437–8). Similar language appears on a contemporary inscription on the copy described by Price: "By David Hume, Esq^r. who was | under great Obligations | to Provost Stewart" ("Hume's 'Account of Stewart,'" 200–1). While Hume was lucky enough to be in England during the French-instigated Jacobite rebellion of 1745, his friend Stewart was unlucky to be lord provost, or head magistrate, in Edinburgh. Hume knew very well two of Stewart's lawyers, Gilbert Elliot and Henry Home, as well as the merchant John Coutts, Stewart's brother-in-law and immediate predecessor as lord provost. Coutts testified on Stewart's behalf ([Davidson], "Proceedings," 155–72). Both Coutts and Stewart had supported Hume's failed candidacy in 1745 for a professorship of moral philosophy at the University of Edinburgh.

It is not difficult to project reasons for the anonymity of those involved in producing the pamphlet. The author, the underwriter, and the printer were Scots, and the pamphlet was in defense of a Scot accused of dereliction of duty in response to the Jacobite rebellion issuing from the Highlands in 1745. Stewart's prosecution occurred during the ugly aftermath of the rebellion. The ministry in London was now relying upon Archibald Campbell, the third duke of Argyll, to manage Scotland politically, and the duke's position vis-à-vis the ministry was troubled due to his attempts to moderate and direct constructively the ministry's impulses towards retaliation against Scotland as a whole. It was not clear precisely how dangerous it would be to be associated with

Jacobitism, and people could not be relied upon to discern nuanced positions between treason and the “religious” Whiggism that Hume castigates at the end of his pamphlet (§§ 5–6 of the postscript).

Because pamphlets were among the amenities of coffee houses, these occasional tracts reached larger audiences than print runs would suggest. The generic features of the pamphlet literature were described appreciatively in Hume’s day by William Oldys and Samuel Johnson. By and large pamphlets were polemical and anonymous (Johnson, Introduction, ii–iii). Sometimes they were written by important and well-informed figures, and their topicality is beneficial for posterity in that, “springing usually from some immediate occasion, they [were] copied more directly from the life.” They yield “the truest images of their authors” and an exposition of “many incidents, which general historians are either wholly ignorant of, or very superficially mention” (Oldys, “History,” 108–9, 111). These descriptions apply to Hume’s pamphlet, which shows the author exerting his full powers to help a friend in trouble. Its tone of rational indignation tempered by humanity and humor is not an easy mix to achieve, and Hume’s work compares more than favorably with Henry Fielding’s pamphlets on the rebellion. The transcendence of their occasions by exceptional pamphlets, like Milton’s *Areopagitica* and Swift’s *A Modest Proposal*, does not alter the fact that pamphlets take much of their meaning from the circumstances of the controversies provoking their authors to produce them. Normally they are valuable because of their topicality, not in spite of it.

Annotations are keyed to paragraph numbers, and the short-title citations are to the works specified in the reference list below. Works merely mentioned rather than cited are not listed there. Citations to Hume’s essays are to paragraph numbers for the text presented in Eugene F. Miller’s edition of *Essays Moral, Political, and Literary* (Indianapolis: LibertyClassics, 1985). Translations from Latin, when not provided by Hume himself, are by the editors unless otherwise indicated, as when we use or adapt the Loeb translations. Interpolations will be in angle brackets, and the bracketed page numbers for copy NE.10.e.4 will be displayed in superscript. Manuscript additions will be displayed in bold to distinguish them from bracketed editorial interpolations like “sic.” What is scratched out in the copy will here be scored through with a single line. We have made no attempt to reproduce the long “s” of antiquated typography or drop capitals, much less printers’ ornaments. In Philibert’s poem, quoted in the annotations, there is some black-letter type that we have displayed in roman. Hume’s footnotes follow a conventional sequence of asterisk, dagger, and so on, recommencing each page, and since our pagination will not coincide with that in the octavo, our representation

of the footnotes follows the pattern of that sequence rather than attempts to match up each note with the same symbol in the edition that Strahan printed. The intention of Strahan's compositor clearly was to provide space between paragraphs, and there has seemed no point in reproducing his two failures to do so (between ¶¶ 7–8, 16–17 in the text). Otherwise we have seen no reason to alter the text as created by Hume, the compositor, and the unknown persons who marked copy NE.10.e.4, and accordingly we have not supplied a missing comma in the third sentence in the sixth paragraph of the postscript.

NOTES

1 British Library Add. MS 48800, leaf 71 verso using the library's foliation, 58 verso using Strahan's. The entry reads "Vindication of Provost Stewart 3½ N°. 1000." Multiplying 3.5 sheets by 8 for folding into an 8vo format yields the appropriate number of 28 leaves for the 8vo edition of "True Account." This is a good place to record that our work is based upon M. A. Stewart's skillful analysis of the editions. As free and generous with his knowledge has been Roger Emerson, whose command of Scottish history has been an inspiration. Tom Beauchamp has shared data he collected concerning copies of the 8vo. Of course none of these scholars is responsible for errors or misjudgments in this article. Additionally, thanks are due to Alvan Bregman of the Rare Books Room at the University of Illinois at Urbana; Carl Spadoni of the Division of Archives and Research Collections at McMaster University Library; two librarians at the National Library of Scotland, Iain Brown of the Manuscripts Division and George Stanley of the Rare Books Division; and the two anonymous and expert readers for *Hume Studies*. Indispensable in matters of Italian opera were Tom McGeary and Cristina Paoletti.

2 For bibliographic descriptions, see William B. Todd, "David Hume: A Preliminary Bibliography," 192–3. Our copy of the 8vo corresponds to Todd's state b.

3 For Henry Fielding's pamphlets on the rebellion the pattern recurs: Strahan's print work is charged to Millar though Mary Cooper's name is on the imprint. W. B. Coley sees Cooper's relation to Fielding's pamphlets as straightforward (General Introduction, xxxvi–xxxvii), but he fails (*a*) to view it as part of a larger pattern of activity extending back to her husband's business and (*b*) to consider that, given the known relationship between Millar and Fielding, the bookseller's anonymity vis-à-vis the pamphlets was a precondition of the author's. If the relationship was straightforward, there is no obvious reason why Strahan should deal with her through Millar and not charge her directly.

4 To be exact, almost all of the markings belong to a core that is uniform from copy to copy, though there might be additional markings or marginalia that do not appear in all marked copies. For example, the "t" added to "Bu<t>" on page 40 of our documentary text (¶ 57) is not to be found among the set of MS corrections in

either shelfmark B14677 at the Mills Memorial Library at McMaster University or shelfmark Ry.1.5.341 at the National Library of Scotland.

5 See To Charles Erskine, lord Tinwald, 13 February 1748, and To William Mure of Caldwell [February 1757], *Letters* 1: 111–13, 242–3.

6 We should note the existence is a single copy of a still earlier, imperfect state of the version with the preface. In copy Ry.1.5.341 at the National Library of Scotland the text ends on page 50 (¶ 8 of the postscript) with the words “on his Innocence.” The beginning of the next sentence and the catchword, “suppose,” are missing, as though this copy were a trial print revealing the need for the extra leaf [unsigned H1].

Chronology

17 September 1745	Charles Stuart's army enters Edinburgh
21 September	battle at Prestonpans, after which Charles returns to Edinburgh
22 September–31 October	occupation of Edinburgh
c. 30 November	Stewart taken into custody (<i>Gentleman's Magazine</i> 15 (1745): 614)
17 January 1746	battle at Falkirk
16 April	Charles's defeat at Culloden by the duke of Cumberland
24 March–2 November 1747	Stewart's trial

A TRUE
ACCOUNT
OF THE
Behaviour and Conduct
OF
ARCHIBALD STEWART, *Esq;*
LATE
Lord PROVOST of *Edinburgh.*
In a LETTER to a FRIEND.

*Non potuit mea mens, quin esset grata, teneri.
Sit, precor, officio non gravis ira pio.*

OVID.



L O N D O N :

Printed for M. COOPER, in *Pater-noster-*
Row. M D C C X L V I I I .

A TRUE
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OVID.

PREFACE.

- 1 THE following Letter being thought to contain several Circumstances very material to the Justification of an innocent Man, it was attempted to print it in *Edinburgh*; but that City is kept under such proper Discipline, and all the Printers so terrified with the Severity of a certain Magistrate (to whom that Innocence might give Offence) that no Printer durst venture to publish it. Poor City! once insulted by the Rebels, and now reduced to Subjection, even by those, who ought to protect her. This puts me in mind of a Fable of *Æsop*. An old Lion, when sick and infirm, lay in his Den, exposed to the Outrages of all the Beasts of the Forest.^{<2>} The Tiger tore him with his Fangs: The Boar gored him with his Tusks: The Bull pierced him with his Horns. Even the Ass kicked the generous and helpless Beast; who now, in his last Agonies, could not forbear lamenting his hard Fate, to be thus trampled upon by so ignoble and base a Foe.

*Fortes indigne tuli
Mihî insultare: te, naturæ dedecus,
Quod ferre certe cogor bis videor mori.*^{<3>}

A

TRUE ACCOUNT
OF THE
BEHAVIOUR and CONDUCT
OF
ARCHIBALD STEWART, *Esq*;
LATE
Lord PROVOST of *Edinburgh*.

- 1 SIR,
YOU inform me that you had great Curiosity to be acquainted with all Provost *Stewart's* Story, and the Circumstances of his Conduct in *Edinburgh*, when that City was taken by the Rebels in 1745: And that having got Copies of the Informations for and against him, you had been frightened from the Perusal of them by the Sight of two such long Law Papers, which,^{<4>} you imagined, must be full of Citations and technical Terms, and abstract Reasonings, of which you are wholly ignorant. But allow me to tell you, your Delicacy is very ill founded. I shall say nothing of the Information against him; and I doubt not, but, as it was drawn by a Lawyer of known Capacity, it is as good as the Subject would admit of. But the Information for him is really an extream good Paper, and worthy

of your Perusal. And could you doubt of it, when you know the Importance of the Cause, the Expectations of the Publick, and above all, when you saw, at the Foot, the Gentleman's Name who composed it?

