

# **SPINES OF THE THISTLE**

THE POPULAR CONSTITUENCY OF THE JACOBITE RISING IN 1745-6

**Darren Scott Layne**

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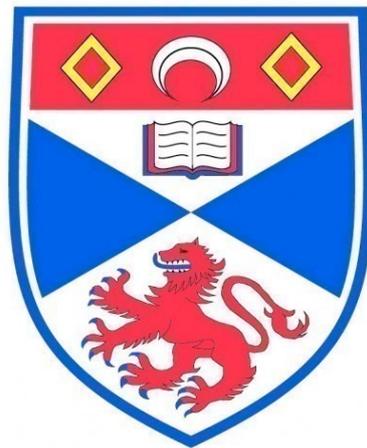
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# **SPINES OF THE THISTLE**

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**DARREN SCOTT LAYNE**



This thesis is submitted in partial fulfilment for the  
degree of Doctor of Philosophy

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## ABSTRACT

This thesis examines the social record of popular Jacobitism during the 1745 Rising as expressed through its plebeian constituency. Such an assessment fills in the gaps largely ignored by scholars of the Jacobite period, who instead tend to concentrate upon the elites and the political and doctrinal ideologies espoused by influential gentry. Using a purpose-built database to compile and analyse a large number of resources including lists of prisoners, trial records, muster rolls, and government papers, a prosopographical survey of over 15,000 persona entries is presented. The study looks at four thematic aspects of popular Jacobitism, which describe motivation, constituency, recruitment, and consequences. These combine to provide a social profile of the ‘lesser sort’ of those persons involved in rebellion against the Hanoverian government, whether martial or civilian. The results suggest that practicality was a major influence in drawing the common people into civil war, and that the ideological tenets of Jacobitism, much diluted by 1745, took a backseat to issues of necessity. Widespread ambivalence to the political climate made harsh recruiting methods necessary, and rampant desertion reinforced that need until the army’s defeat at Culloden. The willing and unwilling supporters of Charles Edward Stuart’s landing in Scotland represented local, national, and international interests and stretched across class divides. Civilians contributed to the effort along with the soldiers, but limited martial support both domestic and foreign was insufficient to sustain the Stuart-sanctioned coup and the exiled dynasty’s hopes for a subsequent restoration. Understanding that weak punitive measures after 1715 enabled yet another rising thirty years later, the government’s response after Culloden was swift and brutal. Though its campaigns of containment and suppression strained the resources of the judicial system, effective punishment was seen as a necessity, dominating British policy even as it was involved in a larger war on the Continent. This thesis demonstrates that plebeians used by the Jacobite elites were ill-equipped to support the strategies of the cause, yet they ultimately bore the brunt of the reparations for treasonous expressions, however questionable their commitment may have been.



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## STYLISTIC NOTES

Quotations from eighteenth-century sources are transcribed exactly as they appear in the original documents, with errors of grammar, spelling, and capitalisation preserved. Dates given within are likewise transcribed from the sources without adjustments for Old and New calendar styles. Place-names have been modernised for ease of recognition except within quotations. The personal names of unique characters within this thesis (especially plebeians) often deviate between sources and have therefore been standardised based on a recognisable norm when cited on multiple occasions.

All citations regarding the Secretaries of State: State Papers (Domestic, Scotland, Military, and Entry Books) should be noted as being held at the British National Archives in Kew (TNA). These archive prefixes were omitted for concerns of space.

With regard to monetary conventions, both sterling and Scots pounds are identified respectively as such from the sources. £1 sterling = £12 Scots.

## ABBREVIATIONS

AAF - Angus Archives, Forfar  
ACAA - Aberdeen City and Aberdeenshire Archives  
DCA - Dundee City Archives  
EHR - English Historical Review  
HL - Loudoun Papers (Scottish), Huntington Library  
JBS - Journal of British Studies  
JDB1745 - Jacobite Database of 1745  
JSAHR - Journal of the Society for Army Historical Research  
NQG - No Quarter Given (Livingstone, et al.)  
NLS - National Library of Scotland  
NRS - National Records of Scotland  
NWMS - National War Museum of Scotland  
ODNB - Oxford Dictionary of National Biography  
P45 - The Prisoners of the '45 (Seton and Arnot)  
PKA - Perth & Kinross Archives  
RSCHS - Records of the Scottish Church History Society  
SCA - Scottish Catholic Archives (held at University of Aberdeen)  
SCH - Studies in Church History  
SHR - The Scottish Historical Review  
SHS - Scottish History Society  
SLE - Signet Library, Edinburgh  
SPD - State Papers, Domestic  
SPEB - State Papers, Entry Books  
SPM - State Papers, Military  
SPS - State Papers, Scotland  
TGSI - Transactions of the Gaelic Society of Inverness  
TNA - National Archives, Kew  
TS - Treasury Solicitor Papers  
UAL - University of Aberdeen Archives (inc. MacBean Collection)

# CHAPTER I: INTRODUCTION

## ATAVISM VERSUS PROGRESS

The premise of this thesis is to provide new insights and interpretations to the social record of the Jacobite movement during the Rising of 1745, an historical demographic that has never before benefitted from a prosopographical analysis. Its goal is to define incontrovertible profiles that reveal both the agency and the constituency of popular late-era Jacobitism through the use of a relational database purpose-built for a large-scale survey of this information.

New researchers interested in the study of the Jacobite era face two significant obstacles that threaten to inhibit their comprehension of population data offered by the subject's current scholarship. The first obstacle is the vast corpus of work flooding a discipline of relatively few scholars, making it difficult to find a sober lens through which to view the material. Much of it is powerful, written and researched by established academics with sharp yet varying opinions on the relevance of the Jacobite movement and its place within wildly contrasting historical contexts. Much of it is fairly recent, fuelled by popular interest in the years leading up to the 250th anniversary of the final rising in 1995. And much of it is viewed from the top-down, trading the granular sources of Jacobite motivation and causal minutia for the larger, sweeping arcs of British statecraft during the long eighteenth century. As is typical of any historical discipline, repeating maxims and criticisms vie for the starring role as the fundamental mainstream consciousness of the Jacobite movement, and if it indeed was a movement at all.<sup>1</sup>

The second obstacle is the methodology with which the established orthodoxy explains what principles and characteristics Jacobitism embodied during its near-century of life and, specifically to this study, those near to its death. Most antiquarian published sources describing the constituency that have long been mined for data are now relegated to little more than shibboleths of common knowledge without critical reexamination necessary to further discover new

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<sup>1</sup> Allan Macinnes, 'Scottish Jacobitism: In Search of a Movement' in T.M. Devine and J.R. Young, eds., *Eighteenth Century Scotland: New Perspectives* (East Linton, 1999), pp. 82-85; Allan Macinnes, 'Jacobitism in Scotland: Episodic Cause or National Movement?', *SHR*, 86:222 (October 2007), pp. 225-252. See also Colin Kidd, 'The Rehabilitation of Scottish Jacobitism' in *SHR*, 77:203 (April 1998), pp. 58-76.

evidence within them. Lacking a progressive methodology to harvest and analyse large amounts of biographical data, it is difficult to take for granted the infrequent assertions that have made about the popular constituency within recent scholarship.<sup>2</sup> Sample sizes of military records are rarely representative of viable populations if plebeian communities are indeed examined at all.

