

1746

John Betts. }  
Peter Moss } Made their escape before they were arraigned.  
John Holker }

*Executed 14*

John Hamilton Govr of Carlisle Castle.  
Francis Townly Govr of the City.  
George Fletcher Captain  
Thomas Chadwick Lieut  
James Dawson Captain.  
Thomas Deacon Lieut  
John Berwick Lieut  
Thomas Syddal Ensign.  
David Morgan Counsellor  
Andrew Blood Captain  
Donald McDonald Capt in Keppach's Regt.  
James Nicolson Lt in Perth's  
Walter Ogilvie Lt in L. Lewis Gordon's  
Alexr Leith Capt of Glenbucket's.

These 14 (qrof only 5 were Scotsmen) were executed on Kennington Common. The first 9 (except Hamilton) on July 30<sup>th</sup>, the next 3 on Aug<sup>t</sup> 22<sup>d</sup>, & Hamilton & Leith on Novr. 28<sup>th</sup> 1746.

Alexr Abernethie Capt in Perth's  
James Ged Capt, in D°.  
Thomas Furnival Lieut.  
William Brettah Ensign  
John Saunderson Capt  
James Wilding Ensign.  
Charles Deacon Ensign.  
Christopher Taylor Ensn  
Alexr McGrouther Lt in Perth's  
Charles Gordon Lt of Ogilvie's  
James Gordon Lt of ye Artillery.  
George Abernethy of Glenbucket's  
John Burnet Capt of ye Artillery  
John Comerie.  
Alexr McGrouther Junr.  
Walter Mitchel Ensn of Perth's  
George Ramsay Ensn of Glenbucket's

These 17, either pleaded guilty or were found so, but were reprieved.

Robt Forbes Capt of L. L. Gordon's }  
John Hunter Ensn } These 3 were acquitted, as having been forced.  
James Stratton of Carlisle Surgeon. }

Those who were executed were all (except Townly, Deacon, & Syddal) Protestants,<sup>1</sup> and yet had no Clergyman to attend them in their last moments. Many of them thought yt the Capitulation at Surrendring Carlisle would Save their lives; But as the Duke would give no terms to Rebels, but only preserv'd them from the rage of the Army, and left them to the King's pleasure, they could not plead it in Judgment. Few, if any, of them showed any signs of repentance for the crime for which they were executed. John Hamilton had his tryal long deferred; that he might bring up his exculpatory witnesses from Scotland; Knights of the Post were ready to travel for this

*John Hamilton.*

<sup>1</sup> Leith was a Roman Catholic—see his dying speech in 'Jacobites of Aberdeenshire and Banffshire m 1745'. A. and H. Tayler.

end, But his behaviour had been so insulting and insolent, that these Knights were Stopt by his countrymen; upon hearing of this he retracted his former plea, & pleaded guilty Oct<sup>r</sup> 22d. George Abernethy reprieved, was recommended to mercy by the Court. Some witnesses swore, that the Rebels had plunder'd his house and carryed him off prisoner, because he had been active in his Majestie's Service. This is certainly false; and 'tis well known that no man could be more forward in the cause of the Pretender than he was. Charles Gordon reprieved, was recommended to mercy on account of his youth. 'Twas represented in his favour, that his father was Bailie of the Regality of Huntly, and well affected. This is likewise false.<sup>2</sup> His father (Gordon of Binhall) was sometime Clerk of the Regality, and a virulent Jacobite. I have made these remarks, and shall afterwards make more Such, to show the clemency of the Gov<sup>t</sup>, and how ready they were to hearken to any Suggestions that might Save the Rebels.

Charles Gordon.