- 2 You desire me to give you an Abstract of the Story, in more familiar Terms, and in a Form, which would give you less Trouble to comprehend it. I must own, I would not indulge your Laziness so far, at the Expence of my own, were it not that I had great Obligations to Mr. *Stewart*, as well as a great personal Regard for him; and am desirous of putting his Cause in a just Light to you, who^{<5>} had once been so far seduced by Calumny and vulgar Reports, as to have entertained some Doubts of his Innocence.
- 3 Your former Prejudices are not at all surprizing. Whatever general Contempt we may entertain for popular Rumours, 'tis difficult, when they come full upon us, not to lend, at first, some Attention to them; and they fortify themselves with so many Stories, and such numerous Circumstances, that it becomes difficult, at last, not to give even some Credit to them. But here is Mr. *Stewart's* Advantage, which he has now happily attained, after suffering the greatest Hardships, and after the most tedious Delays: He is placed before a Court of Judicature. His Calumniators must cease their furious Obloquy and loose Accusations, and hearken to the more sober Voice of his Prosecutors. These have reduced their Charge to Article and Proposition, which they are engaged to prove and defend. He has had an Opportunity to answer; and his Answer is so good, so solid, so convincing, that the good-natured Mob begin to retract their Calumnies; and even the furious Zealots confess with Regret, that he^{<6>} has been so cunning and sagacious, as to screen himself from all legal Proof and Punishment: The utmost Confession, surely, you will ever expect from them.
- 4 As often as I heard this Subject handled in Conversation (and nothing else almost was talk'd of for some time) I desired only every zealous Declaimer to consider the Force of the Garrison which the Provost commanded, and the Strength of the Place he was to defend. These are surely very obvious Considerations, and yet few People ever entred into them, otherwise it were impossible for such ridiculous Calumnies to have made such strong and durable Impressions. Let us run over them a little, in order to set the Matter in a just Light. This may lead us into some general, as well as particular Topics, that may not be uninstrusive or unentertaining.
- 5 The great Difference betwixt the State of this Island at present, and what it was a few Centuries ago, is obvious to every one. At that time, the whole Defence of both Kingdoms was trusted to the People; who, tho' they received no Pay, yet never^{<7>} neglected the Use of Arms; tho' disperst in their

* *Mr. Ferguson of Pitfour.*

own Houses, yet lived under a regular military Subordination to their Superiors and Chieftains; and tho' obliged to labour for their Subsistence, considered, all of them, their civil Occupations as a Drudgery they submitted to from mere Necessity, but regarded their military Atchievements as the only Source of Honour and Glory. What Actions of desperate Valour have been performed by such Troops, and what well-disputed Fields they have fought, is known to every one that has the least Acquaintance with the History of this or of any other Nation. And the Behaviour of the present Highlander, who preserves but a small Part of these antient Institutions, may set the Matter still more strongly before us.

6 The Highlanders are altogether as ignorant of Discipline as the Low-Country Ploughmen, and know as little the Nature of Encampments, Marches, Ranks, Evolutions, Firing, and all the other Parts of military Exercise, which preserve Order in an Army, and render it so formidable. They advance to Battle in a confused Heap, which some People have⁸ been pleased to call a Column: They can use no Weapon but the Broad-Sword, which gives not one Wound in ten that is mortal, and obliges each Combatant to occupy double the Ground that would suffice, did he employ the Pushing-Sword or the Bayonet. And they become weaker by their Victories; while they disperse to their Homes, in order to secure the Plunder they have acquired: But still, as long as they retain a devoted Obedience to their Chieftain, who is their Officer, and value themselves upon military Courage above all Endowments, they can never justly be regarded as a contemptible Enemy.

7 When Men have fallen into a more civilized Life, and have been allowed to addict themselves entirely to the Cultivation of Arts and Manufactures, the Habit of their Mind, still more than that of their Body, soon renders them entirely unfit for the Use of Arms, and gives a different Direction to their Ambition. Every Man is then desirous to excel his Neighbour in Riches or Address, and laugh<s> at the Imputation of Cowardice or Effeminacy. But the barbarous Highlander, living chiefly by Pasturage, has Leisure to cultivate⁹ the Ideas of military Honour; and hearing of nought else but the noble Exploits of his Tribe or Clan, and the renowned Heroes of his Lineage, he soon fancies that he himself is born a Hero as well as a Gentleman. The Songs recited at their Festivals, the Fables transmitted from their Ancestors, the continual Strain of their Conversation; all this nourishes their martial Spirit, and renders them, from their Cradle, compleat Soldiers in every thing but the Knowledge of Discipline.

8 In the antient Civil Wars of *Scotland*, we find that the Highland Families were always of little Weight on either Side, and that the Battles were decided entirely by the *Douglasses*, *Carrs*, *Humes*, and the other Low-Coun-

try Borderers; who, preserving the same Manners and Institutions with their Countrymen in the Mountains, had acquired a superior Address and Bravery, by their frequent Skirmishes and Battles with the *English*.

9 We also find, that when all the Highlanders joined to all the Lowlanders, much more numerous and brave than they, invaded *England*, under the legal Authority of their Prince or Sovereign, that Nation were so far^{<10>} from being alarmed at the Storm, that it scarce sufficed to rouse them from their Indolence and Repose. The Militia of the Northern Counties was commonly strong enough to repel the Invaders; and the Inhabitants of *London*, when Battles were fought in *Northumberland*, or the Bishoprick of *Durham* (for our Ancestors seldom advanced farther) heard of these Combats with as great Security, as now they read of the Wars betwixt the *Persians* and the *Indians*. 'Twas only when an ambitious Prince, like *Edward* the First or Third, undertook the Conquest of *Scotland*, that the whole Force of *England* was mustered up against us.

10 But now, (how can we think of it without Shame and Indignation?) when not above a fifth Part of these miserable Highlanders (who are no braver than their Ancestors) rose in Rebellion, they trampled down the whole Low-Countries, who were generally averse to their Cause, and whose Ancestors could have dissipated twenty times the Force of such Barbarians: They advanced into the middle of *England*, without meeting any Resistance: They threw a prodigious Alarm^{<11>} into the Capital itself, the greatest City in the Universe; they shook and rent the whole Fabrick of the Government, and the whole System of Credit on which it was built. And tho' there were three regular Armies in *England*, each of them much more numerous than they, they retreated back into their own Country; and still maintained their Ground. Nor can any reasonable Man doubt, that if these Armies had been removed, eight Millions of People must have been subdued and reduced to Slavery by five Thousand, the bravest, but still the most worthless amongst them.

11 I shall never forget the Conversation on these Events, I had at that time with a *Swiss* Gentleman, that could not sufficiently admire how so great a People, who really are Lords of the Ocean, and who boast of holding in their Hand the Ballance of Power in *Europe*, could be so impotent and defenceless against so mean a Foe, *Let those Highlanders*, says he, *have invaded my Country, and the Militia of three Swiss Parishes would have repelled, what the whole Force of your three Kingdoms is scarce able to master*. And if we allow only^{<12>} a Battalion to a Parish (which seems reasonable in so populous a Country, and where every Man is disciplined) we shall find that this Boast contains no Exaggeration, but a serious, and, to us, a very melancholy Truth.

- 12 Since then, the Disposition and Discipline of this Age and Nation is such; what reasonable Man could be surprized to hear, that the Rebels had become Masters of *Edinburgh*, while it was not defended, but deserted by its timid Inhabitants. Methinks, we should at first have expected that Event as firmly as that they would enter *Kelso*, *Penrith*, or any defenceless open Village that lay upon their Road, I might add *London* to the Number, and suppose only, that the Rebels had advanced from *Derby*, and that Lord *Stair*, instead of encamping on *Finchley* Common, had led his Army down to *Exeter* or *Plymouth*. Would my Lord Mayor, who commands near a Million* of People, have ventured to give them the smallest Opposition; or, like a *Drawcansir*, have stood alone in their way, armed with^{<13>} his Mace and great Cap of Maintenance? For I take it for granted, that every Mortal, Citizen and Courtier, Laity and Clergy, Man and Woman, old and young, would have deserted him.
- 13 I wish his Majesty would be pleased to honour me with the Command of either of the *Highland* Battalions, and that I had some honest *Jesuitical* Clergyman to lay my Scruples; I should think it a very easy Exploit to march them from *Dover* to *Inverness*, rob the Bank of *England* in my way, and carry my Spoils, without Interruption, thro' the whole Nation; provided the Army were disposed to continue mere Spectators of my Prowess.
- 14 To tell the Truth, one of the Persons whom I should be the most sorry to meet with on my Road, would be Mr. *Stewart*. For by all that I can learn of his Conduct, he acted the Part of so vigilant, active, and even brave a Magistrate (so far as he was tried) that he might create me some Trouble: But still, if his Force was no greater than what it was during the last Rebellion, he would not be able to give me any great Interruption.^{<14>}
- 15 Let us enumerate that Force, in order to judge the better of it, and determine whether it was likely to resist the Rebels. We shall surely find a List of Heroes equal to those of which *Homer* has given us a Catalogue, if not in his *Illiad*, at least in his *Batrachomyomachia*, or Battle of the Frogs and Mice.
- 16 There were of the Town Guards ninety six Men, augmented at that time to 126. These are rather elderly Men, but pretty well disciplined; and indeed, the only real Force the Provost was Master of. The rest were, in a Word, undisciplined *Britons*, which implies just as formidable an Idea as undisciplined *Romans*, or undisciplined *Indians*. They were nominally divided into the Trained-Bands, the *Edinburgh* Regiment, and the Volunteers. But this Division was really what the Schoolmen call a Distinction without a Difference. For with regard to military Prowess they were much the same.

* Comprehending the City of *Westminster*, and Borough of *Southwark*, which are indeed more properly his Allies than Subjects.

17 As to the Trained-Bands,* in what Condition that formidable Body may be in at present, or might have been in, at the time of^{<15>} the Rebellion, I cannot tell; but I remember, when I was a Boy, I had a very contemptible Idea of their Courage. For as they were usually drawn out on Birth Days, and marched up through the main Street, it was very common for any of them, that was bolder than usual, and would give himself Airs before his Wife or Mistress, to fire his Piece, in the Street, without any Authority or Command from his Officers. But I always observed, that they shut their Eyes, before they ventured on this military Exploit; and I, who had at that time been accustomed to fire at Rooks and Magpies, was very much diverted with their Timorousness.† However, I question not, but there are many very honest substantial Tradesmen amongst them, and as long as that is granted, I suppose they will allow any one to make as merry as he pleases with their military Character.^{<16>}

18 His Majesty's Warrant to raise the *Edinburgh* Regiment was not delivered to the Provost, till the 9th of *September*, seven Days before the Rebels entered the Town. The oldest enlisted, therefore, were now Veteran Troops of seven days standing: The youngest not less than a Quarter of an Hour. Their Number might amount to about 300. I am told, that their Appearance resembled very much that of *Falstaff's* Tatterdemallion Company, which his Friend supposed he had levied by unloading the Gibbets and pressing the dead Bodies. But the merry Knight defended his Company, by saying, *Tut, mortal Men, mortal Men, good enough to toss, Food for Powder*. Tho' it is my humble Opinion, that had the Mortality of the Regiment abovementioned depended on their being Food for Powder, they would have deserved the Epithet of the *immortal Body*, as much as the King of *Persia's* Guards, who, as *Herodotus* tells us, were dignified with that Appellation. But not to be too hard upon our Countrymen, I shall allow, that notwithstanding their Poverty, they would have behaved as well as the Million Regiment of *London*, so called from the^{<17>} Property of the Soldiers, which, it seems, amounted to that Sum.