These obstacles are worsened by the not uncommon precept that everything that has ever needed to be known about Jacobitism is *already* known, and that the flame of that lingering, arguably-national romance – at least in Scotland, where the Jacobite effort in 1745 commenced and conceded – has long ago burned out.<sup>3</sup> Keeping those mawkish embers warm is a determined cadre of popular historians and novelists, as well as re-enactors, secret societies, and legitimist gentlemen's clubs who blithely seek an independent Scotland and the restoration of a Stuart king to his modern throne. It follows that interest in historical Jacobitism suffers from a degree of ambivalence, and, for example, is appropriated alternately as evidence that a Scottish national identity was snuffed out at its most tender, just before modernity emerged upon the pre-Union state, and also as proof that Scotland is much greater now than it ever could have been without its inclusion into Britain.<sup>4</sup> Yet, seen unfiltered through the lens of the modern, the movement must stand on its own for how it was regarded by the people who took part, and an accessible, objective methodology for how to do this has not yet been attained.

The recent historiography of Jacobite scholarship has largely described the deeds and beliefs of high society – the upper echelons and landed elite who conspired, organised, and put into action resistance to the Hanoverian state along

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2 See, for example, Murray Pittock, *The Myth of the Jacobite Clans* (2nd ed., Edinburgh, 2009), pp. 110-133.

3 As far back as 1928, Bruce Gordon Seton and Jean Gordon Arnot introduce their seminal, three-volume treatise, *The Prisoners of the '45*, with the assertion that 'The field of Jacobite research has been so thoroughly examined by successive generations of enquirers that it might well appear that nothing worthy of further study remained for investigation.' in Seton and Arnot, *The Prisoners of the '45* (i) (Edinburgh, 1928), p. v. Sir James Fergusson of Kilkerran likewise states in the foreword to John Gibson's *Ships of the '45* (London, 1967): 'For many years now it has been my conviction that any further publication of narratives about the '45 [...] ought to be banned by statute under heavy penalties.' See also William Speck's introduction to *The Butcher: The Duke of Cumberland and the Suppression of the '45* (Caernafon, 1995), p. 1, and for a one-line encapsulation of this historiographical agitation, refer to Roger Emerson's review of Daniel Szechi's *1715: The Great Jacobite Rebellion* (New Haven and London, 2006), where he begins by asking 'Does the world need another book on the Jacobites?' in *JBS*, 46, No. 2 (April, 2007), pp. 471-473.

4 Pittock explains that both 'sentimentalists and debunkers alike' are responsible for distorting and ignoring the Jacobite cause throughout its historiography and beyond. He helpfully breaks them into two camps: primitives and romantics, *Myth*, p. 2.

both political and ideological axes.<sup>5</sup> But Jacobitism must also accurately be defined by the lay personnel who espoused both the tenets of the cause and especially its martial and practical apparatuses, whether perceived as transportive wheels of the machine or simply as so many cogs. Disappointingly, since the 1930s this latter sector has been generally and sometimes deliberately overlooked and underutilised. Before then, a few scholars had compiled numerous lists of these constituencies as proof of Jacobite support or resistance against it, though these are usually devoid of context other than simple biographical details.<sup>6</sup> Many of these books and documents are stitched together from a variety of primary sources, including rosters of prisoners, military muster rolls, court depositions and also transportation, execution, and recruitment lists. Yet even the collators of these nonetheless valuable compilations admit to the existence of omissions, deletions, and redundancies, all of which go some way to obscuring the social record of the Jacobite movement.<sup>7</sup> As noted earlier, the current format of these sources is, in itself, an obstacle to clear study and characterisation of the period. Long lists of names separated by region or military unit only describe so much, and that from an inflexible, predetermined taxonomy – or many divergent ones. An upgrade of this system of collation and an update to the way we access this information is needed to answer the many questions about both the Jacobite cause and movement that are still being posited, regardless of those who claim there is nothing left to find within.

During the hundred years of Jacobite activity from the Glorious Revolution to the death of Charles Edward Stuart, Britain saw sweeping and systemic change in virtually every aspect of the state and how it functioned, as well as how it was regarded from within and also its perception by the rest of Europe and the northern world. To accept Jacobite aims as static through these successive generations of support is illogical. While the Stuarts remained as the icons and fomenters of the movement's inspiration and general momentum, both the conditions of Jacobite objectives and the objectives themselves unquestionably changed with the times.

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5 For example, Daniel Szechi, 'Constructing a Jacobite: The Social and Intellectual Origins of George Lockhart of Carnwath' in *Historical Journal*, 40 (December 1997), pp. 977-996; J.C.D. Clark and Howard Erskine-Hill, eds., *Samuel Johnson in Historical Context* (Basingstoke, 2001); Eveline Cruickshanks, 'Lord North, Christopher Layer and the Atterbury Plot: 1720-23' in Eveline Cruickshanks and Jeremy Black, eds., *The Jacobite Challenge* (Edinburgh, 1988), pp. 92-104; Cruickshanks, 'Charles Spencer, Third Earl of Sunderland and Jacobitism', *EHR*, 113 (1988), pp. 65-76, etc.

6 These will be surveyed in the following section on Sources, p. 20.

7 *P45* (i), pp. vii, 257; Archibald Philip Primrose, ed., *A List of Persons Concerned in the Rebellion* (Edinburgh, 1890), pp. xiii-xvi; Alexander Mackintosh, ed., *The Muster Roll of the Forfarshire or Lord Ogilvy's Regiment* (Inverness, 1914), pp. viii-vix.

This is to say that a self-proclaimed Jacobite loyalist in 1689 and one in 1745 may have not agreed on any one aspect of the coveted results of restoring their respective Jameses to power, though they both supported the only significant, viable alternative to Orange and Hanoverian control of Britain.<sup>8</sup> Earlier phases of actionable Jacobite doctrine indicate that dynastic right to succession was the lodestar of the movement immediately after the Revolution, with concern moving more toward contractual support fuelled by a zeitgeist of anti-Unionism after 1707, before adapting to encompass and represent a much wider range of disaffection by the final years of internal and external conflict.<sup>9</sup> It is also vital to note that Jacobitism changed along with the context of European statecraft; it spiked in popularity and agency when Britain was most mired in instability, transformation, and a war upon the Continent.