*Trials at Carlisle Sep:  
12<sup>th</sup> &c.*

The next Trials were at Carlisle. There were in that City 385 prisoners. The common men there and in other places were indulg'd the drawing lots, nineteen to be transported and the 20<sup>th</sup> to be tried. But so averse were many of them from a transportation that they chose to stand a trial. On Aug<sup>t</sup> 12<sup>th</sup> the Court met at Carlisle, but were a little retarded by some of the Scots witnesses who refused to swear in the manner (viz by kissing ye book) practised in England. The Judges gratified them, and allowed them to follow the custom of Scotland viz To hold up the right hand. Bills of indictment were found ag<sup>t</sup> 119; and on Sepr 12 ag<sup>t</sup> 15 more, in all 134; and the trials continued from the 12<sup>th</sup> to the 26<sup>th</sup> of Sept<sup>r</sup>. One of the Rebels viz Samuel Clarke an Englishman was hang'd for felony on a Separate indictment. Of the remaining 133, Charles Douglas pleaded his Peerage as Lord Mordington which was allowed. 43 pleaded guilty; 37 were found guilty; 11 more were found guilty, but recommended to mercy. These 91 had Sentence pronounced ag<sup>t</sup> them. 36 were acquitted; and 5 were not tried, for want of evidence. Beside these, about 34 persons confined in the County-goal on Suspicion, were all set at liberty. Of the 91 condemned, 33 were executed, as follows—

*Douglas L Mordington.*

*Mr Thomas Cappock  
Edward Roper  
Francis Buchanan of Arnprior  
Dond McDond of Kenlochmodart  
Dond McDond of Tyendrish  
John Henderson of Castlemains.  
John McNaughten  
James Brand watchmaker  
Hugh Cameron*

} These 9 were executed at Carlisle Octor 18.

<sup>2</sup> It was in fact *true!* Ibid.

*Mr Robert Lyon.*  
*David Home broyr to Manderston*  
*Andrew Swan of Edinbr*  
*James Harvie*  
*John Robotham*  
*Philip Hunt*  
*Valentine Holt*

} These 7 were executed at Penrith Octo<sup>r</sup> 28.

*James Innes brother to Cockston*  
*Patrick Lindsay in Twedale.*  
*Ranold McDond of ye Edr guard*  
*Thomas Park*  
*Peter Taylor*  
*Michael Delard.*

} These 6 were executed at Brampton Octor 21

*Sir Archd Primerose of Dunipace*  
*Charles Gordon of Dalpersie*  
*Patrick Muray Goldsmith*  
*Patrick Kier*  
*Alexr Stevensen* } *Wrights*  
*Robert Reid*  
*John Wallace*  
*James Mitchel*  
*Molineux Eaton*  
*Thomas Hayes*  
*Bamaby Matthews.*

} These eleven were executed at Carlisle Nov<sup>r</sup> 15. *Executed 33.*

Amongst the reprieved and acquitted were the following persons viz *Acquitted or reprieved.*

Laurence Mercer of Lethindie	William Gray Surgeon in Brechin
Robert Muray son to Spittalhaugh	John Cappock, the Bishop's brother.
Andrew Johnston son to Knockhill.	Thomas Turner of Walten
Andrew Porteous of Burnfoot	Thomas Turner of Bury.
Robert Forbes son to New	Charles Spalding of Whitefield, Athole
James Hay brother to Hopes	James Ferguson of Dunfalundie, Athole.
William Home nephew to Bassington.	James Seton Son of Carrieston.
Robert Wright Writer in Edinbr	Patrick Buchanan Broyr to Arnprior.
James Smith Writer in Edinbr.	Thomas Buchanan Broyr to Arnprior.
Robert Maxwel Writer in Edinbr	Capt Robert Taylor

I shall farther take notice only of the following circumstances with respect to some of the persons above mentioned. John MacNaughton Watch in Edinburgh was the man who, after Col: Gardiner had received Some wounds, struck him down with a Lochaber axe & thereby killed him. Robert Taylor shoemaker in Edinb<sup>r</sup> was the Captain who was made prisoner when the Castle of Edinb<sup>r</sup> was blockaded. He spoke pathetically in Court, lamented his guilt in Joining the Rebels, produced ample certificates showing, that after the battle of Preston, he got some of the prisoners protected, some he supplied with money & provisions, furnished chaises for the wounded Officers, and found them quiet

*The behaviour of John M<sup>c</sup>Naughton.*

*Robert Taylor.*

The Court met at York on the 20th of Aug<sup>t</sup>, and Indictments being found against 75 Rebels, they adjourned 'till Sept<sup>r</sup> 29th. The tryal began on Octo<sup>r</sup> 2<sup>d</sup> and 70 did plead, or were found, guilty, whereof 4 were recommended to mercy. The remaining 5 were acquitted. On Octo<sup>r</sup> 7<sup>th</sup> & yreafter, Sentence was pronounced against the 70 guilty. Of which number, 48 were reprieved, & 22 were executed as follows.