19 The Volunteers, who come next, to the Number of 400, and close the Rear, the Post of Honour in all Retreats, will, perhaps, expect to be treated with greater Gravity and Respect: And no doubt they deserve it, were it only for their well meant Endeavours in Defence of their King and Country. As to their Discipline and Experience, it was much the same

* These Trained-Bands are commonly about 1200 Men.

† 'Tis true, their Fear was better grounded than I believe they themselves imagined, for their Arms are commonly so bad, that a very moderate Charge of Powder would have made them burst about their Ears. These were the Arms which the Provost so feloniously allowed to fall into the Hands of the Rebels.

with that of the others. I need not add their Courage: For these are Points almost inseparable. Religious Zeal makes a mighty Addition to Discipline; but is of no Moment when alone. *Cromwell's* Enthusiasts conquered all the Nobility and Gentry of *England*; and at the Battle of *Dunkirk* struck the *French* and *Spaniards* with Admiration, even under a *Turenne* and a *Condé*. But their Brethren at *Bothwell-Bridge* fled before they came within Sight of the Enemy. Which of these Examples our Volunteers were most likely to imitate, I leave to their own Conscience to determine. A Friend of mine, who has a poetical Genius, has made a Description of their March from the *Lawn-Market*, to the *West-Port*,^{<18>} when they went out to meet the Rebels; and has invented a very magnificent Simile to illustrate it. He compares it to the Course of the *Rhine*, which rolling pompously its Waves through fertile Fields, instead of augmenting in its Course, is continually drawn off by a thousand Canals, and, at last, becomes a small Rivulet, which loses itself in the Sand before it reaches the Ocean.

20 Such were the Forces over whom the Provost had some Authority. His Auxiliaries were two Regiments of Dragoons, under Mr. *Fowke*, then a Brigadier General, now happily a Major General, in his Majesty's Service. Of what Importance these were to the Defence of the Town, shall be considered afterwards.

21 I remember *Cardinal de Retz* says, that a great Prince made very merry with the new levied Troops of *Paris*, during the Civil Wars; and when he mentioned the Defence that might be expected from the City against the King's Troops, usually called it, *La guerre des pots de chambre*, The War of the Chamber-pots. As it is well known, that a Cham^{<19>}ber-pot is a very formidable Machine in *Edinburgh*, I wonder it has not been comprized amongst Provost *Stewart's* Forces; at least, amongst his Auxiliaries, in Conjunction with the rest above mentioned.

22 Having thus given a faithful Account of the Garrison, let us now bestow some Considerations on the Place, the Defence of which was expected from Mr. *Stewart*, and which he is supposed to have lost by Negligence or bad Intentions. A weak or no Garrison, in a Place weakly fortified, or not fortified at all, must be the Consummation of all Weakness. We are forbid by Philosophy to seek for more Causes than are requisite to explain any Phænomenon. And I think it will fairly be allowed, that if these two Circumstances are admitted, 'twill be quite superfluous to have recourse to a third, viz. a weak or a treacherous Governor, in order to account for the Surrender of the Place.

23 You know, that the City of *Edinburgh* is surrounded for the greatest part, by a plain Wall about twenty Foot high, where highest, and about

two and a half or three Foot thick,^{<20>} where thickest. It is not, in many Places, flanked by any Bastions: It has not Strength or Thickness enough to bear Cannon. The Besieged would not even have room to handle or charge their Pieces; but must be set up aloft as Marks to the Enemy, who can annoy them infinitely more, and receive less Harm from them, than if both stood in an open Field.

24 You know, that this Wall, tho' near two Miles in Length, surrounds not the whole Town, but is supplied on the North by a Lake, which is fordable in many Places.

25 You know, that this Wall, for a very considerable Space, is overlooked by Houses, which stand within five or six Paces of it, and which it was impossible to destroy because of their Number and Value.

26 The Town is supplied with Water entirely by Pipes. Its Bread is even, strictly speaking, its daily Bread. For the Bakers never have by them more Flower than serves them a Day, but bring it continually from their Milns on the Water of *Leith*, as Occasion requires.^{<21>}

27 Besides, as happens in all Civil Wars, there were so many disaffected Persons in Town, that had it been held out but for three Hours (which indeed was impossible) it was justly feared, that it would have been set on fire from within, in order to facilitate the Entry of the Rebels; nay, it was easily possible for the Rebels themselves to set fire to it from without, and force it, by that means, to a speedy Surrender.

28 It is obvious to every one, however ignorant of military Affairs, that any Governor who incloses himself in such a Place, fights with Disadvantage, and has infinitely better Chance for Success, if he fairly opens his Gates, and marches forth to combat his Enemy in an equal Battle. For not to insist on the other Disadvantages above mentioned, the Circuit of these Walls is too large to be guarded by any moderate Garrison; the Enemy can draw them together to any one Place by a false Alarm, in the Night, or even in the Day; while he breaks in at a distant Place, that is weakly defended, and the Garrison, entangled among the Houses and Garden-^{<22>}Walls, must be cut in Pieces, almost without Resistance.

29 This Measure therefore, of meeting the Rebels before they reached *Edinburgh*, was very prudently resolved on by General *Guest*, on the 16th of *September*, when Intelligence was brought, that the Highlanders were approaching; and he ordered Brigadier *Fowke* to advance with his Dragoons to the *Colt-Bridge* for that Purpose; he also desired Mr. *Stewart* to join what Infantry he could to sustain the Dragoons. The Provost ordered upon this Duty all the Town Guard, and all the *Edinburgh* Regiment that were fit for Service. He had no Power to order the Volunteers out of Town:

He only consented, that, as many as pleased, should be allowed to march out. But, it seems, they had as little Inclination to go, as he had Power to order them; a few of them made a faint Effort; but, 'tis said, met with Opposition from some of the *zealously affected*, who represented to them the infinite Value of their Lives, in comparison of those Ruffians, the Highlanders. This Opposition they were never able to overcome.^{<23>}

30 Brigadier *Fowke* (whose Conduct in this whole Affair is too remarkable to be forgot*) tho' he had only two Regiments of Dragoons, and a very few Infantry, was still a formidable Enemy to the Rebels. For, as much as regular veteran Infantry are superior to Cavalry, as much are Cavalry, especially in an open Field, superior to an irregular Infantry, such as the Highlanders; who cannot keep their Ranks, wherein consists all the Force of Foot; who cannot fire regularly in Platoons; who know not the Use of the Bayonet, and whose sole Weapon is their Broad-Sword, in which a Horseman, by his very Situation, has an infinite Advantage above them. Or if it were too sanguine to hope for a Victory from such a Force as the Brigadier commanded, a leisurely and a regular Retreat might a <sic> least have been made, tho' he had advanced within a Musket Shot of the Enemy.^{<24>}

31 But before the Rebels came within Sight of the King's Forces, before they came within three Miles distance of them, Orders were issued to the Dragoons to wheel; which they immediately did, with the greatest Order and Regularity imaginable. As 'tis known, nothing is more beautiful than the Evolutions and Motions of Cavalry, the Spectators stood in Expectation what fine warlike *Manœuvre* this might terminate in; when new Orders were immediately issued to retreat. They immediately retreated, and began to march in the usual Pace of Cavalry. Orders were repeated, every Furlong, to quicken their Pace; and both Precept and Example concurring, they quickened it so well, that before they reached *Edinburgh*, they had come to a pretty smart Gallop. They passed, in an inexpressible Hurry and Confusion, through the narrow Lanes at *Barefoot's Parks*, in the Sight of all the North Part of the Town, to the infinite Joy of the Disaffected, and equal Grief and Consternation of all the other Inhabitants. They rushed like a Torrent down to *Leith*; where they endeavoured to draw Breath: But some unlucky Boy (I suppose a

* Non ego te meis
Chartis inornatum sileri,
Totve tuos patiar labores
Impune, Lolli, carpere lividas
Obliviones: Est animus tibi
Rerumque prudens, &c. &c.

HORACE.

Jacobite in his Heart) calling to^{<25>} them that the Highlanders were approaching, they immediately took to their Heels again, and galloped to *Prestonpans* about six Miles further. Here in a literal Sense, *Timor addidit alas*, their Fear added Wings; I mean to the Rebels. For otherwise, they could not possibly imagine, that these formidable Enemies could be within several Miles of them. But at *Prestonpans* the same Alarm was renewed, *The Philistines be upon thee, Sampson*, they galloped to *Northberwick*; and being now about twenty Miles on the other Side of *Edinburgh*, they thought they might safely dismount from their Horses, and look out for Victuals. Accordingly, like the ancient *Grecian* Heroes, each of them began to kill and dress his Provisions. *Egit amor dapis atque pugnæ*, they were actuated by the Desire of Supper and a <of> Battle. The Sheep and Turkies of *Northberwick* paid for this warlike Disposition. But behold! the Uncertainty of human Happiness; when the Mutton was just ready to be put upon Table, they heard, or thought they heard, the same Cry of the Highlanders. Their Fear proved stronger than their Hunger; they again got on Horseback, but were informed time enough of the^{<26>} Falseness of the Alarm, to prevent the spoiling of their Meal.

32 By such Rudiments as these the Dragoons were trained; till at last they became so perfect in their Lesson, that at the Battle of *Preston*, they could practise it of themselves; tho' even there the same good Example was not wanting. 33 I have seen an *Italian* Opera called *Cæsare in Egitto*, or *Cæsar in Egypt*; where in the first Scene *Cæsar* is introduced in a great Hurry, giving Orders to his Soldiers, *Fugge, fugge: a'llo scampo*. Fly, fly: to your Heels. This is a Proof, that the Commander at the *Colt-Bridge* is not the first Heroe that gave such Orders to his Troops.