Much has also changed within the historiography of the subject since 1994, when Daniel Szechi suggested that historians of Jacobitism have ‘a lot of thinking and reinterpretation of eighteenth- and nineteenth- century British history to do’.<sup>10</sup> This provocative warning was well-founded, as even with the support of scholars in the previous decades like Bruce Lenman, Frank McLynn, and Eveline Cruickshanks, Whiggish interpretations of history have insisted in marginalising the far-reaching effects of Jacobitism within British party and polity, as well as its goals.<sup>11</sup> Friction between approaches that trivialised or restrained the Jacobite narrative and the scholars who worked to forward the legitimacy of Jacobitism as a genuine threat to the British state (as well as a distinct expression of British patriotism) seemed to have fomented what could be considered yet another civil war, albeit a scholarly one.<sup>12</sup> Thus the lines were drawn between optimists and

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<sup>8</sup> Paul Monod, *Jacobitism and the English People, 1688-1788* (Cambridge, 1988), pp. 4-5.

<sup>9</sup> An overview of the changing nature of Jacobite interest can be found in Daniel Szechi, *The Jacobites: Britain and Europe 1688-1788* (Manchester, 1994). See also Bruce Lenman, *The Jacobite Risings in Britain 1689-1746* (Aberdeen, 1995), p. 183.

<sup>10</sup> Szechi, *The Jacobites*, pp. 6-7.

<sup>11</sup> See, for example, the many works of Geoffrey Holmes; Linda Colley, *Britons: Forging the Nation 1707-1837* (London, 1992); Herbert Butterfield, *The Whig Interpretation of History* (New York, 1965); George Hilton Jones, *The Main Stream of Jacobitism* (Cambridge, MA, 1954); Colin Kidd, *Subverting Scotland's Past: Scottish Whig Historians and the Creation of an Anglo-British Identity, 1689-c.1830* (Cambridge and New York, 1993); Christopher Whatley, *Scottish Society 1707-1830: Beyond Jacobitism, Towards Industrialisation* (Manchester, 2000). For a survey of Jacobite historiography and its reaction to the Whig interpretation, see Jonathan Clark's 'The Many Restorations of King James: A Short History of Scholarship on Jacobitism, 1688-2006', in Paul Monod, Murray Pittock, and Daniel Szechi, eds., *Loyalty and Identity: Jacobites at Home and Abroad* (Basingstoke, 2010) p. 9-56.

<sup>12</sup> Allan Macinnes, Lesley Graham, and Kieran German, 'Introduction' in Allan Macinnes, Lesley Graham, and Kieran German, eds., *Living with Jacobitism 1690-1788* (London, 2014), pp. 1-2; Pittock, *Myth*, pp. 7-11.

pessimists, atavists and progressives – which somewhat conveniently apes support for and resistance to Jacobitism during its life throughout the eighteenth century.

Despite these alternating dormancies and bloomings of Jacobite historiography through the last hundred years, the discipline is currently in an encouraging state. Some thanks for this should be directed to the efforts of the Jacobite Studies Trust, whose tri-annual colloquia have not only encouraged a steady font of new works to be presented, but have provided a critical forum into which that material can be tested. Within the published proceedings of the first of these conferences, three noted historians of the Jacobite era described the course of current study as being at a crossroads and looking at the ways forward for the future of the discipline. Perspectives heretofore unspoken were now getting attention with renewed energy, and with a new generation of scholars waiting in the wings. A number of trends are reviewed, including a recent focus on British identity in a Jacobite context, material culture and discourse, Jacobite diasporic studies, and an overdue rediscovery of Irish Jacobitism. Most importantly, the authors state, finally in the rearview mirror is the critical Whig historiographic tradition which did not just argue against the legitimacy of the Jacobite threat as a developed ideological alternative, but which wholly ignored it.<sup>13</sup>

Other scholars offer their own visions of what progress can still be made. Allan Macinnes, for example, warns that future scholars of Jacobitism should eschew close examinations into the morale, esprit, and inclination of the individual fighting man in lieu of tackling the more relevant issue of systemic motivation:

While continuing to bear in mind the polemical impact of Jacobitism on the national consciousness, research should focus on the elites who may have helped shape a movement rather than on the rank and file who drank and died for the cause.<sup>14</sup>

While there is a good point to be made in this, especially considering the proliferation of popular literature available on the subject, to resign further study of ‘bottom-up’ Jacobite participation to the historical graveyard is a disservice to the discipline. In order to establish Jacobitism’s ‘credentials as a movement’ it not only falls upon the historian to examine and present ‘dynastic, commercial, and ideological networks’, but to ensure that a clear picture is portrayed of how these networks were populated, both nationally and internationally, including both the

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<sup>13</sup> Thoroughly outlined in Paul Monod, Murray Pittock, and Daniel Szechi, ‘Introduction: Loyalty and Identity’ in Monod, et al., *Loyalty and Identity*, p. 1-8.

<sup>14</sup> Macinnes, ‘Scottish Jacobitism’, p. 82-85.

elite and the rabble.<sup>15</sup> While its ideological aims are indicative of its status as a political movement and much more, Jacobitism in 1745 was most effective through its military representation, and that social (and arguably cultural) acknowledgement is of the utmost importance in identifying how and why strains of Jacobitism ran through its supporters. The soldiers on the march were obviously not the only Jacobite adherents. Outwith the battlefield, in the villages and coffee houses, the civilian and commercial logistical networks remain largely unidentified, ceding presence in the historical record to those whose names are easily identifiable from their capture, death, or ‘rehabilitation’.

While recruitment into the Jacobite ranks and studies of the army have received a good amount of attention, little mention has been made of the demographic array of Jacobite support as it relates to age and occupation, and how the Scottish mercantile sector was impacted by the shock of civil war in the summer of 1745.<sup>16</sup> Much has been written of Jacobite commercial networks in Britain and Europe, though studies of how the threat of Jacobitism transformed intra-industrial social relationships in Scotland are virtually non-existent.<sup>17</sup> Other than a few well-known romantic tales of strong-willed wives of chieftains leading out their clans in their husbands’ stead, relatively little research has been done on the plebeian women’s contribution to the Jacobite affair, yet many dozens were punished along with the hundreds of male prisoners once the government trials were underway.<sup>18</sup> The diaspora effected by the Highland and Lowland Clearances has long been the subject of a boom in academic literature, but tracing the routes of the transported,

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15 Ibid., p. 84-5.

16 Studies of the Jacobite army will be explored in depth within the following chapters. For Scottish mercantile surveys, see Allan Macinnes, ‘Union, Empire and Global Adventuring with a Jacobite Twist 1707-53’ in Allan Macinnes & Douglas Hamilton, eds., *Jacobitism, Enlightenment and Empire, 1680-1820* (London, 2014) pp. 123-140; Kieran German, ‘Aberdeen, Aberdeenshire & Jacobitism in the North-East of Scotland, 1688-1750’ (unpublished PhD thesis, University of Aberdeen, 2010).