1746  
Trial at York Aug<sup>t</sup> 20.

*Capt George Hamilton.*

*Daniel Fraser*  
*Edward Clavering.*  
*Charles Gordon.*  
*Benjamin Mason*  
*James Maine.*

} These 6 were executed at York. Novr 1st

*Executed 22.*

*David Roe.*  
*William Hunter.*  
*John Endsworth.*  
*John MacLean.*  
*John MacGregor*  
*Simon MacKenzie.*

} These 6 were executed at York. Novr 8th

*William Conolly.*  
*William Dempsy.*  
*Angus MacDonald.*  
*James Sparkes.*

} These 4 executed at York. Nov<sup>r</sup> 1<sup>st</sup>

James Reid executed there Nov<sup>r</sup> 15<sup>th</sup>.

*Alexander Parker.*  
*Thomas MacGennis*  
*Archd. Kennedy.*  
*James Thomson.*  
*Michael Brady.*

} These 5 executed at York Novr 8th

Amongst the reprieved and acquitted, Sir David Muray of Abercarny was the only person of distinction, and of him I may speak afterwards.

*Sir David Muray.*

A few circumstances concerning the Trial of these Rebels, and the death of Such of them as were executed, may be taken as follows. Cap<sup>t</sup> George Hamilton was made prisoner at Clifton by one of the Duke's Hussars; A small box belonging to him was left in the house where he had lodged before that Skirmish, in which box were found two Commissions from the young Pretr to him, one as Cap<sup>t</sup>, and the other as Deputy Quarter-master General. Likewise the form of the oath to be taken by all those who should inlist in the Rebel-army; whereby they Swore to be true to the Pretr and his Successors, and abjured K. George. These, and other Papers found in the box, were Sent to the Duke of Newcastle.

*Cap<sup>t</sup> Hamilton.*

Duncan Stuart (reprieved) of John Roy Stuart's Reg<sup>t</sup>, proved by witnesses, That he was of the countrie of Strathbraan near Dunkeld which can raise about 350 men, and is, most part, the property of Sir George Stuart of Garintullie.

*Duncan Stuart.*

1. Sir John Wedderburn Coll<sup>r</sup> of Excise for y<sup>c</sup> Pret<sup>r</sup>.
2. Lt Col: Sir James Kinloch of Ogilvies 2<sup>d</sup> Batt<sup>n</sup>.
3. Major Nicholas Glascoe of D<sup>o</sup>
4. Cap<sup>t</sup>Alex<sup>r</sup> Kinloch.
5. Cap<sup>t</sup> Charles Kinloch
6. Ens: Thomas Watson of D<sup>o</sup>
7. Col: Francis Farquharson of Monaltrie
8. Col: Henry Ker of Gradyne, Aid de Camp to ye Pret<sup>r</sup>.
9. Maj<sup>s</sup> { Alexr McLachlan } of Tullibardins Reg<sup>t</sup>.  
           { James Ratray }
- 10.
11. Maj: James Stuart of Perth's.
12. Cap: John Farquharson of Monaltrie's.
13. Cap: Andrew Wood of John Roy Stuart's
14. Cap: Alan Cameron of Lochial's.
15. Ens: James Lindsey of Strathalan's
16. Cap: James Bradshaw of the Manchester
- 17.
18.           *Cap: Roderick McCulloch of Glastulich* }  
           Cap: Colin MacKenzie                               } of Cromartie's  
           Ens: Roderick Mackenzie                           }
- 19.
20. Ens: Hector Mackenzie
21. John Mackenzie Lord MacLeod.
22. William Muray of Taymount.
23. Andrew Spreul Cap: of Pitsligo's
24. Cap: Alex<sup>r</sup> Buchan of Perth's.