34 'Twas in Consideration of such <so> great Example, I suppose, that he has been so honourably acquitted*, and since promoted; while Mr. *Stewart* has been imprisoned for fourteen Months, forced to give a Recognizance of 15000 *l.* for his Appearance, and three times,^{<27>} in a manner, brought upon his Trial. So true <is> the old Proverb, *That it is safer for one Man to steal a Horse, than for another to look over a Hedge*.

35 But Mr. *Stewart* asserts, very justly, that he neither stole the Horse, nor look'd over the Hedge. He neither incurred any real Guilt, nor gave the smallest Foundation for any such Suspicion; the only adviseable Expedient for saving the Town was tried; and failing, with such multiplied Circumstances of Terror and Consternation, it left him, if possible, in a worse Situation than before, by that Discouragement, with which it

* Upon his Trial, he justified himself at Mr. *Stewart's* Expence, and threw much Blame upon the Provost.

impress every one. The Volunteers, before that time, had thought fit of themselves to give up their Arms to the Castle; the *Edinburgh* Regiment had also given up their Arms: The Burghers or Trained-Bands, deserted by the regular Forces, refused to expose their Lives, when they understood, by repeated Threatnings from the Rebels, that every Man, who made any Resistance, should be put to Death. In short an universal Panic, and that not groundless, had seized the People. 'Tis what the bravest and best disciplined Forces have been subject^{<28>} to, and what is, with great Difficulty, cured, by the most expert Commanders. But 'tis unavoidable in every undisciplined Multitude, and is there perfectly incurable.

36 What tho' some faint Glimpse of Hope was afforded, by the Intelligence received, towards the Evening of this fatal Day, that Sir *John Cope* with his Army had been seen at Sea, off *Dunbar*. This Succour was too distant to relieve them from an Enemy, who was at their Gates. And the Minds of Men were now unbent, and had, with great Reason, abandoned all Thoughts of Defence, which they could not resume again, in such immediate Danger, and without any probable or possible View of Success.

37 In this Confusion, when nobody did his Duty, when nobody but Mr. *Stewart* seemed to think he had now any Duty to do, the Town, always ungarrisoned, always unfortified, now in an universal Consternation, perhaps divided within itself, was entered without Resistance by the Rebels.^{<29>}

38 I should think it an Affront on your Understanding to shew you more particularly how unavoidable this Event is to be esteemed; and therefore having put this main Point in a just Light, I shall touch, tho' briefly, on the other Articles of Accusation. They are, I own, like the Provost's Forces, pretty numerous; but surely the most disorderly, undisciplined Rabble that ever were led into the Field. They are rather the Subject of Ridicule than of any serious Opposition. For Instance,

39 The Lord Justice Clerk, several of the Judges, along with the King's Council, gave it unanimously as their Opinion, that the levying of a Regiment, without his Majesty's Warrant, was illegal: His Majesty, when applied to, confirmed that Doubt by granting that Warrant: And the plain Words of the Statute requires <sic> such an Authority; yet the raising a Doubt upon this Head is deemed a Crime; tho' that Doubt, or any other Doubt, were it ever so ill grounded, must be allowed intirely innocent*.^{<30>}

* Article the 1st.

- 40 The Provost also is said to have raised a Doubt about the Legality of inlisting the Volunteers. And indeed, this Case is so much alike, or so much the same with the other, of raising a Regiment, that no wonder such a Scruple did arise. But he took Care, immediately, to consult the Lord Advocate; and he also took Care, immediately, to acquiesce in his Lordship's Judgment. Yet this is one Article of Charge against him*.
- 41 The Town-Council intrusted the Inspection and Care of the Work to a Committee under another Person: The Works projected were all finished before the Arrival of the Rebels. Are you not surprized he must answer for them, as if they were unfinished; or, as if they had chiefly been put under his Direction†?
- 42 Some Zealots had proposed to set up Marks of Distinction, from mere Suspicion on several Citizens, who behaved themselves peaceably. The Provost rejected so imprudent, so pernicious a Measure. Is he therefore criminal‡?³¹
- 43 He offered Pay and Victuals to some Volunteers, that came from the Country; need I repeat the Question, if this Proposal renders him criminal§?
- 44 A Gentleman, Mr. *Alves*, travelling on the Road towards *Edinburgh*, passes the Rebels; and the Duke of *Perth* gives him a threatenng Message to deliver to the Provost: The Provost does not immediately commit him; both because it did not appear, that he was any way guilty, in relating to the Chief Magistrate, a Story in which he had been involuntarily engaged; and because there was Danger of spreading the Story the faster, and intimidating the Inhabitants, by such a Commitment. Hearing a few Hours afterwards, that the Gentleman had been so imprudent as to tell his Message to others, he immediately committed him. You are not surprized, I suppose, after what you have read above, to find, that this is an Article of Accusation**.
- 45 He is also charged with receiving a Petition from the Inhabitants, keeping a Meeting with³² them, and hearing a Letter read from the Pretender's Son. The receiving the Petition was innocent, and also unavoidable, unless he had shut himself up in his Closet. The calling a Meeting of the Inhabitants at such a Juncture, would also have been innocent. But he called no such Meeting. The Inhabitants, under Terror of the approaching Danger, pressed in upon him wherever he went, and

* Article the 2d.

† Article the 3d.

‡ Article the 4th.

§ Article the 5th.

** Article the 6th.

would have their Complaints and Remonstrances heard; and the Provost, so far from consenting to read the Letter, openly and strongly opposed it, and left the Company to avoid hearing it*. All these Facts are public and notorious.

46 On the 15th of *September*, the Provost was called in the Evening to Lord Justice Clerk's, where Lord Advocate, General *Guest*, Brigadier *Fowke*, and several other Officers, were present. A Proposal was there made, that the Dragoons should be brought into Town, with a View to give them some Rest and Refreshment, and have their Horses fed in the Streets. But upon Reflection it appeared, that the Avenues of the Town might be taken possession of by the Rebels, and the Streets barricadoed, the Houses lined, and the Dragoons by that means fall into the Hands of the Enemy. This Proposal, therefore, was most justly rejected. Next Day, after the near Approach of the Rebels, after the Flight of the Dragoons, after the universal Consternation of all Ranks, Mr. *Stewart* refused to sign any Order to these Dragoons, over whom he had no Authority, to return and enter into the Town; tho' he promised them all Kind of good Reception and Entertainment, if they thought proper to come. When I find the Refusal to sign such an Order, stated as an Article of Accusation against the Provost, I cannot think but the Accuser, foreseeing the Circumstances of Merit, which the Accused would plead, laid immediate Claim to them as his own Right; like a prudent General, who takes Possession of those Eminences or strong Grounds, that may be of Service to the Enemy. This Observation is, indeed, applicable to almost all the Articles; there is scarce any of them but might be cited as a Proof of Mr. *Stewart's* Vigilance, Prudence, Activity, or Moderation. ^{<34>}

47 If the Volunteers, in the Hurry of so active a Day, as the 16th of *September*, waited some time for Orders, without receiving any; this is also made an Article of Charge†.

48 The 10th Article is of the same Force with all the rest; tho' I shall not tire either you or myself, by narrating or refuting it. I shall only add a few Words, with regard to the *Eleventh* Article, which charges him with allowing the City Arms to fall into the Hands of the Rebels; because some People think there is a Foundation for this Charge, tho' they frankly allow all the rest to be frivolous, and even ridiculous.

49 *First*, Without mentioning the Insignificancy of these Arms, Mr. *Stewart* pleads, with regard to this Article, and with regard to all Articles, that have been, or may ever be charged against him, that, tho' Chief

* Article the 7th.

† Article the 9th.

Magistrate, and President of the Town-Council, he was really but one Member, and had but one Vote. The supreme Command was in^{<35>} the Council. They were criminal, if there be any Crime. It is not, nor can it be pretended, that he, in this or any other Instance, opposed, or overruled, or contradicted their Determination.

50 *Secondly*, There had several Messages come from the Rebels, threatening Destruction, if the City either resisted or secreted their Arms. It is a Question whether the Magistrates, for the saving of a few rusty Arms, ought in Prudence to have run the Risque of having these Threats executed, considering the known Barbarity of the Clans, and the then unknown Moderation of their Chieftains. But it is no Question, however the Magistrates had determined, that the People would not have consented; and consequently, that the secreting these Arms was absolutely impracticable.

51 *Thirdly*, Mr. *Stewart* showed all along a particular Attention to keep Arms out of the Hands of the Rebels. When it was proposed, after the News arrived of Sir *John Cope's* being seen off *Dunbar*, to desire back again from the Castle, the Arms which the^{<36>} Volunteers and the *Edinburgh* Regiment had carried thither; the Provost, apprehensive of the Consequences, rejected the Proposal; till he should see, as he said, a better Disposition in the Inhabitants, to make use of Arms. And he even sent a Message to General *Guest* in the Castle, informing him of the Consternation of the Town, and the little Authority which the Magistrates had, to force the Trained-Bands to deliver up their Arms; and desiring, at the same time, the General to send down a Party to carry up the Arms, or use some other Expedient to that Purpose.

52 *Fourthly*, It is proper to consider, in this Case, the Uncertainty of the Situation to which the Magistrates and Council were reduced, during the last and most distressing Scene of this unlucky Affair: Sometimes terrified with the immediate Approach of the Rebels; at at <sic> other times, encouraged with some Prospect of Relief; even towards the End of this Period there were some Hopes of the Return of the Dragoons. Nor was that Expectation quite over in the Meeting of the Council; until they heard the Rebels had entered the^{<37>} Town. Had the Dragoons returned to the City, and animated the People in its Defence, the Charge against the Provost then, would have been inverted, Why did he send up the Arms to the Castle? Why did he carry them out of the way, when they might be instantly wanted for the Defence of the Town, and the near Approach of the Rebels made a Moment's Delay of great Consequence? And the Citation might have been adduced, which has been misapplied in the present Case, *Quod puncto sæpe temporis maximarum rerum occasiones amittuntur*, That Success in the greatest Affairs, frequently depends on a Moment.

53 But, *Fifthly*, what if Mr. *Stewart* should say (which indeed he has here no manner of Occasion for) that he was in the wrong, and that in the general Hurry and Consternation, it was difficult not to forget something. Would any Man lay this as a criminal Accusation against him. I grant, in War, it is never allowed a General to say, *Non cogitavi*, I did not think of it. *Marlborough* or *Eugene* might be ashamed of such an Excuse: But the Provost was bred to a different Profession. And^{<38>} I dare affirm, that even these great Generals, had they been ingenuous, might, twenty times in their Lives, have made use of this Apology.