17 For examples of commercial networks with Europe, see Stuart M. Nisbet, ‘Clearing the Smokescreen of Early Scottish Mercantile Identity: From Leeward Sugar Plantations to Scottish Country Estates c.1680-1730’ in Macinnes, et al., *Jacobitism, Enlightenment and Empire*, pp. 109-122; Siobhan Talbott, ‘Commerce and the Jacobite Court: Scottish Migrants in France, 1688-1718’ in Macinnes, et al., *Living with Jacobitism*, pp. 99-110; Steve Murdoch, *Network North: Scottish Kin, Commercial and Covert Associations in Northern Europe 1603-1746* (Leiden and Boston, 2006), pp. 127-248; Douglas Cattterall, ‘At Home Abroad: Ethnicity and Enclave in the World of Scots Traders in Northern Europe, c. 1600-1800’ in *Journal of Early Modern History*, 8:3 (2004), pp. 319-357.

18 See Chapter III: Constituency, p. 115 for more on Jacobite women and existing sources.

re-recruited, and forfeited rebels after Culloden has largely been overlooked.<sup>19</sup> Nor has there been any significant consideration of Jacobitism's role as a manipulable lever used by its opponents to condemn the innocent, taking advantage of the unrest for their own aims.<sup>20</sup> Obviously, there are still many things to learn about the societal influence of the Stuarts' final attempt to regain the throne, as well as the need for a revised assessment of not just the impact that the movement itself had upon the Three Kingdoms and the greater world, but the manners in which being part of the movement had an impact on its constituents.

In the selfsame breath as his warning to us, Macinnes paradoxically acknowledges the need for a new Jacobite research agenda, at the forefront of which is the 'identification of a body of Jacobites from the risings, from the conspiracies, from the parliamentary activity against the Union and from membership of the Commission of Jacobite Trustees and and the Scottish Jacobite Association.' He proposes undertaking this using a three-pronged approach: extensive archival searches, implementation of technology to assist with interpretation of the large amounts of extant data, and a structured analysis that fits snugly within the academic precedent.<sup>21</sup> The core mechanics of Macinnes' proposal is precisely what this study entails.

## METHODOLOGY AND JDB1745

The sources described in the previous section are vital to Jacobite studies, but the information they offer about the plebeian constituency is both limited in scope and restrictive to further analysis. Only very recently has the social history of the Jacobite conflict received any discriminating scrutiny other than saccharine

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<sup>19</sup> For examples of post-Culloden diaspora studies, see Eric Richards, *The Highland Clearances* (Edinburgh, 2000); Charles W.J. Withers, *Urban Highlanders: Highland-Lowland Migration and Urban Gaelic Culture, 1700-1900* (East Linton, 1998); Douglas J. Hamilton, "'Defending the Colonies Against Malicious Attacks of Philanthropy": Scottish Campaigns Against the Abolitions of the Slave Trade and Slavery' in Macinnes, et al., *Jacobitism, Enlightenment and Empire*, pp. 193-208; Szechi, *The Jacobites*, pp. 126-135.

<sup>20</sup> Edward Gregg contributes an article, little of which is focussed on the Forty-five, 'The Politics of Paranoia' in Cruickshanks and Black, eds., *The Jacobite Challenge*, pp. 42-56.

<sup>21</sup> Macinnes, 'Scottish Jacobitism', p. 84-5.

monographs, with a few notable exceptions.<sup>22</sup> While this new attention is movement in the right direction, the conclusions posited from inferential social studies of the Jacobite constituency must have some widespread, methodologically-sound prosopographic analysis rather than the scattered examples currently used as a basis for affirmations about Jacobite population statistics.<sup>23</sup>

The forms of data available on which to conduct this analysis are varied and disjointed from being a cohesive statistical entity, but they are most certainly present in the historical record. In addition to the typical information conveyed by published lists and muster rolls, which usually include snippets of military records, prison transfers, trial results, and limited demographical location data, a wide array of further details can be added to this corpus, and should be considered in any evaluation of Jacobite support. For example, Treasury Solicitor John Sharpe received a list of 170 prisoners confined within Carlisle prison that note each person's age, trade, and stated religion. State Solicitor Philip Carteret Webb penned a brief of fifty-four captives in York who pleaded guilty at their trials; each person is described with biographical notes and witnesses named against him. The Earl of Albemarle named seventy individuals against whom the government holds evidence of participating in rebellion, but who were not apprehended by November of 1746, and therefore are not included in extant rolls of prisoners. David Bruce, Advocate-General of Scotland, provided four discrete lists of rebel prisoners confined in the tolbooth of Inverness after Culloden which identify a total of ninety-nine persons, their homes of origin, and the engagements at which they fought. Mungo Graham of Orchill, factor to the loyalist Duke of Montrose, furnished his laird with exacting tallies of his individual tenants, including their rent values and known level of involvement in the rebellion. In Aberdeen, a receipt was given to Captain Lambert of Fleming's Regiment of Foot for ninety-six prisoners accused of treason before carrying them southward for trial; Keeper of the Gaol of Aberdeen William Murdoch further itemised thirty-four of these persons taken by the town guard in the days immediately following Culloden, including their places of origin, military units, and the day upon which they were captured. Briefs of 269

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22 Elements of Jacobite social history have been fed to the public with significant artistic and romantic license since the time of Sir Walter Scott. Categorically, most Victorian-era clan histories represent their subjects as having absolute loyalty to Charles Edward Stuart or total conviction in the validity of the Jacobite cause as a nationalist endeavour. Some modern social histories have been useful, including Pittock, *Myth*; Allan MacInnes, *Clanship, Commerce and the House of Stuart, 1603-1788* (East Linton, 1996); Monod, *Jacobitism and the English People*; etc.

23 A qualified study of mythologised Jacobitism due to anecdotal evidence and popular tradition is explored by Pittock in *Myth*, pp. 2-25.

rebels taken at Perth, including pre-trial litigation that on occasion demonstrated remarkable leniency, were kept by the sheriff-deputies of Perth. This same bundle of ‘proofs’ was later recorded within the Hanoverian government’s Treasury Solicitor Papers, categorising each witness who testified by number and reference to their deposition. Oaths of allegiance, assurance, and abjuration were signed by exonerated rebels and Hanoverian loyalists seeking positions of public office. Billeting books name each household in Aberdeen that was charged with the housing and quartering of British army troops after the Jacobites were driven out. Rental books for the estates of Pearsie and Airlie note the names of each tenant residing in 1745-6 and the payments they owed to their landlords.<sup>24</sup>

The sampling of the above sources clearly demonstrates their propensity to reveal a tremendous amount of data regarding the nature of Jacobite involvement in the 1745 Rising. The need to establish a method to catalogue and analyse such diverse sets of data is self-evident. Removing the obstacles that inhibit comprehension of that data, in the case of this study, means presenting it in a way that it can most easily be understood and accessed. This target data in question is the large and scattered bulk of factoids relating to Jacobite plebeian adherents during the 1745 Rising, and the most useful, manipulable structure with which to view this data is a prosopographical database. The database is neither a new nor untested tool for the study of historical populations, but it is not one that has yet been applied to this subject matter, a sample seemingly tailor-made for such an analysis. Using a purpose-built tool for collecting and collating such data, this thesis seeks to answer some of the historiographical disputes between established scholars about the nature of popular late-era Jacobitism, along the way uncovering some previously unknown facets that would be much more difficult to discover using traditional analogue research methods.<sup>25</sup>

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24 SPD.36/88/33d; 36/88/116; SPS.54/34/29c; 54/32/49d; NRS GD.220/6/1662/11-13; ACA Parcel L/H/1-3; TNA TS.11/760/2361; PKA B59.30/72/2-3, 5-11; B59.33/3; NRS E.379/9-10; ACA Parcel L/P/1; DCA Wedderburn of Pearsie Papers, Box 21, Bundles 1-2.