Of these 24, five were acquitted, 14 either pleaded or were found guilty and sentence was pronounced agt them on the 15 of Novr. Of the other 4 Lord Mac Leod and Mr Muray of Taymount pleaded guilty on Decr 20th; And on that day Alexr and Charles Kinlochs were found guilty & received Sentence.

The persons acquitted were 1. Major James Ratray of Ryenaguilan. 'Tis well known that this Gentlman behaved very rudely when with the Rebels, and yet the evidence agt him being indistinct, and a knight of the Post from about Strathboggie, swearing that the Major was forced, and that he saw him fetter'd, he was acquitted on the 31st of Octor. 2 & 3 Cap: Colin Mackenzie of Balone, & Ens: Roderick Mackenzie, being both very young, and their Parish Minister, Mr James Robertson at Lochbrin, having given ym the character of persons well affected to his Majy, they were Nov 18th acquitted. 4. Major Nicolas Glascoe was a native of and born in France, & a Lt. in Dillon's Regt, qrefore he was detained only as a prisoner of war. 5. Cap: Alexr Buchanan, aged about 19, was forced into the Rebellion by the Duke of Perth, and was acquitted Novr 15th & 6. Andrew Spruel was dismiss'd.

Of the 16 who received Sentence of death, only 3 were executed on Kennington Common, Novr 28th viz Sir John Wedderburn, Andrew Wood, and James Bradshaw. And they adhered to the cause of the Pretender in their last moments.

Together with a Toleration of all Protestant Dissenters; he being utterly averse to all persecution & oppression whatsoever, particularly on account of conscience & religion And we ourselves being perfectly convinced of the reasonableness of the Same principles do, in consequence hereof further promise and declare, That all his Maj's Subjects shall by him & us, be maintained in the full enjoyment and possession of all their rights' privileges, & immunities, & especially of all Churches, Universities, Colleges, & Schools, conformable to the laws of the land, Shall ever be the unalterable rule of his Maj's Gov<sup>t</sup> and our actions.

And that this our undertaking may be accompanied w<sup>t</sup> as little present inconveniency as possible to the King's subjects, we do hereby authorize & require all Civil Officers and Magistrats now in place and office, to continue till farther orders to execute their respective employments in our name & by our authority, as far as may be necessary for the maintenance of common Justice, order, or quiet; Willing and requiring them, at the Same time, to give strict obedience to Such Orders and directions, as may, from time to time, be issued out by us, or those who shall be vested with any share of our authority & power. We also command all Officers of the revenue, customs, & Excise, all Tax-gatherers of what denomination soever &c. And in case of refusal, we authorize and charge all Such our Commanders to exact the Same for our use; and to be accountable for it to us, or our officers for that purpose appointed.

And having thus Sincerely, and in presence of Almighty God declared the true Sentiments and intentions of the King our Royal father, as well as our own in this expedition, We do require all his loving Subjects to be assisting &c. Lastly we do hereby require &c For as we have hereby graciously and Sincerely offered a free & general pardon for all that is past, So we, at the Same time, Seriously warn all his Maj's Subjects, that we shall leave to the rigour of the law, all those who shall henceforth oppose us, or wilfully and deliberately do or concur in any act or acts, civil or military, to the detriment of us, our cause or title, or to the destruction or prejudice of those who shall, according to their duty, & our instructions thus publickly Signified, declare and act for us. Given at Paris the 16<sup>th</sup> day of May 1745.

N:B. The Paragraphs which I have here cut short, are exactly as in y<sup>e</sup> former Declaration.

*N<sup>o</sup> 4. The Duke of Bouillon's Letter to the young Pretender.*

The Sincerity of the wishes which I have formed for your R:H. could never be equal'd but by the mortal chagrine of not being able to follow you, to offer you all my blood. The attachment, and yet more, the respect I have for your person; and if I dare name it, the tender and faithful friendship w<sup>t</sup> w<sup>ch</sup> I am penetrated for you, engages to this in effect. D:P. who would not feel all that I feel at the aspect of an enterprise so worthy of admiration, and of the august blood from which you are Sprung.