54 The *Twelfth*, and last Article is, if possible, still more extraordinary than all the rest. It makes the Provost the *Scape* Goat, and charges him with the Sins of the whole People; because the People want Charity, and judge him criminal, therefore he must really be so. You may read, indeed, in your *Machiavel*, that, by a very peculiar and very absurd Law in the Republick of *Florence*, wherever the popular Opinion condemned a Man, it was lawful for a certain Magistrate, called the *Gonfalonere*, immediately to put him to death, without any Trial or Form of Process. I have no Intention to deny, that Mr. *Stewart* would have fared very ill, had he been in *Florence* two Years ago; and had the present Provost been *Gonfalonere* <sic>. Tho' now I believe he would have no Reluctance to submit himself to a popular Tribunal.^{<39>}

*The People's Voice is odd,
It is, and it is not the Voice of God.*

55 But tho' popular Clamours are not here, as in *Florence*, authorized by Law, it is plain, that, in Practice, at least in Mr. *Stewart's* Case, they draw very terrible Consequences after them. He was sensible of the Disadvantage he lay under; yet this would not discourage him from attending his Duty in Parliament. He put himself into the Hands of his Enemies; for such the Ministry had become; nor need we be in the least surprized at it. He suffered a severe Confinement for some time; and tho' this was by Degrees remitted, yet still it continued a Confinement for fourteen Months, very grievous to any Man, and very prejudicial to a Man of Business.

56 I have been certainly informed, that, very often when the Ministry, in prosecution of their usual Lenity, was~~ere~~ resolved to give Mr. *Stewart* his Liberty, their Hands were continually stopped by a fresh Cargo of Lies and^{<40>} Calumnies imported to them from *Scotland*; and which it required some time to examine and discuss.

57 Bu<t> when, at last, he got his Liberty, and had the Prospect of a fair Trial, this happy Time, which should put a Period to all his Sufferings, was continually protracted, in the most unaccountable Manner in the

World. At the first Diet in *March*, he was put off till *June*, and afterwards till *August*. When every Thing was then ready for a Trial, the Prosecutor deserted the Diet, and Mr. *Stewart*, as well as the Public, imagined, that all was over, and that his Enemies, conscious of his Innocence, were to free him from all farther Prosecution. But he is again, it seems, to be brought on his Trial, with additional Expence, and Vexation and Trouble. How long this may yet last is uncertain; and 'tis evident any Man might be ruined by the Continuation and Repetition of such a Practice: For which, it seems, our Law provides no Remedy.^{<41>}

58 All these vexatious Measures gave the more Indignation, when we consider against whom, and by whom, they are exercised. You are perfectly well acquainted with Mr. *Stewart*, and know him to be a good Magistrate, a good Friend, a good Companion, a fair Dealer: A Man in every Action of his Life, full of Humanity, Justice and Moderation.

59 The Government too, is surely the fullest of Mildness, Equity and Justice in the World. The present Instance is, I believe, the only one, in near sixty Years, of an innocent Man, that has ever lain under the least Oppression. If our Government is faulty in any thing, 'tis rather in the opposite Extreme; and the present Times show sufficient Examples of it.

60 *The Town of Edinburgh was lost*; a most unexpected, and most unaccountable Event surely! But what was it when the Battle of *Falkirk* was lost; when a numerous, a veteran and a brave Army fled before a Handful of Highlanders whom they had scarce seen? I never heard that the Author of that Cala^{<42>}mity has been punished, or even questioned, or has met with the smallest Discouragement; I mean, from the higher Powers. For I was very well diverted, t'other Day, by the Account of a Sarcasm, he met with from a private Hand, which was the severest in the World.

61 When the Army fled to *Linlithgow*, they immediately quartered themselves about in all the Houses, and even in the Palace, where there dwelt, at that time, a Lady noted for Wit and Beauty; who observing their disorderly Proceedings, was apprehensive they would fire the Palace. She immediately went to remonstrate to a certain great General, and was received *pro solitâ suâ humanitate*, with his usual Humanity. Finding her Remonstrances vain, she took her Leave in these Words, *To take care*, says she, *of the King's House, is your Concern: For my Part, I can run from Fire as fast as any of you.*

So spoke the Cherub, and her grave Rebuke,
Severe in youthful Beauty, added Grace
Invincible. Abash'd the Devil stood, &c.&c.^{<43>}

62 It would be cruel to mention the unfortunate Knight; and, I believe, since we live in an acquitting Age, every Body is glad he was acquitted. I

have heard, that all the Winter after the Battle of *Preston*, he was carried about *London* in his Chair, with the Curtains drawn, to escape the Derision of the Mob; till the News of the Battle of *Falkirk* arrived, and then he pulled back the Curtains, and showed his Face and his red Ribbon to all the World. Thus the Reputation which the Hero of the *Colt-Bridge* was the chief Cause of depriving him of, the Hero of *Falkirk*, in a great Measure, restored to him.

Sæpe, premente Deo, fert Deus alter opem.

63 I need not insist on the Mayor of *Carlisle*, Mr. *Pattison* (not *Paterson*) who defended so gloriously a fortified Town against the Rebels.

64 I shall only say, If all these Enormities pass unpunished, and Mr. *Stewart* alone <be> the Victim, there are some People, to make^{<44>} Use of the Allusion of a witty Author, that resemble very much the Monster in *Rabelais*, that could swallow a Wind-mill every Morning to Breakfast, and was at last choaked with a Pound of Fresh-Butter hot from an Oven.

I am, &c.

October 20, 1747.^{<45>}

POSTSCRIPT.

1 I INTENDED to have sent this by but not being able to meet him before he left this Country, I was obliged to keep it by me till this time, when I hear, to my great Satisfaction, that Mr. *Stewart* has been acquitted by the Jury *Nemine contradicente*, and that all the Facts contained in his Information, and in the foregoing Letter, were proved with an Evidence and Conviction, even beyond what he himself imagined. The Trial was the longest and most solemn that ever was known in this Country; and the Judges were even obliged, by Necessity, to break through an established Custom and Law, and adjourned the Court, on Account of the absolute Impossibility of supporting, without Interrup^{<46>}tion, the Fatigues of so long a Trial. Mr. *Stewart* intended to have abridged their Trouble, by resting his Defence intirely on the Pursuer's Evidence, without adducing a single Witness of his own: But he was overruled in this by his Council, who approved of the Confidence arising from Innocence, but still insisted upon having two Witnesses adduced, for all the principle Facts, upon which he grounded his Defence.

2 Several of the Jury had been Volunteers during the Rebellion, and all of them were particularly distinguished by their warm Zeal for the Government. As some People had been foolish enough to make this Trial a Party Business, all Mr. *Stewart's* Friends were alarmed, when they saw the

Names of the Jury. For tho' they were sensible of the Probity of these Gentlemen, yet they dreaded their Prejudices, and were afraid, that Truth and Innocence would not obtain so full a Triumph (as they did afterwards) over Passion and Party-Zeal.^{<47>}

3 I can assure you the King's Advocate did not want Keeness in this Affair, to give the mildest Appellation to his Conduct. And here I must inform you, that what I heard of his Speech suggested to me a Remark, which I had often made, to the Honour of our Age and Nation, in one Particular, above the antient Times of *Greece* and *Rome*. Mr. *Grant* was very copious in insisting on the Suspicions this Country lay under with Regard to *Jacobitism*, the apparent Diffidence the Ministry had shewn to trust us with the Trials of the Rebels, the strong Conviction every one in *England* had of Mr. *Stewart's* Guilt, and the great Scandal his Acquital would bring on the Country; to which he added, that a very slight Punishment was intended, a few Days Imprisonment, and a small Fine, which one so rich as Mr. *Stewart* could easily bear. But though you know that such extraneous and popular Topicks as these, are very usual in all the P<r>oems and Epilogues of *Cicero*, and even of *Demosthenes*; yet I can assure you this Imitation of the an^{<48>}cient Orators was not at all approv'd of, either by the Jury or the By-standers.

4 You will be very much surprized, I suppose, to hear, that many of the *Whigs* have betrayed such a furious Zeal on this Occasion, that they are mortified, or rather indeed intraged to the last Degree, that an innocent Man has been found innocent: And this has given Occasion to the opposite Party, to make his Acquital a Matter of infinite Triumph and Rejoicing; as much almost as the Defeat of *Val*, or the Surprizal of *Bergen-op-zoom*, or any other publick Calamity, that has ever befallen us. Whatever opposes or disappoints the Government will always be, without Distinction, a great Satisfaction to them.

5 But I shall further explain to you the great Difference betwixt a political and a religious *Whig*, in order to account for these odd Transactions. The Idea I form of a political *Whig* is, that of a Man of Sense and Moderation, a Lover of Laws and Liberty, whose chief Regard to particular Princes and Families, is founded on a Regard to the publick Good:^{<49>} The Leaders of this Party amongst us, are Men of great Worth; the President, for instance, and Lord Justice Clerk, especially the Former. I say, *especially the Former*: for tho' 'tis certain the Conduct of the Justice Clerk w<h>as <been> altogether commendable, as far as the Circumstances and Situations, in which he was placed, would admit; yet that of the President has been so singularly good and great, as to be the Subject of Admiration, and even of Envy, if Virtue could ever excite that Passion.

6 The religious *Whigs* are a very different Set of Mortals, and in my Opinion, are <as> much worse than the religious *Tories*; as the political *Tories* are inferior to the political *Whigs*. I know not how it happens, but it seems to me, that a Zeal for Bishops, and for the Book of Common-Prayer, tho' equally groundless, has never been able, when mixt up with Party Notions, to form so virulent and exalted a Poison in human Breasts, as the opposite Principles. Dissimulation, Hypocrisy Violence, Calumny, Selfishness are, generally^{<50>} speaking, the true and legitimate Offspring of this kind of Zeal.

7 This Species of *Whigs*, whatever they may imagine, form but the Fag-end of the Party, and are, at the Bottom, very heartily despised by their own Leaders. Once on a time, indeed, the Breech got <ab>ove †the Head; when *Cromwel*, *Ireton*, *Warriston*, &c. ruled our Councils and Armies; and then there was fine Work indeed. But ever since, though their Assistance has been taken at Elections, and they have been allowed, in Return, to rail and make a Noise as much as they please, they have had but little Influence on our publick Determinations; and long may it continue so.