25 See Appendix I: Notes on Technical Methodology for details about The Jacobite Database of 1745 (hereafter JDB1745).

## SOURCES

Instead of the conventional practise of expository review in order to demonstrate a working familiarity with a relevant historiography, it is more useful to introduce and briefly survey the specific sources used for analysis in this study. A three-tier entry scheme furnishes this project with an ‘inverted pyramid’ or ‘funnel’ of data, starting with the broadest and most referenced sources before moving to smaller or more sequestered material, including those not yet applied to surveys of the constituency of the Jacobites. Such a scheme gives priority to the sources that will provide the largest number of individual entries with as much biographical data as possible. At the wide mouth of this funnel is a trio of published references that are drawn from material recorded during and in the direct aftermath of the Forty-five as well as all the way up to the modern day. The first of these is the Earl of Rosebery’s edited publication of the Scottish History Society, *A List of Persons Concerned in the Rebellion* (hereafter Rosebery’s List), which contains 2579 names collected from the supervisors of excise just three weeks after Culloden. After issuing a general letter to sixteen regional Commissioners of Excise in Scotland on 7 May 1746, Lord Justice Clerk Andrew Fletcher of Saltoun wrote to the Duke of Newcastle describing his appeal to the commissioners to persuade those in their employment to come forth and assist the government by providing evidence. These orders were then passed down to ‘all the Officers of Excise through the Kingdom’, who were persuaded to

make up lists as full and compleat as they can from their own knowledge or the best Information they can obtain of all the persons of whatever rank within their respective bounds that have been engaged in this wicked and unnatural Rebellion either by carrying Arms or otherways aiding and assisting the Rebels.<sup>26</sup>

The fruits of these labours were collected within the Saltoun Papers and form the basis for the later publication of Rosebery’s List in 1890.<sup>27</sup> This provides an excellent basis for identifying Jacobite support by region, though it should be noted that many of the excise regions are absent. The second main published source of alleged Jacobites is the previously-mentioned compilation by Seton and Arnot, *The Prisoners of the ’45*. These three volumes list 3471 names gathered from the official Jail Returns of Scotland, added together with those collected from an incomplete

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26 Rosebery’s *List*, p. 357; Fletcher to Newcastle (7 August, 1746), SPS.54/33/3; NLS MS.17522 ff. 1-3.

27 Note that the lists made out by the Commissioners of Excise are apparently different to the manuscripts used by Rosebery, the latter of which are now likely lost. When comparing entries, there are significant variations between the two. Compare with NLS MS.17522 ff. 1-65; 17524; NLS MS.1918.

scrutiny of the State Papers in London and a number of other pertinent sources.<sup>28</sup> These two published compilations were produced by an industrious network of scholars in what should be considered a transformative period for the revitalisation of interest in Jacobite studies.<sup>29</sup>

When juxtaposing these two sources, there are surely redundancies amidst the 6050 names listed between them.<sup>30</sup> Seton and Arnot in fact used Rosebery's List as one of their references, though they mention that only 300 names within Rosebery's compilation are unequivocally labeled as being prisoners, a designation with which the later three volumes are primarily concerned.<sup>31</sup> But even if these two lists are perfectly recorded from the original sources with no overlap, this still provides an inadequate representation of Jacobite support in 1745-6 when compared to the figures commonly cited within the research of the period. Duly stated in Murray Pittock's opus, *The Myth of the Jacobite Clans*, 'reputable scholarship' has pushed past the marginalisation of earlier estimates by piecing together significantly larger numbers from particular modern studies.<sup>32</sup> For this purpose, the most valuable of these is Jean McCann's 1962 thesis, which enumerates regional military support during the Forty-five from primary sources and suggests the total number in arms was as high as 14,000.<sup>33</sup> However, no definitive list of soldiers has been compiled that comes close to corroborating these numbers, and that figure is the very high end of the estimate.

Most of what is known about Jacobite army composition is well-covered through a number of recent works, but the actual numbers that were mobilised

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28 Thankfully the compilers include a short primer on their identification methods for keeping these records organised; it still may be used as a salient guide even with the convenience of technology in modern historical scholarship. See their Chapter XII, 'Identification of Individuals', *P45* (i), pp. 257-68.

29 Some established scholars would not agree with this assertion, tacitly claiming no interest in the constituency of the Jacobite movement or what these early researchers brought to the discipline. Jonathan Clark, for example, does not mention Seton and Arnot in his review of Jacobite historiography, 'The Many Restorations of King James', p. 9-56. Neither does he note the massive corpus of relevant contributions by that maven of Scottish Humanities, Walter Biggar Blaikie, who offered his papers to Seton and Arnot as the core of their work. As well, Clark only makes a too-brief mention of the station of Alistair and Henrietta Tayler, Blaikie's cousins, both of whom should be considered indispensable to the discipline and the latter of whom also contributed sources to *The Prisoners of the '45*. See pp. 23-24 of this chapter for more on the Taylers.

30 In the county of Midlothian alone, for instance, there is a 13.8% probable overlap in personae.

31 *P45* (i), pp. vi-vii.

32 Pittock, *Myth*, pp. 65-81.

33 Jean McCann, 'The Organisation of the Jacobite Army, 1745-1746' (unpublished PhD thesis, University of Edinburgh, 1963) p. xi.

remain elusive.<sup>34</sup> The use of muster rolls in this project is therefore also helpful as an aggregation of core data. They are restrictive when referenced alone, however, as these lists generally only name Jacobite soldiers - captured, killed, or in hiding - who are recorded within an established military unit at some point during the conflict or directly afterward. The most often cited of these records is the third source in the initial tier of database entry: *No Quarter Given: The Muster Roll of Prince Charles Edward Stuart's Army 1745-46*. The latest edition of this roll (2001) is an encapsulation of Jacobite army strength throughout the entire campaign, pulling names from a large host of other sources and recompiling them into specific military units. It can be considered a sort of 'master muster roll' as it includes most, if not all, of the names of soldiers listed in both Rosebery's List and *The Prisoners of the '45*, equating to 5184 persons within. While this was close to the Jacobite army's recorded numbers at Culloden, it is but one-third of its total alleged strength in Scotland at the end of January 1746, as cited by Stuart Reid and Christopher Duffy, as well as by McCann and Pittock.<sup>35</sup> A careful count of the listed names in *No Quarter Given* versus the maximum interpolated sizes of individual units based on recent research shows widespread disparities. For example, Christian Aikman's editorial note regarding the Atholl Brigade states that the unit had nearly 1000 troops at Culloden, yet only 444 names are listed in the book.<sup>36</sup> Likewise, of the 900 men in Glengarry's regiment cited by Duffy, only 373 are named in the muster roll.<sup>37</sup> Given these disparities, by no means can this list be considered a complete or accurate survey of the army by itself.<sup>38</sup> However, the above three main sources are obvious choices to form the base population for entry into the database, supplying over 11,000 entries and the bulk of what information has been examined.

