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HENRY KER of Graden

HENRY KER of Graden,¹ perhaps the most picturesque, if one of the least known, figures in the '45, came of a warlike stock. In Border annals the Graden-Kers play, as moss troopers, an important part, and the site of their moated keep is still pointed out at the upper end of the parish of Linton in Teviotdale. Owing to the destruction of their early muniments by the English, let alone the sasines 'lacerate and destroyed by rats' and the confusion arising from the existence of another Graden in the Merse, also 'owning the rule of Ker,' the family history is hard to unroll; still, enough is known to establish their tenure of lands and a Tower in Teviotdale prior to the Reformation.

In later days, the family politics were strongly Cavalier. Thus, when Montrose was on Tweedside, in the autumn of 1645, we find Andrew Ker of Graden closeted with the Marquis at Kelso, and carrying despatches about the country. After Philiphaugh, he and his retainers turned their nags' heads for Graden Peel, and seven Sundays, in sackcloth, at the door of his Parish Church was the penalty Andrew Ker paid for 'correspondence with excommunicate James Graham.'² In the summer of 1648, Ker of Graden joined the army of the Engagement, under Hamilton, crossing the Border as 'Lieutenant Colonell to an English Regiment of Horse.' Along with him rode his two sons, 'Captain Harrie' and 'Coronet Andrew.' Thirty years later 'Captain Harrie' reappears, a Justice of the Peace for Teviotdale busy suppressing conventicles. In short, what with English marriages, disputed rights of sepulture, and qualms of

¹ In addition to Church records, private papers, and the MS. Collections at the Public Record Office and British Museum, the writer is mainly indebted to the Graden Forfeited Estate Papers, preserved at the Edinburgh Register House.

² Kelso Presb. Reg.

conscience about taking the Covenant, the family during many generations had ‘murdered sleep’ for the civil and ecclesiastical authorities. Towards the dawn of the eighteenth century, they settled down into prosaic law-abiding husbandmen, financially somewhat out at elbows. Under a wadset, Pringle of Crichton claimed the oldest corner of their estate in 1688, when the family settled across the valley at Wester-Hoselaw, which they renamed Place-Graden,³ and here, about the year 1698 apparently, Henry Ker the Jacobite first saw the sun.

‘Born,’ to use his own words,⁴ ‘in the shire of Teviotdale in Scotland,’ and having ‘had the misfortune to lose his father,’ Archibald Ker of Graden, while still a child, Henry was reared under the guardianship of his mother Helenor, a daughter of Sir James St. Clair of Roslin, who ‘brought him up a Roman Catholick, and sent him early into the Spanish Service.’

That Lady Graden should select the Spanish army for her son was natural enough, since she had kinsmen in that service, while her youngest brother, Thomas St. Clair, went shortly after to live in the Peninsula, where he had come in for a windfall of doubloons on ‘the death of his brother-in-law, Captain Wachup.’⁵ Thomas St. Clair was a ‘St. Germain’s bird’ and as a Jacobite go-between unequalled. Lockhart of Carnwath commends him, in that capacity, to the old Chevalier at Avignon, as ‘the cleverest fellow in Europe. ... He knows all the ports in most countries, he has wayes peculiar to himself (of which he gave good proofs at Perth, 1715) in

³ New, or Place-Graden, had been in the possession of the family since 1528 when Hugh Lord Somerville granted the lands of Wester-Hoselaw, formerly belonging to Mark Ker of Dolphinston, to Andrew Ker of Graden, by charter, the duty being two white roses at the Feast of the Nativity of Saint John-Baptist, if asked.

⁴ S. P. Dom., Geo. II. 86.

⁵ According to Father Hay, Helenor St. Clair was born on 15th March, 1670, but he is at fault in describing her as ‘Lady Gredane in the *Mers*.’ Thomas St. Clair, born 4th March, 1676, married Elizabeth, daughter of Captain Wauchope, a brother of Niddrie, vid. *Genealogie of the Sainteclaires of Rossllyn*, p. 165.

going about such errands; he's zealouslie honest and as closs as a stone.'⁶

Oddly enough the name of Ker, about this period, in Spanish diplomatic circles, was almost a household word. In the cypher correspondence of Ormond and Cardinal Alberoni for instance, 'Ker's House' spelt Spain, while 'Mr. and Mrs. Ker' were cant names for the King and Queen.