8 These are Mr. *Stewart's* greatest, and indeed, only Enemies. The political *Whigs* are, many of them, his personal Friends; and all of them, are extremely pleased with his Acquital, because they believe, what is, indeed, undeniable, that it was founded on his Innocence. I am charitable enough to^{<51>} suppose, that the Joy of many of the *Tories* flowed from the same Motive. And as to those, if there were any such, who had a different Motive, he will not, I believe, give them any Thanks for a Concern, which is more likely to hurt than to serve him.

Novem. 4, 1747.

FINIS.

ANNOTATIONS

Title Page

The London newspaper advertisements for Hume's pamphlet included the quotation from Ovid on the title page: "*Non potuit mea mens, quin esset grata, teneri. | Sit, precor, officio non gravis ira pio*" (*Ex Ponto* 4.1.7–8): "Nothing could prevent my heart from showing its gratitude: do not be too angry with me, I beg you, for doing my loyal duty." These lines dedicate the *Pontic Epistles* to Sextus Pompeius, the wealthy consul of AD 14 who had helped Ovid—"saved his life," Ovid says (4.1.1)—when he was banished from Rome in AD 8.

Preface

1. **all the Printers so terrified]** The terrifying magistrate was "the present Provost" (§ 54), George Drummond, who succeeded Stewart and testified against him at the trial ([Davidson], "Proceedings," 8, 11–19). Drummond had a history of dictating to the press as provost during the riots in 1725 over Sir Robert Walpole's malt tax (Wodrow, *Analecta* 3: 213–14). The postscript of Hume's pamphlet is dated "Novem. 4, 1747." In September had died Thomas Ruddiman the younger, manager since November 1745 of his father's paper, the *Caledonian Mercury*, from the effects of his imprisonment in December 1746 while Drummond was lord provost elect (*Scots Magazine* 9 (1747): 455). Ruddiman's father, a known Stuart loyalist, was Hume's predecessor as keeper of the Advocates' Library and an eminent philologist and printer (Timperley, *Encyclopaedia* 2: 675). The colophon of the newspaper bearing the Ruddiman name disappeared during, and reappeared after, the occupation of the city in 1745, during which time the paper was plainly Jacobite. Thomas junior became manager afterwards (Chalmers, *Life*, 206), so the attribution of the imprisonment to one subsequent "unlucky paragraph" for which he was held accountable might mean that the authorities seized an opportunity to strike at the paper. Additionally the lord provost wielded the laws against defamatory libel in November 1747 to destroy a namesake, Robert Drummond, identified by Henry Mackenzie, correctly or not, as the printer of the *Caledonian Mercury* (*Anecdotes*, 183). The cause of that prosecution was an unspecified poem, appearing "about the middle of November," that castigated Stewart's accusers and others (*Scots Magazine* 9 (1747): 553). In the first phase of his destruction, the printer witnessed the burning of the poem from the vantage of the pillory (25 November) and then was banished from Edinburgh and its liberties upon release from prison (Arnot, *History*, 444–7). The poem seems likely to have been a certain Jacobite polemic by "Philibert" (*English Short-Title Catalogue* n011689; Foxon, *English Verse* P525), wherein one reads that amongst the "very Dreggs of Minist'rial Tools" were the "perjur'd, truckling D—d" (George Drummond) and William Wishart (*A Poem*, 3–4). Wishart, who had opposed Hume's candidacy for a chair in Edinburgh University in the spring of 1745, testified against Stewart in 1747.

1. **a Fable of Aesop]** Phaedrus, *Fabulae* 1.21, "The Old Lion, the Boar, the Bull and the Ass," a favorite of Swift. Phaedrus (early 1st century AD) claimed to have put Aesop (6th cent. BC) into polished Latin verse (bk. 1, prologue). By "Aesop" he probably meant the collection of Greek prose fables, now lost, assembled by Demetrius of Phaleron at the end of the 4th century BC. Like Demetrius and Phaedrus, Hume will have assumed that such stories were indeed written by the shadowy Aesop. Phaedrus's "moral" is that "Anyone who has lost the prestige that he once had becomes in his disastrous state subject to insult even by cowards" (lines 1–2, trans. Loeb). Hume paraphrases lines 3–10, then cites the concluding lines (10–12) verbatim.

1. **Fortes indigne tuli . . .]** "I resented the insults of the brave; but as for you, you disgrace to Nature, when I put up with you, as now I certainly must, I seem to die a second death" (1.21.10–12, Loeb trans. adapted).

Text Proper

1. **Provost Stewart's Story]** Stewart (1697–1780) had been elected to represent Edinburgh in Parliament 16 May 1741. He became bailie 4 October 1743 and lord provost 2 October 1744 (*Caledonian Mercury*, nos. 3298, 3595, 3751 (18 May 1741, 4 October 1743, 2 October 1744)). With no military experience and paltry military resources, the merchant tried to arrive at decisions through consensus, amidst heatedly conflicting voices, as to whether resisting the Highlanders would be feasible or irresponsible. Events overtook Stewart and his city, and Edinburgh was seized 17 September by Highlanders under the Young Pretender, Charles Stuart, who sought to retrieve the throne for his father James (the Old Pretender and son of the deposed James II). Hanoverian rule returned to Edinburgh without bloodshed after Charles decamped for England. Alexander Carlyle recorded his impression that Stewart was suspiciously obstructionist (*Autobiography*, 121–5). John Home gave a more even-handed assessment, including the possibility that George Drummond's activities were designed “to make himself popular, and defeat Provost Stuart's interest in the city” (*History of the Rebellion*, 69).

1. **a Lawyer of known Capacity]** William Grant (1701–64), his majesty's advocate for Scotland 1737–42 and again as of March 1746, member of Parliament 1747–54, formerly procurator and clerk to the Church of Scotland and its general assembly. As of November 1754, he would be lord of Prestongrange in the Court of Session. According to Ramsay of Ochertyre, Grant conducted his prosecutions after the rebellion in such a way “that he generally succeeded where he himself would have wished it” (*Scotland* 1: 122).

n. *. **Mr. Ferguson of Pitfour.]** i.e. James Ferguson, who had served in August 1746 as one of the solicitors for the defense of the Jacobites on trial in Carlisle. Though sympathetic to nonjurors, Ferguson was not in Ramsay's opinion a Jacobite (*Scotland* 1: 152–4). Others who spoke for Stewart's defense were Hume's friends Gilbert Elliot and Henry Home (*Scots Magazine* 9 (1747): 349, 353). The informations against and for Stewart, with a detailed recounting of the phases of the trial, are recorded in *Scots Magazine* 9 (1747): 277–82, 296, 301–28, 348–9, 353–64, 405–19, 500–1.

8. **the Douglasses, Carrs, Humes]** The phrase “antient Civil Wars” refers to contentions over the throne of Scotland originating in Alexander III's death in 1286 without male issue. His granddaughter, Margaret the Maid of Norway, died before she could ascend to the throne and unite the kingdoms of Scotland and England by marrying the heir to Edward I's throne. Edward's claim to overlordship of the Scottish monarchy, though supported by some Scots, gave the wars an aspect of a struggle for national independence that Hume emphasized in his *History* (2: 83–94). Among the lowland baronial families to which Hume refers, the most famous is the Douglasses, with warriors like “the Good” Sir James of Douglas (c.1290–1330, “the Black Douglas”) and his youngest brother Archibald, “the Tineman” (c.1296–1333). Less famed were the Carrs (Kers) and Humes (Homes). Sharing faithfully in the misadventures of Archibald, 4th earl of Douglas, was Sir Alexander Home of Home and Dunglas. They died in battle together in 1424. See the genealogy that Hume provided Alexander Home of Whitfield (formerly of Manderston), 12 Apr. 1758 (*Letters* 1: 274–5). In “My Own Life” ¶ 1, Hume makes

a point of his own relation to the earls of Home. See Paul, *Scots Peerage* 3: 132–85, 5: 49–80, 7: 314–60, 4: 440–84.

9. **the Wars betwixt the Persians and the Indians]** Nadir Shah, or Kouli Kan, invaded the Mogul empire and perpetrated a massacre in Delhi in 1738. He was assassinated in 1747. Hume's reference in ¶ 16 to "undisciplined *Indians*" probably glances at the helplessness of the Mogul forces before Nadir.

9. **Edward the First or Third]** Edward I (1239–1307) conquered Scotland in 1296 but had to reestablish control after William Wallace's revolt (1298–1305) and died contending with Robert Bruce's revolt. His grandson Edward III (1312–77) sought unsuccessfully to take advantage of Bruce's death (1329) to retake Scotland.

10. **Fabrick of the Government, and the whole System of Credit]** After the defeat at Prestonpans (or Gladsmuir) on 21 September 1745, a run began on the Bank of England, prompting measures to restore confidence by the bank and a group of over 1,140 City merchants (*Gentleman's Magazine* 15 (1745): 499–500). On the other hand, resignations *en bloc* in the "Broadbottom Administration" in February were related to the rebellion only in exploiting of the emergency to force George II's acquiescence in ministerial appointments.

10. **eight Millions of People]** Presumably this is a guess at the population of England and Wales since in 1748 Hume set the population of Great Britain and, evidently, Ireland at "near ten millions" ("Original Contract" ¶ 15). Templeman put the population of "England" (i.e. England and Wales) at eight million (*New Survey*, pl. 4).

12. **Lord Stair]** When the Highlanders reached Derby, it appeared that they could attack London before interception by the forces of the duke of Cumberland, George II's younger son, William Augustus. Loyalist troops were assembled at "Finchley, Enfield, and other villages near London" to defend the capital, and the invaders retreated before superior numbers. These troops were "to have been commanded by the King and the Earl of Stair" (Home, *History of the Rebellion*, 104). John Dalrymple, 2nd earl of Stair and commander-in-chief of the forces in south Britain, had opposed the diverting of troops from the Netherlands to Scotland. He would die in May 1747.

n. *. **more properly his Allies than Subjects]** Since Tudor times the lord mayor of London and his fellow aldermen had nominal but contested authority over the borough of Southwark. The city of Westminster was under the administration of the church government of the abbey and was managed by a high steward and burgesses (Entick, *New and Accurate History* 4: 367–9, 399–401). In the September 1745 issues of the *Daily Advertiser*, the three governments can be seen responding separately to the invasion.