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34 In addition to the recent work of Christopher Duffy in *The '45: Bonnie Prince Charlie and the Untold Story of the Jacobite Rising* (London, 2003), the sharp military scholarship of Stuart Reid is only now getting proper academic recognition, though he has been an authority on the British army, as well as the Battle of Culloden, for many years. See *1745: A Military History of the Last Jacobite Rising* (Kent, 1996) and *Like Hungry Wolves: Culloden Moor, 16 April, 1746* (London, 1994). Duffy has supported Reid's ideas since 2003, and Pittock now cites him multiple times in the 2nd edition of *Myth*, pp. 5, 43, 80, 85, 93, 141, 174.

35 Reid, *1745*, p. 99; Duffy, *The '45*, p. 416; McCann, 'Organisation', pp. x-xi; Pittock, *Myth*, pp. 70-86.

36 Alastair Livingstone, Christian Aikman, and Betty Stuart Hart, eds., *No Quarter Given: The Muster Roll of Prince Charles Edward Stuart's Army, 1745-46* (Glasgow, 1991), pp. 19-31.

37 Duffy, *The '45*, p. 571; NQG, pp. 155-167.

38 Disappointingly, *No Quarter Given* is an amateurish effort that should be far more useful for the amount of work put into recompiling the information within. Folio and bundle references are not provided, rendering it extremely difficult for checking into stated sources. The organisation of the book is confused, and it is badly in need of a copy-editor. As well, many citations are incomplete or insufficient, and most of the relevant biographical information regarding the listed Jacobite soldiers has been omitted from the entries.

The second tier of entry is drawn from a select number of printed sources that provide an additional body of names and also serve as a network of checks for each of the other sources already included. In this tier are two specific muster rolls, two printed lists of rebels from 1746-7, and one voluminous monograph that is focussed on the most populous region of Jacobite support during the Forty-five. Because *The Prisoners of the '45* and *No Quarter Given*, themselves being compendia, only provide fragments of biographical information about their subjects, a more rigorous investigation should be undertaken. To this end, Alexander Mackintosh's *The Muster Roll of the Forfarshire Regiment* (1914) is included in the results, providing the identities of 630 Jacobite fighting men who were definitively known to be members of Lord Ogilvy's unit in 1745-6.<sup>39</sup> Likewise, the relevant section of the biographical muster *Gordons Under Arms* (1902) was included to flesh out eighty-one Jacobite officers with that surname.<sup>40</sup> To this corpus of known soldiers are added the contents of two contemporary broadsheets listing many more alleged rebels. The first is an account of the Battle of Culloden from 23 April with an attached tally of captured prisoners being held in Inverness as well as a register of those killed in the battle or otherwise deserted, which amounts to 384 in total.<sup>41</sup> The second is provided by the Deputy Queen's Remembrancer from 24 September 1747 and furnishes a list of 243 gentlemen who had been attainted and judged guilty of high treason.<sup>42</sup>

Rounding out the second tier is a practical monograph that collects and describes 1183 suspected rebels specifically from the north-east of Scotland. Between 1890 and 1950, a small but prolific dynasty of Jacobite scholars published a massive amount of material that is still consistently used as a common staple within bibliographies related to Jacobitism. Perhaps the most influential of these scholars were Alistair and Henrietta Tayler, who in the first half of the 20th century released over forty books of Jacobite research, including translations of numerous unpublished manuscripts and, most notably, the first selection of published letters

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<sup>39</sup> *No Quarter Given* lists 850 soldiers in Ogilvy's regiment, as *The Muster Roll of the Forfarshire Regiment* was only one of the sources used in compiling names for that section, pp. 93-115.

<sup>40</sup> Constance Oliver Skelton and J.M. Bulloch, eds., *Gordons Under Arms: A Biographical Muster Roll of Officers in the Navies and Armies of Britain, Europe, America and in the Jacobite Risings* (Aberdeen, 1903-12). This is also entitled *The House of Gordon* (vol. iii).

<sup>41</sup> NLS MS.2960 ff. 121-122; SPS 54/30/29e. Reid reprints this in Appendix 4 of *1745*, pp. 212-221, entitled 'Men and Materials Captured at Culloden'.

<sup>42</sup> Rosebery mentions this document (p. xiv), stating that there are an additional 203 names recorded by Ashley Cowper, Esq., Clerk of Parliament, but that part of the list was absent from any copies housed in the National Library of Scotland, MS.3142 ff. 150-151; Stev.163, etc.

from the Stuart Papers held at Windsor.<sup>43</sup> In their regional survey, *Jacobites of Aberdeenshire and Banffshire in the Forty-Five* (published the same year as Seton and Arnot's *The Prisoners of the '45*), the Taylers take Rosebery to task for retaining from the original manuscripts the many misspellings of north-eastern surnames and places that are rampant within his list. A much more relevant point, however, is made by the addition of 307 names from those regions to amend Rosebery's tally, which were discovered by the Taylers in both the Public Record Office and the British Museum.<sup>44</sup> This demonstrates the evolving nature of information relating to the Jacobite constituency that is still being uncovered as more sources are inspected. As *Jacobites of Aberdeenshire and Banffshire* and *The Prisoners of the '45* were released concurrently, they do not use each other as sources and therefore represent a fortuitous control for this project.

The third and most varied contribution to the sources for entry into the database comes directly from archival references, only some of which have previously been investigated by scholars for inclusion into the publications noted above. The variety and scope of these materials is vast, and includes personal letters, memorials, trial depositions, transportation lists, and prison receipts held at numerous libraries and archives throughout Britain. There are too many to individually review here, but some warrant special mention. Both the Treasury Solicitor Papers and State Papers held at Kew supply troves of documentation about alleged and convicted Jacobites in the years following the Forty-five. Many hundreds of prisoner and witness depositions and receipts for prisoners were surveyed for entry into the database, and many dozens were found pertinent or revealing enough to include within this particular study.<sup>45</sup> The National Library of Scotland holds the Fletcher of Saltoun Papers, Albemarle's manuscript letters, the Yule collection, and Walter Blaikie's enormous Jacobite collection, to name a few that were examined.<sup>46</sup> Select accessions from the National Records of Scotland include the Seafield Papers, miscellaneous papers of George Innes, Clerk of Penicuik Papers, Campbell of Stonefield Papers, Irvine Robertson Papers, Gordon

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43 Alistair and Henrietta Tayler, *The Stuart Papers at Windsor* (London, 1939). Bruce Lenman cites the Taylers with having 'profoundly influenced the modern interpretation of Jacobitism', *Jacobite Risings in Britain*, p. 129.