As regards Henry Ker's fifteen years' sojourn in the Peninsula, 'ever since 1722, when a little above twenty years of age, he had been a Captain in the Service of the Crown of Spain. First, in the Regiment of Limerick, as appears from the Register with Counto Doria, Principal of Valentia, and afterwards by order of Don Lucas de Espinola, Director-General of Foot, he was removed in 1728 to the Regiment of Irlanda.'⁷ This latter Regiment was founded by Philip III for those Irish Catholics who emigrated to Spain after the suppression of Tyrone's Rebellion, and a glance at its muster-roll reveals the fact that Henry Ker must already have made the acquaintance of Stapleton, and others, who afterwards served with him in Scotland. On quitting the Spanish Service, Henry Ker came home to till his patrimonial acres in Teviotdale, and in 1738, as 'grandnephew and heir of line to the last Lord Rutherford,'⁸ he appears in an action for reduction before the Court of Session at Edinburgh. 'Soldiers in peace,' says Herbert, 'are like chimneys in summer,' but, as landlord and country gentleman, Henry Ker found ample vent for his energies, and took an active interest in parochial affairs. Years before, possibly to launch him in life and purchase his first uniform, Walter Douglas, the then parish clergyman, had lent Henry Ker £700 on bond, and in the summer before the 'rising' we find the laird of Graden presiding over a conclave of heritors deep in school fees, pauper doles, and the recovery of two years' stipend, which it

⁶ *Lockhart Papers* ii. 390.

⁷ Henry Ker's Memorial and Petition, docketed 4th Oct., 1746.

⁸ Through the marriage of his grandfather, Henry Ker of Graden, with Lillas, sister of Robert, 4th Lord Rutherford. The marriage contract is dated at Holyrood House, 1 December, 1666. This Henry was no doubt the '*Laird Gredden-Kar*,' who appears as a Juror at the trial of Argyll in December, 1681 vid. *The Scotch Mist Cleared Up*.

was alleged, apparently without foundation, had been annexed by Lord Haining, the patron.

When, and where, Henry Ker joined the Highland army is uncertain. He first comes into view 'two or three miles to the westward of Edinburgh,' the night before the Jacobite entry, 'wearing a white cockade, a broadsword by his side, and a pair of pistols before him as he rode.' Home's⁹ description of Ker of Graden reconnoitring in the meadows below Tranent, on the eve of Prestonpans, is valuable, as the work of an eyewitness: 'He came down from the Highland Army, alone; he was mounted upon a little white poney; and with the greatest deliberation rode between the two armies, looking at the ground on each hand of him. Several shot were fired at him as he went along; when he came to a dry stone dyke that was in his way, he dismounted, and, pulling down a piece of the dyke, led his horse over it. He then returned to Lord George Murray and assured him that it was impossible to get through the morass, and attack the enemy in front, without receiving several fires.'

In England, Henry Ker's most notable exploit was the capture, at a village tavern in Staffordshire, of Captain Weir, Cumberland's 'Principal Spy.' Nominally Colonel Ker's post was that of Aide-de-Camp, and, 'whenever there was a halt anywhere,' he was 'always waiting at the Prince's quarters for orders'; but he played many parts, and had the reputation of being the 'most vigilant and active man in the rebel army.' So active was he, indeed, that his movements are hard to follow. But, whether raising a redoubt on the quay at Alloa, paying his cess to the 'Chevally's Collector' at Jedburgh, scouting towards Wooler to amuse the enemy while the Prince lay at a house belonging to Sunlaws in Kelso, attending to the comfort of the men on march, riding through the fields at Clifton under fire, 'as if it had been a review,' in the drawing-room at Holyrood House or at Culloden, with his sword drawn, 'endeavouring to rally the rebels after they began to run away,'—his services to the expedition were many and varied. O'Sullivan bore the title, but to all practical intents Ker of Graden did the work of Quartermaster-General in the '45.

⁹ *History of Rebellion*, p. 111.