12. **Drawcansir]** The ludicrous warrior in *The Rehearsal* (1st performed 1671), largely a parody of heroic drama, mentioned by Hume in his *History* (6: 542) and credited often with ending the vogue for that genre. Like others, Hume attributed the play to George Villiers, 2nd duke of Buckingham (1628–87).

12. **armed with his Mace and great Cap of Maintenance]** The *Oxford English Dictionary* quotes Mandeville, *Fable*, remark O: ". . . if my Lord Mayor had noth-

ing to defend himself but his great two-handed Sword, the huge Cap of Maintenance, and his gilded Mace, . . ." (1: 164). Worn by the lord mayor's sword bearer, the fur cap is placed on the table when the sword and mace are on display. The ceremonial pomp of the city government, represented by the lord mayor's regalia, had long been the object of snobbish humor.

15. **Batrachomyomachia**] *The Battle of the Frogs and Mice* was an anonymous Greek parody of Homeric epic, written probably during the last two centuries BC. A popular school-book during the Middle Ages and Renaissance, it was still thought to be by Homer in the eighteenth century. Hume accepts this traditional view, if only for the sake of his gibe. The "Catalogue" in the *Iliad* is the solemn enumeration of Greek and Trojan leaders and troops in 2.484-877. There is no such catalogue in *The Battle of the Frogs and Mice*, but a list of these "heroes" can easily be compiled from its narrative.

17. **Birth Days**] i.e. the monarch's birthday.

18. **Tut, mortal Men**] Shakespeare, *1 Henry IV* 4.2.36-8, 65-8, which Hume recalls imperfectly. Prince Hal described Falstaff's recruits as "pitiful rascals," to which the knight replied, "they'll fill a pit as well as better."

18. **as Herodotus tells us**] See his *History* 7.83. The Persian king's bodyguard of 10,000 was factitiously called the "Immortals" because their numbers were always kept at full strength. If one man was killed, another took his place.

18. **the Million Regiment of London**] The *Daily Advertiser* recorded, "We hear that the Merchants of this City have offer'd to open a Subscription for his Majesty's Use, which will raise upwards of a Million Sterling, at easy Interest, if 'tis wanted" (no. 4594 (12 September 1745), 1). Within days the plan had changed to funding two new regiments of trained bands of twenty-eight companies each. After election as lord mayor 28 September, Sir Richard Hoare began a subscription 11 October that raised "above 5000 l." (*Gentleman's Magazine* 15 (1745): 500, 555, 665-6). The comparable sum of £5774 was raised in response to the burning of Exchange Alley in 1748 (Entick, *New and Accurate History* 3: 15-16).

19. **Battle of Dunkirk**] In an Anglo-French campaign in the Spanish Netherlands, the English ambassador to France, Sir William Lockhart, led a contingent of Cromwell's veterans in a victory near Dunkirk 15 June 1658. In a twist of politics characteristic of the age, the campaign pitted the French under Henri de la Tour d'Auvergne, vicomte de Turenne (1611-75), against forces under the disaffected Louis II de Bourbon, prince de Condé (1621-86), the only Frenchman to rival Turenne's military fame. "The valour of the English was much remarked on this occasion," wrote Hume (*History* 6: 101). With Condé was the future James II of England.

19. **their Brethren at Bothwell-Bridge**] The bridge crossing the Clyde at Bothwell Castle, Scotland, was the scene of a battle 22 June 1679 in which royalists routed the Scottish Covenanters. Hume said, "About 700 fell in the pursuit: For properly speaking there was no action" (*History* 6: 374).

20. **Mr. Fowke, then a Brigadier General]** Thomas Fowke had been promoted to brigadier-general as recently as 18 June 1745 (*Scots Magazine* 7 (1745): 297). He was promoted to major-general 10 October 1747 (*Gentleman's Magazine* 17 (1747): 497).

21. **La guerre des pots de chambre]** See Retz, *Mémoires*, s.v. 3 avril 1651. The "great Prince" was "le Grand Condé," or "Monsieur le Prince," mentioned in ¶ 19. Hume's joke alludes to the notorious practice in Edinburgh of emptying chamber pots out of windows.

22. **We are forbid by Philosophy]** This stricture is the first of Newton's four rules of reasoning (*Philosophiae naturalis principia mathematica*, bk. 3).

26. **their Milns on the Water]** Old-fashioned but still current Scots for "mills."

29. **General Guest]** Joshua Guest, promoted to lieutenant-general on the same day as Fowke's promotion, held military command in the absence of Lieutenant-General Sir John Cope, who had gone to Stirling to assemble an army and marched it to Aberdeen via Inverness for logistical reasons. Guest emerged after the hostilities a hero, though there is doubt about his conduct. The most favourable construction is that, unable to defend the city, Guest attempted to draw the occupying forces into a siege of the castle to divert them from invading England. He died in October 1747 (*Gentleman's Magazine* 17 (1747): 497).

n. *. **Non ego te meis]** Horace, *Odes* 4.9.30–5: "I shall not allow your name to remain unmentioned and unhonoured in my pages, nor shall I allow envious oblivion to devour your many exploits without my protest, Lollius. You have a mind skilled in affairs...."

31. **Timor addidit alas]** "fear added wings" (as Hume translates it) to the monstrous Cacus's feet (Virgil, *Aeneid* 8.224).

31. **The Philistines be upon thee, Sampson]** Delilah's taunt is from Judges 16.9, 12, 14, 20.

31. **Egit amor dapis atque pugnæ]** Horace, *Odes* 4.4.12: "Desire for food and battle drove him on." Horace portrays an eagle attacking a serpent as one among several grand images of an attack by Drusus, the stepson of Augustus, on an enemy people. Hume's translation is deliberately flat.

33. **Cæsar in Egypt]** In this context "Italian" means *opera seria*. None of the versions of Handel's *Giulio Cesare in Egitto* includes precisely what Hume describes. Although there were several other operas on this subject, Hume refers evidently to *Catone Uticense* 1.2, the same opera that Joseph Addison had described in his *Remarks on Several Parts of Italy*: "Cæsar and Scipio are rivals for Cato's Caughter. Cæsar's first words bid his soldiers fly, for the enemies are upon them. *Si leva Cesare, e dice a Soldati. A la Fugga. A' lo Scamp*" (*Miscellaneous Works* 2: 59, s.v. Venice). Carlo Francesco Pallarolo set to music the libretto by Matteo Noris (pub. Venice, 1701).

34. **so honourably acquitted]** In October 1746, Fowke and Cope were found blameless in an inquiry into their performance during the battle at Prestonpans, or "Preston" as Hume calls it in ¶¶ 32 and 62 (*Scots Magazine* 8 (1746): 522). Their

troops collapsed before the Highlanders' charge with broadswords 21 September 1745. Fowke's justification of himself at Stewart's expense is recorded in *Report of the Proceeding and Opinion of the Board of General Officers . . .* (London, 1745).

39. **The Lord Justice Clerk**] i.e. Andrew Fletcher, lord Milton. He can be observed directing the resistance to the Jacobites in [Grosett], *Grosett Manuscript*. His uncle was the Scots nationalist and republican Andrew Fletcher of Saltoun.

39. **the Statute**] Stewart's lawyers did not in fact wish to adduce just one statute ([Davidson], *Trial*, 93, 138). The context of argument was legislation in the Scots parliaments. The prosecution brought up an act of 16 Jan. 1661 "anent his M^{ties} Prerogative in the Militia and in making of Peace & War or treaties & leagues with forraigne Princes or Estates" (*Acts* 7: 13). The defense pointed additionally to a 3 June 1563 act of Mary Stuart's parliament making it punishable by death to "rais ony bandis of men of weir on hors or fute" without a writ from the monarch (2: 539). Not mentioned but pertinent were two correlated acts from the parliament in London: the 1661 Act Declaring the Sole Right of the Militia to be in the King (13 Charles II, c. 6) and the 1662 Act for the Ordering of Forces in the Several Counties of This Realm (14 Charles II, c. 3). In Scotland the lord lieutenants who would have had authority to raise militias had not been appointed due to stalemate between the Squadrone and Argathelian factions in the Whigs (Jarvis, *Collected Papers* 1: 102–4).

44. **Mr. Alves . . . the Duke of Perth**] Stewart ordered the hapless Andrew Alves (or Alvis), apprentice writer to his majesty's signet, to be confined in the Tolbooth only after the lord advocate, Robert Craigie, advised the measure to prevent a panic ([Davidson], *Trial*, 51, 114–15). Alves was released in 1747 under the general pardon (Seton and Arnot, *Prisoners* 1: 225, 2: 10–11). James Drummond (1713–46), lieutenant-general in the Jacobite army, was called the 3rd duke of Perth notwithstanding his deprivation of the title by his father's attainder. He would die c.11 May on the French ship on which he was escaping after the defeat at Culloden.

52. **Quod puncto**] A slight misquotation or adaptation of Livy, *History* 3.27.7 (*puncto saepe temporis maximarum rerum momenta verti*), of which, as elsewhere in this pamphlet, Hume provides his own translation.

53. **Marlborough or Eugene**] i.e. the hero generals of the anti-Bourbon Grand Alliance in the War of the Spanish Succession, John Churchill, 1st duke of Marlborough, and Prince Eugene Francis of Savoy.

54. **in your Machiavel**] Machiavelli, *History of Florence* 2.12–14. The law did at least require a witness to the offence.

54. **the present Provost**] The naked hostility of Hume's preface to the current lord provost is sufficient to account for the anonymity of the pamphlet and the removal of the preface from the pamphlet. Remarkably, Drummond would serve a total of six terms as lord provost (1725–7, 1746–8, 1750–2, 1754–6, 1758–60, 1762–4). As a captain among the volunteers in 1745, he clashed with Stewart over how to react to the invasion. See *Scots Magazine* 9 (1747): 313; Wood, *Lord Provosts*, 63–64. His volunteers included William Robertson, John Home, and Alexander Carlyle. After Stewart's acquittal Drummond banned a gathering of well-wishers

to congratulate the former provost (*Caledonian Mercury*, nos. 4222–3 (3, 5 November 1747), 2, 1). A dedicated public servant, Drummond achieved a great deal as lord provost, and for an encomium see Somerville, *My Own Life*, 45–8.

54. **The People's Voice is odd**] Pope, *First Epistle of the Second Book of Horace Imitated*, lines 89–90 (*Poems*, vol. 4).