44 Taylers, *Jacobites of Aberdeenshire and Banffshire*, pp. 417-418.

45 A select list includes (all TNA) TS.11/159-179, 11/1080-1081; TS.20/50-131; SPD.36/67-107, 36/163; SPM.41/16-18, 41/37; SPEB.44/82-85, 44/133; SPS.54/25-40.

46 NLS MS.17314-31, 3730-31, 233, 287-289, 488, 2960. Also of considerable value are MS.1918 (Society of Antiquaries of Scotland), 2960 (Jacobite Relics), and 20795 (Fleming of Wigtown Papers).

Castle Muniments, and Montrose Muniments.<sup>47</sup> Also of significance there are the warding and liberation books from Edinburgh Tolbooth, records of the High Court of Justiciary for Jacobite treason trials, a selection of the Forfeited Estate Papers, Records of the General Assembly of the Church of Scotland, and a small selection of Kirk Session records.<sup>48</sup> The MacBean collection at Aberdeen University Library supplied a number of important additions, including a list of prisoners from Musselburgh gaol and some personal letters of Alexander Forbes of Pitsligo.<sup>49</sup> Aberdeen City Archives houses a useful bundle of papers from the time of the Jacobite occupation, including detailed lists of prisoners held in the tolbooth, their statements and those of witnesses against them, and a number of relevant entries in both the minute books of the Jacobite government and the governors of the city appointed by the Duke of Cumberland.<sup>50</sup> Burgh council minute books very rarely supply specific names of suspected rebels, though some entries therein lead to further identification of those who pledged or refused to take oaths of allegiance to George II in order to retain their public office. Numerous minute books were nonetheless searched to examine the shifts in local government as Jacobite forces passed through or occupied Scottish towns. Perth & Kinross County Archives hold nearly a dozen manuscript books filled with examinations and declarations of captured Jacobites, precognitions of witnesses, and alphabetical lists of state prisoners who were committed to the Perth tolbooth before being sent to England for trial.<sup>51</sup> Several other archive collections were also utilised to search for participants in the rising, including baptism records, oaths of allegiance, transportation rosters, and a smattering of newspapers both Scottish and English.

Finally, of special note is the personal correspondence of Duncan Forbes of Culloden, Lord President of the Court of Session at the time of the last rising. His letters, collected and published as *Culloden Papers* and *More Culloden Papers*, are significant as they document Forbes's extreme influence toward the initial reactions of numerous clan chiefs upon Charles Edward Stuart's landing in Scotland, as well as their varying allegiances to the government throughout the affair.<sup>52</sup> These letters,

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47 NRS GD.248, GD.113, GD.18, GD.14, GD.1/53/77-94, GD.44, GD.220/5-6.

48 NRS HH.11/22-23, JC.7/53, E.702-788, CH.1/2/86, CH.2.

49 AUA MS.2273, 2848.

50 ACA Parcel L/H-I, CA1/10.

51 PKA B59.30/72/1-11.

52 H.R. Duff, ed., *Culloden Papers* (London, 1815) and Duncan Warrand, ed., *More Culloden Papers* (5 vols., Inverness, 1929-30). See also George Menary, ed., *The Life and Letters of Duncan Forbes of Culloden: Lord President of the Court of Session 1685-1747* (London, 1936).

added together with *The Albemarle Papers* from the Commander-in-Chief of the British forces in Scotland and also the two volumes of *Historical Papers Relating to the Jacobite Period 1699-1750* collected by Colonel James Allardyce, provide a wealth of published correspondence from archival holdings.<sup>53</sup>

## LIMITATIONS

With the understanding that the quest to discover and catalogue every name connected with Jacobitism in 1745-6 is a formidable one and could continue *ad infinitum*, concessions of time must be made to fit this study into the space of a doctoral thesis. Accordingly, some undoubtedly useful sources were either not consulted or consciously omitted. The genealogical small-press monographs compiled by Frances McDonnell and David Dobson are little more than printed lists of Jacobite names culled from various other sources, both primary and secondary. They warrant scrutiny simply for the fact that they are another scholar's attempts to collect this data, albeit in a somewhat spartan form that does not provide any real analysis of the information within. Still, the value of McDonnell and Dobson's lists is that they are the only sources of this kind to include archival references for transported and New World-exiled Jacobite prisoners after they departed British soil.<sup>54</sup> Though often padded with narrative and at other times mythically celebratory, clan histories are useful accounts of intra-family networks (and, inversely, feuds). Elements of oral tradition sometimes overshadow their historical value, however, and this must be taken into consideration when validating the data they provide.<sup>55</sup> Likewise, many of the broader histories of the Forty-five from both sides of the conflict were not searched for specific names, owing to their nature as overarching surveys provided from the top-down. These are valuable for

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53 Charles Sanford Terry, ed., *The Albemarle Papers: Being the Correspondence of William Anne, Second Earl of Albemarle, Commander-in-Chief in Scotland, 1746-1747* (Aberdeen, 1902); Col James Allardyce, ed., *Historical Papers Relating to the Jacobite Period, 1699-1750* (2 vols., Aberdeen, 1895-6). Select documents from State Papers Domestic and Scotland are reprinted within both *Albemarle* and *Allardyce*.

54 See the bibliographies of Frances McDonnell, *Highland Jacobites 1745* (Baltimore, 1999); *Jacobites of Perthshire 1745* (Baltimore, 1999); *Jacobites of 1745 North East Scotland* (St Andrews, 1996); *Jacobites of Lowland Scotland, England, Ireland, France, and Spain 1745* (Baltimore, 2000); and David Dobson, *The Jacobites of Angus 1689-1746 Part One and Part Two* (Baltimore, 1997). Seton and Arnot explicitly state that no attempt has been made to trace the fates of transported Jacobite prisoners once outside of the UK, *P45* (i), p. viii.

55 A number of clan histories are used as sources both within *The Prisoners of the '45* and also *No Quarter Given*. While the latter cites many more than the former, they both share Angus and Archibald Macdonald, *The Clan Donald* (2 vols., Inverness, 1896-1904) and Amelia MacGregor, *History of the Clan Gregor* (Edinburgh, 1898-1901), for example.

topical analysis, however, and many were used to cite persona entries in one or more of the published compilations of Jacobites.<sup>56</sup> Newspapers often contained daily accounts of troop movements both Jacobite and British as well as lists of men captured, wounded, and killed at and after the battles and skirmishes through the campaign. The most relevant of these are *Edinburgh Courant*, *London Gazette*, *Scots Magazine*, *Caledonian Mercury*, and *Gentlemen's Magazine*. These could not all be examined simply due to the sheer amount of content available. Thankfully, many of the articles that offer pertinent information are either gathered from reports preserved within the State Papers or the information within such newspapers are already referenced within other published sources used in this study.