Schooled as a tactician in one of the first armies of Europe, he had evidently little patience with the clansmen's guerilla mode of warfare. The contempt of the old regular for the militiaman, mingled perhaps with a touch of the racial disdain of the Lowlander for the Celt, leaks out at times, and on one occasion gave umbrage to Lochgarry: 'As to Mr. Ker's writing on this subject he must be but ignorant concerning our clans so I cant see what he can say on that head. ... All I know about him is that he is very brave,' and Lochgarry adds that 'if the whole aid du camps had minded their duty on the day o' Falkirk (as Ker did) 'the affair would have been otherwise.'¹⁰

Throughout the expedition Henry Ker was 'much in the company of Lord George Murray,' who counted him 'an excellent officer,' and, when blows were imminent, he was almost invariably sent on ahead to reconnoitre, and 'choose the properest ground to come to action,' At Drum Mossie, his opinion was, we know, overruled, for Lord George quotes Henry Ker as voting with himself against 'the plain muir,' and in favour of the rough ground across the Nairn, which Ker and Brigadier Stapleton had just examined. Only to gratify the Irish party, 'too unhardy to enjoy a hill warfare,' Culloden Moor was chosen.

After attending the fruitless rendezvous at Ruthven in Badenoch, Henry Ker set his face for the Braes of Angus. Three weeks later he was taken, by a party of the King's troops, near Forfar, and lodged in Perth Tolbooth. Here he found a hundred and thirty Jacobite prisoners; among others, Lady Strathallan, Stormonth of Pitscandle, Sir James Kinloch and his two brothers. The following account of his examination before Sheriff Miller on the 6th of May we found in a small green chest, full of Jacobite and other papers, preserved in the Municipal Archives at Perth: 'Examined if, or not, he did bear arms in the Pretender's eldest son's army, Mr. Ker answered that he refuses everything. The Sheriff having askt him if he is a Protestant, he answered in the negative and says he is Roman Catholick or Popish. Then the Sheriff required Mr. Ker to subscribe what is above written which he refused to do, and what passed between the Sheriff

¹⁰ *Itinerary of Prince Charles Edward Stuart, Scottish History Society,* p. 126.

and him is in open court, in presence of several gentlemen of honour.’

Transported to Inverness in the end of May, Henry Ker along with many others was put aboard a Government tender bound for the Thames. If one may credit the accounts¹¹ given in Jacobite Memoirs, the treatment of the captives, during their three weeks’ voyage, was worthy a slave dhow in the Middle Passage, and official reports survive to prove the Government vessels ‘very unhealthy, and the prisoners very sickly.’ On Saturday, the 21st June, the ships came up the river. Landed doubtless at the cluster of quays beneath Old London Bridge, Henry Ker and his companions were marched, through a scowling and curious mob, to the New Gaol, Southwark. This building, in which he spent the next two years, although styled by courtesy the New Gaol, was in reality one of the oldest¹² in London.

A hold of debtors and felons, what with ‘dirt, vermin, and Gaol fever,’ the Scots officers must have found it a sorry residence. Thirty years later, when Howard¹³ visited the place, he found ‘no chapel, no infirmary, when sick felons lay on the floor, no bedding, not even straw,’ while the prison fare, apart from Nell Gwynn’s loaves, consisted of ‘three ha’porth of bread a day.’ Granted ‘pen, ink and paper to draw Petitions,’ Henry Ker’s first care was to send the following letter¹⁴ to ‘Mr. William Ker, writer and town clerk of Kelso.’¹⁵

¹¹ Vid. *Lyon in Mourning*, *Scottish History Society*, iii. 157.

¹² The White Lion Prison, or New Gaol, which stood hard by the Old Marshalsea, immortalised in *Little Dorrit*, originally formed part of the religious house of S. Mary Overies, annexed by Henry VIII. It was pulled down in 1879.

¹³ *State of the Prisons*, p. 233.

¹⁴ Forfeited Estate Papers, Edinburgh Register House.

¹⁵ From an old Diet Book it appears that William Ker was Clerk to the Duke of Roxburghe’s Baron Baillie Court. In August, 1745, he became Clerk to the Justices of the Peace for Roxburghshire. In that capacity he writes to the Lord Justice Clerk: ‘Kelso. 10 o’clock before noone ... a party of 40 rebels arrived here last night. Six Highlanders arrived this morning with an order from Kilmarnock. ... We are all here in utmost confusion.’ Kilmarnock’s letter is dated, at Blackbaronney, 3rd Nov., 1745, and orders the Provost to ‘provide billets and provisions for 4000 men, and 1000 horse, tomorrow night. This you are to do at your peril,’ William Ker, it may be noted, was still alive in Sir Walter’s youth, and may well have