59. **in near sixty Years**] This figure harks back from 1747 to the Glorious Revolution of 1688. There are a number of possible cases to which this passage could refer, but its burden might be simply to suggest, more hopefully than truthfully, that the post-Revolution government was above political persecutions.

59. **the opposite Extreme**] Because it was deemed impracticable to try all of the 385 prisoners brought to Carlisle in 1746, many were transported rather than tried: "The common men [classified as either labourers or yeomen] were indulged the drawing lots, one in twenty to be tried, and nineteen transported" (*Scots Magazine* 8 (1746): 437–1; 9 (1747): 650). Of the ninety-six tried and sentenced, sixty-three were pardoned and transported. David Home, a relative of David Hume, pleaded guilty and was executed at Penrith 28 October (Mounsey, *Authentic Account*, 248, 258, 268). In the *Scots Magazine* the condemned man is misidentified as "brother to A. Home of Manderston" (8: 438), for he was son to the Jacobite George Home, whose estate devolved to his brother Alexander. See *Letters* 1: 274 n. 2. Another relative, William Home (*aet.* 14), was convicted but pardoned. At the same meeting on 20 August 1747 of the privy council during which William was recommended for pardon, the lord advocate was directed to prosecute Stewart "with the utmost vigour." See Seton and Arnot, *Prisoners* 1: 20–2, 2: 288–9, 290–1, 1: 19.

60. **the Author of that Calamity**] Lieutenant-General Henry ("Hangman") Hawley, a veteran, like Cope, Stair, and Guest, of Marlborough's campaigns, was in command at the defeat at Falkirk Moor 17 January 1746, at which time volunteer John Home was taken prisoner. Hawley's response to the defeat was to order executions for soldiers and courts martial for five of his officers.

61 **a Lady noted for Wit and Beauty**] This lady has been identified with a "Mrs Glen Gordon." The most plausible account of her role in the palace is as "lady of the then governor," acting in this instance as "deputy keeper" (Collie, *Royal Palace of Linlithgow*, 13, 23). This identification is echoed by a marginal marking on page 42 in a copy (B 14677) at Mills Memorial Library at McMaster University. Though trimmed off at the left margin, the MS marking visibly reads, "Glen" with a clipped "don" underneath. Gordon had in fact held a fête 10 June 1745 for the Old Pretender's birthday and entertained Charles 15 September. Her taunt concerning the soldiers' running from enemy fire at Falkirk is employed as innuendo here by Hume, who is alluding to the fire that destroyed the palace 1 February 1746. His innuendo has the effect of deflecting blame to Hawley from George II's son Cumberland, whose troops were careless about the hearth fires in the dining hall and their bedding straw. The witticism in Hume's anecdote would have had to be uttered 17 January, when Hawley spent the night in Linlithgow after the retreat from Falkirk (Ferguson, *Linlithgow Palace*, 232–3, 236–8).

61. **pro solitâ suâ humanitate**] Not a quotation, but a Ciceronian turn of phrase (cf. e.g. Cicero, *Letters to Atticus* 9.7a.2.6, 9.7b.2.1; *Letters to his Friends* 13.24.2.2 (3: 24–5)). Hume provides his own translation.

61. **So spoke the Cherub**] Milton, *Paradise Lost* 4.844–46, with the cherubim’s sex altered suitably. Zephon, a sentry in Paradise, was not deferential to the fallen Satan.

62. **his red Ribbon**] i.e. Sir John Cope’s ribbon with the golden badge of a knight of the Bath, a military order recreated in 1725 by the first Hanoverian monarch of Britain, George I. Invested at that time were Robert Walpole and the four-year-old William Augustus, the future duke of Cumberland. Cope was invested in 1743 “at the Head of the Army” subsequent to the battle of Dettingen, during which he served under the command of George II (*Gentleman’s Magazine* 13 (1743): 390, 444).

62. **Sæpe, premente Deo**] Ovid, *Tristia* 1.2.4: “Often, when one god is pressing, a second god brings help.”

63. **the Mayor of Carlisle, Mr. Pattison (not Paterson)**] The postmaster Thomas Pattinson, or Pattenson, had been mayor in 1732 and 1742 but in 1745 was deputy-mayor, acting in place of the absent Henry Aglionby the younger. During the hostilities he continued to assert himself even after Aglionby was succeeded as mayor by Joseph Backhouse (Mounsey, *Authentic Account*, 4, 60). The city surrendered 15 November 1745 before the siege began in earnest but after Pattinson had sent out a letter invidiously comparing the defense of Carlisle with that of Edinburgh. “For seven days before” the surrender, according to a report, “neither the officers nor common men of the garrison got scarce an hour’s rest, being perpetually alarmed by the rebels; and many of them were so sick thro’ their great fatigue, that, being out of all hopes of a speedy relief, they absolutely refused to hold out any longer; and multitudes went off every hour over the walls, ... so that the Mayor and corporation determined to hang out the white flag, . . . and made the best terms they could get for themselves . . .” (*Scots Magazine* 7 (1745): 530). In fact Pattinson had voted against capitulation. He died in 1746 (Speck, *Butcher*, 80; Mounsey, *Authentic Account*, 53, 106). From a letter of 22 November 1745 by Horace Walpole, one learns that the difference between “Pattinson” and “Paterson” had significance for national pride in that the former is English and the latter Scottish (*Correspondence* 19: 165).

64. **a witty Author**] i.e. Swift, who alluded to the death of Bringuenarilles in Rabelais, *Gargantua et Pantagruel* 4.17. See *Examiner* 20 (14 December 1710, misnumbered 19 in editions after the first, including *Prose*, vol. 3.)

Postscript

1. **Nemine contradicente**] Unanimously, literally “with no one speaking against it,” commonly abbreviated to *nem. con.*

2. **the Jury**] As it happened, one member of the jury was Robert Fleming, the printer of Hume’s *Essays, Moral and Political* (2 vols. 1741–2), his *Political Discourses* (1752), and the *Edinburgh Evening Courant*. It is worth noting that in his satire “Philibert” proclaimed the “Judges pleas’d to see the Right take Place, | Tho’ two false J—y—M—n, got their Disgrace” (*A Poem*, 4). Who the two jury men were, how

they were false, and how they were disgraced are not indicated in the transcript of the trial.

3. the apparent Diffidence the Ministry had shewn] A factional aspect of this affair is a contest between what might be called old and new Argathelians, between the adherents of the deceased 2nd duke of Argyll, like Coutts and Stewart, and those of his younger brother the earl of Ilay and present duke of Argyll, like Drummond, Wishart, and William Grant, the "pursuer" in the present case. Hume suggests that the new Argathelians are seeking to ingratiate themselves with the Whig ministry in London by providing a show of retribution in Scotland.

3. P<r>oems and Epilogues of Cicero] The printed text has the obviously incorrect "Poems" for "Proems." The rhetorical terms "proem" and "epilogue" designate the opening and closing passages of a speech in which ancient pleaders made particular appeal to the jury and exceeded even the wide latitude that was normally allowed in ancient courts to stray beyond the legal merits of a case.

4. the Defeat of Val, or the Surprizal of Bergen-op-zoom] In Brabant the French followed up a victory 2 July 1747 NS against Cumberland and the prince of Orange at Laufeldt (or Vals) by taking the heavily fortified Bergen-Op-Zoom 16 September NS, a misfortune that was, Hume wrote, "almost unparalleled in modern history" (2 October 1747, *Letters* 1: 106). Evidently there was some dispute over whether the fortress was stormed or "surprized." A letter reprinted in *General Evening Post*, no. 2177 (22–4 September 1747), 1–2, sarcastically argued that, since the fortress was impregnable to assault, only surprise could account for the lack of resistance.

5. the great Difference betwixt a political and a religious Whig] Hume identifies two political Whigs but no religious ones except, by implication, Drummond. A sample of the zealotry that he has in mind might be found in "A Seasonable Warning and Exhortation of the Commission of the General Assembly of the Church of Scotland . . .," signed by William Wishart and Robert MacKintosh. Whiggism is here concerned much more with the Reformation than with property and liberty: "And how has infidelity, libertinism and licentiousness prepared the minds of not a few for any form of religion that is calculated for an indulgence to vice?—How much more have men been affected with temporal inconveniences, and the loss of their goods, than with the danger to which our holy religion is exposed?" (635). Hume's analysis of the factions should be qualified by two facts: from Drummond's perspective Wishart had in the past appeared to be a free-thinker, and Drummond's zeal would come to be tempered, perhaps under the influence of Argyll and of the Presbyterian moderates like William Robertson (Smout, *Provost Drummond*, 12–17, 21–2).

5. the President, for instance, and Lord Justice Clerk] The lord president of the Court of Session, Duncan Forbes of Culloden, would die on 8 December 1747 (*Scots Magazine* 9 (1747): 559, and see the eulogy at 553–5). A Highland laird himself, he was a revered figure who had in the past shown himself capable of both resisting Jacobitism and showing lenity towards Jacobites. After the defeat at Prestonpans he went to Inverness, where, "by this Gentleman's Influence alone,

several *Thousands* were prevented from joining” the rebels, who otherwise “might have marched to *England* sooner than they did, with at least 15 or 16000 Men” (*Enquiry into the Causes*, 62). His personal losses due to the rebellion were considerable. The lord justice clerk Fletcher, lord Milton, was the 3rd duke of Argyll’s coadjutor in managing Scotland politically. Though a friend of the 2nd and 3rd dukes, Forbes was notably independent of Fletcher’s and the 3rd duke’s influence (Shaw, *Management*, 151). George Drummond, on the other hand, was not. Somerville testified that he knew “it to be a fact, that Provost Drummond . . . did not find himself at liberty to promise any preferment at the disposal of the Town Council of Edinburgh, without the previous consent of Lord Milton, the delegate and political agent of Archibald Duke of Argyle” (*My Own Life*, 380). In flattering Lord Milton while denigrating the lord provost, Hume seeks to divide the understrapper from his managers.

7. *Cromwel, Ireton, Warriston, &c.*] Oliver Cromwell (1599–1658) imposed a quasi-military protectorate on Britain after dismissing Parliament in 1653. His son-in-law and close ally, the regicide Henry Ireton (1611–51), was notably severe in his military rule of Ireland during the time of the Commonwealth. “Lord Warriston” was the courtesy title of Archibald Johnston (1611–63) upon his appointment to the Scottish Court of Session in 1641. With the restoration of the monarchy he was executed in Edinburgh for serving in the protectorate after having been the king’s advocate.

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