At the receipt of the charming letter with wch you honoured me, I flew to the King, and on my knees, with tears in my eyes, conjured him to Sustain the designs he knew to be So lawful. I painted to him the peril to which you was exposed; In fine, I said every thing that you might expect from the Sentiments that attache my life to your R:H. Judge, then, the Joy that the answer he made procured me, in assuring me he had taken to heart, as much as it was possible for me, the project that you had formed; And that I might assure your R:H. that every thing you could possibly have occasion for was ready. I insisted with the Min<sup>rs</sup> to send the troops

immediatly; but they answer'd, That it was absolutely necessary to have the news of your arrival, before any thing should be made to part from here; And that Your R: H. had but to ask, what could be convenient & useful for your designs, and it should be ready. Not knowing how to acquaint your R: H. with what they had done, I wrote it to Mr Obrian. I dare flatter myself, that you will not leave me long in this mortal inquietude of the ignorance of your arrival, And that your R:H. will permit me to assure you, that you may at your pleasure dispose of all my estate and blood; And in whatever Service you design to employ me, you shall find fidelity & veracity to Serve you with all my power; And the most profound respect with which I shall have the honour to be while I live—Monsieur—Your R:H. most humble & obedient Servant Louis de Bouillone. At Allost Aug<sup>t</sup> 10th 1745.<sup>3</sup>

*N<sup>o</sup> 5. The Spanish Ambassador's Letter to the young Pretender.*

When I received the Orders of my Court on the Subject of your R:H's, I did not delay a moment to go and wait on this Court. His most C<sup>n</sup> Maj: did not hesitate to promise a prompt Succour of men, money, and arms; and order'd, that they should prepare the one and the other. I immediatly dispatched a courier to the King my Master, and I can assure your Hs, that his Cath: Maj: has conformed himself to the dispositions of the most Ch<sup>n</sup> King, and that he shall furnish a Succour altogether equal to that of this Court.

These are determinations fixt, on w<sup>ch</sup> your R:H. may count. But this is not all; The most Ch<sup>n</sup> King added, that when he learned, the dispositions of your people were fortified by your presence, and that they had Joined in your resolutions, he would augment these first Succours, by making some more troops to pass to whatsoever place should be thought convenient to Sustain them; And I have reason to believe, that the Brigade of Ireland is named for this destination. The King my Master shall furnish the Same number of troops. I have the honour to inform your R:H: of this disposition, with a Satisfaction of heart so very lively, that nothing can add to it, but the wishes I have for the happy Success of So just an enterprise. I pray your R:H: to receive this assurance, and also of the most profound respect with which I have the honour to be—Monsieur—Your R:H. most humble & obedient Servant—Le Prince de Campo Florida. P:S. We attend here with the utmost impatience the News of your R:Hs's debarkment.

*N<sup>o</sup> 6. The Lords Justice's Proclamation for seizing the young Pref.*

Whereas, by an Act of Parl<sup>t</sup> made in the 17<sup>th</sup> year of his Maj's reign, it was enacted, that if the eldest, or any other son or sons of the person who pretended to be Prince of Wales &c should after the 1<sup>st</sup> day of May 1744 land, or attempt to land, or be found in Britain or Ireland, or any of the dominions or territories belonging to the Crown of great Britain, or should be found on board any Ship, vessel or boat, being so on board with intent to land in great Britain &c—he and they respectively should stand and be adjudged attainted of high treason to all intents and purposes whatsoever. And whereas, we have received information, that the eldest son of the said Pref, did htly imbarck in France, in order to land in Some part of his Maj's dominions, We—do in his Maj's name command & require all his Maj's Officers & Subjects, to use their utmost endeavour to Seize & Secure the Said Son of the Pref<sup>t</sup>, whenever he shall land—in order to his being brought to Justice, and to give notice thereof immediatly to one ot his Maj's

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<sup>3</sup> A copy of this letter is among the Stuart papers at Windsor.