The forerunner of many similar epistles, duly docketed by the receiver, 'Graden calling for'—money:

'Southwark, New Gaol ye 24th. of June 1746. D^r Sir, as I have the misfortune to be involved in the almost general calamity. Money is a thing absolutely necessary here, for which pray send me twenty pound with all diligence. I doe not doubt but creditors have done all for their own security. I presume that they can have no access till affairs be decided here, so that I think that I have access to the current rents which you'll apply no other way but to the support of my sister (who I hope you will not let want) and myself. As I have had a violent fever, my head is very confus'd but hope in my next to be more distinct. ... P.S.—Andrew Moir will give you his brother's address here, to whose care you'll please direct to me. Adieu. H. K.'

The address given was that of 'Mr. Wm. Moor, attorney at law near Wapping Church.' This Wapping attorney, not improbably the 'council' who defended Graden at his trial, was a Scotsman, and brother of Andrew Moir of Otterburn in Teviotdale, who had 'married a daughter of the family of Graden.' Mrs. Jean Ker, the sister referred to in this letter, had been reduced to penury by the 'rising.' From her place of retirement in Edinburgh, on 19th February, she thus writes:¹⁶

'To Mr. Wilam Ker, Clark in Kelsay. Sir, I received yours yesterday with the 5 pound for which I am veray much obleged to you for I thought to have sen my brother bifor this team. I heard last wick that he was well. As for what pepars you want, send me word, and you shall heve them, for my brother order me to give you what pepars you cal'd for. I wish you were in toun and you would tak eany you heave ockeson for. They are just now out of the hous, for my hous at present is not safe for them. The Puris¹⁷ pays to mi 2 ston

furnished him with the prototype of 'Provost Crosbie' in *Redgauntlet*, as his Quaker neighbours, the Waldies of Henderside, undoubtedly suggested 'Joshua Geddes of Mount Sharon.' Vid. Sc. S. P. Geo. II and Lockhart's *Life*, i. 118.

¹⁶ Forfeited Estate Papers, Edinburgh Register House.

¹⁷ George and William Purves were tenants of Place-Graden, and their rent was payable partly in kind, viz. '2 stone of cows butter on 1 November, and 2 fatt geese at Christmas.'

of buter and 2 ges. The ges I got, not the buter. They sent me some.'

'Sundry witnesses' from Graden had been 'called to London about the tryal,' and on 26th June, Henry Ker made his first appearance in the Court House on St. Margaret's Hill. At the final trial on 6th November he rested his defence solely on the fact that he was a Spanish officer, and 'Spain being at war with England he could not be guilty of treason in obeying his master, whom he served.' But 'offering no evidence that he was born out of the Kingdom, or pretending that he was so,' his commission moreover having been 'lost, with great part of his baggage, at the battle of Culloden,'¹⁸ the court would not admit this evidence; and having no other, he was found guilty, and condemned to die, on 28th November. The actual death warrant lies before us, a sufficiently gruesome document. Happily, however, Henry Ker had powerful friends. 'Don Pedro de la Mare, his Catholick Majesty's Ambassador at the Hague,' had already been 'ordered to signifie to the Court of London,' through Mr. Trevor, the British Ambassador, that 'Henry Ker was a Spanish Officer, and hoped he would be treated as a prisoner of war.'

Early in summer the Duke of Roxburghe had written, begging a pardon for Henry Ker, whom he describes as 'a gentleman related to my family'¹⁹ Fortunately also the case of James Hay, a French officer, reprieved at Carlisle, could be quoted as a legal precedent, with the result that three days before the date of execution a reprieve for two months was granted, and, after some delay, a pardon. The pardon, however, was 'stopped at the Privy Seal,' and Henry Ker lingered on in gaol. No doubt one fruit of that winter in Southwark was 'Colonel Ker of Gradyne, his Account'²⁰ of Culloden. Better at his sword than his pen, writing in the third person, and occupying himself mainly with military details, the personal note is rarely struck; hence 'Gradyne's Account 'may appear to the modern mind rather a dull

¹⁸ S. P. Dom., Geo. II. 92.

¹⁹ Duke's letter is unaddressed. It is dated from 'Braywick, July 19, 1746.' Vid. Brit. Mus. Add. MS., No. 32707, f. 435.

²⁰ Vid. *Lyon in Mourning*, *Scottish History Society*, i. 355.

document. By his own generation, however, it was eagerly devoured. It crept north to Edinburgh. Bishop Keith had a copy, and, down in the Canongate, we find elect dames like the Countess of Dundonald and Lady Mary Cochrane poring over its pages in their closets.

Many letters passed that winter betwixt Henry Ker and the town clerk of Kelso, who kept him in touch with his tenantry. Thus, on 31st January, 1747, the prisoner sends minute instructions regarding the renewal of a lease: 'If you have not Laidlaw's tack desire my sister to send it you, and in writeing the new one take care to insert the clause about the houses which, in compairing his copy and mine, you'll find was overlook'd, in one of them, in the transcribing.'

Laidlaw was an ancient tenant who for fifty-three years had occupied the now vanished holding of Hoselaw-hill. 'During which time' (so he tells the Barons of Exchequer) 'he had endeavoured to maintain a good character in the worst of times, and remained unshaken in his duty and allegiance to the Government.' Regular in paying his rent to 'Graden himself,' as appears from a book of receipts, commencing in 1725, he was slow to swell the Hanoverian Exchequer. After the Forfeiture, it is evident that Graden's old tenants did not take kindly to the new regime, although William Ramsay of Templehall, the Crown Factor, at his first coming, laid out some Government gold, in '*recommending their new master*' After much bickering and some litigation, several were 'thrust out,' among them William Laidlaw. One act for which posterity will scarce thank the Crown Factor was the taking down of the old Tower²¹ of Graden, a nest of mosstroopers since Flodden.

The same summer which saw Henry Ker emerge from Southwark, witnessed the death at Richmond of his famous countryman, James Thomson, the 'Scottish Virgil,' Whether poet and soldier ever met is uncertain. As Thomson's small ancestral estate of Widehope lay upon a spur of the Cheviots, not many miles from Graden Tower, they can hardly have been unknown to each other by name. They had at least one friend in common, since it was to Sir Andrew Mitchell, the

²¹ The contract is dated 28th June, 1760, and runs: 'To taking down the old house, and winning out of ye old Tower £2-15s.' By November 24th the work is reported as done.

Prussian Secretary, Thomson's Executor, that Henry Ker owed his release from Southwark.

The warrant for his removal to the house of William Ward, King's Messenger, bears date 6th April, 1748, and on 10th June he is still 'in the custody of Mr. Ward.' At this point Henry Ker disappears. In an official 'list of rebels pardoned on condition of Transportation for life' his name occurs, indeed, but with this note appended: 'Pardoned on condition of remaining in such *place in England*, as shall be appointed.'²² Whether the place was never named, or whether the Government winked at his escape, we have been unable to learn. At any rate he got off, oversea, for, when the curtain rises on the last act three years later, we find him back at his old trade, soldiering in sunny Andalusia, the garden and granary of Spain.

Despite Cervantes, who makes San Lucar a den of rogues, Ker of Graden might, by all accounts, have lighted on many a less pleasant spot in which to end his days. San Lucar was a garrison town, the residence, since 1645, of the Captain-General of Andalusia. From the battlements of its Moorish Castle he might see daily the glittering spires of Cadiz, the scattered pastures across the river, which furnished the bullrings of Seville, and the woods of Medina Sidonia, rich in game. One likes to picture the old Jacobite, easily recognisable by 'the flesh mark upon one of his cheeks,' hunting with his brother officers in the coto, at the British Consulate with Mark Pringle,²³ or in garrison, after mess, fighting his battles over again. When conversation flagged round the charcoal brazier, we may be sure the exile's thoughts would often turn to his old neighbours and tenants in Teviotdale, his grey Peel on the dry marches, where

'Cheviot listens to the Northern blast,'

²² S. P. Dom., Geo. II., vol. 109.

²³ Vid. S. P. Dom., Geo. II, for Petition from Mark Pringle to the Duke of Newcastle, dated Edinburgh, 30 September, 1746, begging his Grace to 'use his influence with the King to continue him in the Consulship of Seville and San Lucar.' According to the *Royal Calendar*, he still held that post in 1753.

and the little kirk, crowning 'Linton's hallowed mound,' where, under the choir pavement, moulder the bones of many generations of Graden-Kers.

It was decreed, however, that the last of that race should sleep elsewhere, for Henry Ker died at San Lucar, a Lieutenant-Colonel in the Spanish service, on Wednesday, the 22nd of December, 1751.

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