On the archival side, the Court of King's Bench (*Baga de Secretis*) and Chancery Patent Rolls at the National Archives were generally passed over, owing to the fact that both are referenced as sources within *The Prisoners of the '45*. These collections contain select state trials for treason, further examinations of prisoners, and an array of grants and liberties signed and sealed by George II as part of the judicial process. Many of these cases are represented within the Treasury Solicitor Papers, though further study on this subject should include both collections.<sup>57</sup> The contents of the Scottish Catholic Archives, currently being held at the University of Aberdeen, may yield the names of clergy or records of congregations and donations to mission stations in Scotland.<sup>58</sup> A number of British archives have not been searched due to time constraints, though particularly relevant accessions from these should be already be represented in the compiled sources. Of these, the Stuart Papers and Cumberland Papers in the Royal Archives at Windsor Castle and perhaps the Dewar MSS at Inverary Castle would likely offer the most return, and should be included in additional surveys of the constituency. The British Library also holds a significant collection of Jacobite manuscripts.<sup>59</sup> Finally, the international contribution to the Jacobite effort is only examined here insofar as such documentation is provided within Scottish and English sources. Extended research in French, Spanish, and Irish archives and beyond must be implemented

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<sup>56</sup> See, for example, James Ray, *A Compleat History of the Rebellion* (Bristol, 1752); John Marchant, *The History of the Present Rebellion* (London, 1746); Henry Fielding, *A Compleat and Authentick History of the Rise, Progress, and Extinction of the Late Rebellion* (London, 1747); John Home, *The History of the Rebellion in the Year 1745* (London, 1802); Robert Chambers, *History of the Rebellion of 1745-6* (London, 1869).

<sup>57</sup> TNA KB.8/69-73, KB.33/2-4, C.66/3566-3669, C.67/86-88.

<sup>58</sup> (All SCA) Blair's Letters, BL/3/83-89; Mission Stations IM/1-47; Scottish Mission Documents SM/4/10-12, Clergy Lists SM/14; Mission Properties (Donations & Wills) PL/8.

<sup>59</sup> Specifically, Add. MSS.33050, 33954, 39923, and the many bundles of the Hardwicke Papers.

for future studies. Included in these with priority is the Loudoun Scottish Collection at the Huntington Library in California.<sup>60</sup>

The concept of an inconstant and manipulable Jacobite agenda is central to the arguments put forth in this thesis, so it is important to briefly characterise the expressions of later Jacobite rhetoric within a fixed parameter of time. Rather than attempting to describe a social history of such a lengthy and dynamic period, the data contained herein is restricted to the years involving open hostilities during the final effort and the immediate government reaction to that effort (1745-1749), popularly known as 'the Forty-five'. When considering accuracy of the data represented herein, the architecture of JDB1745 and the way that its entries are preserved from their stated sources ensures that there are few interpretive liberties over which to stumble.<sup>61</sup> Wherever possible, however, direct conflicts of information as recorded by differing sources are all included without regard to 'correctness'. This should be taken into consideration when tabulating certain totals or percentages, as the results given here are done so based upon the raw data collated from the named sources. Allowances should be made for some persona and place-name ambiguity, and some margin of error in totals must also be expected. Nonetheless, this should not skew the general thrust of data analysis or devalue the prosopographical findings within.

Finally, though all entered data has been transferred to a machine-readable format, the entry process itself was not automated. Some concession must therefore also be made for deviance during transcription from primary to secondary source (in the case of the authors of the published compendia) and also from primary and secondary source to database if information is unreadable, obscured, or otherwise absent.<sup>62</sup> The benefit of implementing a robust data management system, however, includes the ability to survey all entries to determine and eliminate redundancies, as well as smooth out errors from one or more layers of transcription. Contrast this with Seton and Arnot's methods of compilation in the 1920s, wherein they used a 'History Sheet' for each of nearly 3500 individuals, transferring ascertainable prison histories for each entry as the core of their identification. As the examinations of

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60 A limited number of documents from this collection are included in this study.

61 As described in Appendix I: Notes on Technical Methodology.

62 Seton and Arnot repeatedly warn of 'unavoidable' errors in identification, citation, or even transcription, the latter of which, has the possibility of occurring numerous times through multiple layers of record-keeping, *P45* (i), pp. 260-3. It is generally assumed that all entries recorded in secondary sources from original manuscripts are correct, but a profusion of errors are found when reviewing the primary sources. The database will allow a comprehensive comparison of the secondary-source data with that of the original primary-source data from which it was drawn. The idea here is to test that the historiography remains accurate through successive recordings.

further sources were determined to expand the scope of a given biography, each record sheet would receive manual updates with newly discovered citations.<sup>63</sup> The comparative management process used in JDB1745 can be considered an advanced test of accuracy against these earlier methods of collation.

## CONTEXT & ORGANISATION

With the exception of Pittock, modern scholars have generally hesitated to provide detailed social analyses of the Jacobite constituency for a few likely reasons. One, the preoccupation with political and intellectual history currently dominating the interests of academic historians directly conflicts with the microcosmic view of an overly-romanticised and mythologised subject, especially by authors of popular history. Quite simply, it may be perceived that there is no room for scholars to look at both successfully, and the Jacobite elites currently have the spotlight.<sup>64</sup> A second reason for such hesitation is skepticism about the veracity of information within extant sources; when faced with unthinkable punishment, those standing on trial are thought likely to perjure themselves. Everything stated and recorded under oath from given name to place of residence to the cause for treasonous behaviour should perhaps therefore be taken with a grain of salt.<sup>65</sup> Taking this caution to the extreme, each Jacobite caught with a loaded weapon surely begged for leniency on account of being forced into the ranks, so pleading impressment should not be considered a defining factor in recruitment.<sup>66</sup> With the understanding that captured Jacobite soldiers and civilians accused of supporting the rising would indeed sometimes conjure false pretences for their participation, a prosopographical examination of deposition and trial records could be carried out to examine this topic more completely.<sup>67</sup> A third cause for such scholarly detachment from Jacobite social studies should thus become self-evident: no one has yet done the work to codify

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63 It is an understatement to say that this task of the establishment and curation of such a system, which is relatively eased with the presence of modern IT, was a Herculean accomplishment in the 1920s. Seton and Arnot outline the process in *P45* (i), pp. vii-ix, 257-268.

64 As discussed earlier in this chapter, pp. 12-13.

65 For example, Monod expresses skepticism about Jacobite testimonies in *Jacobitism and the English People*, p. 338.

66 See Geoffrey Plank's note about embellished accounts of violence, *Rebellion and Savagery: The Jacobite Rising of 1745 and the British Empire* (Philadelphia, 2006) p. 32.

67 This is indeed explored in Chapter IV: Recruitment.

such a broad base of 'big' data, and therefore no analysis of it has been attempted until now.

The context of what this thesis seeks to define can be described concisely by a number of motifs that the data bears out within four thematic chapters which are explored in the following pages. To begin, Chapter II focuses on identifying the causes for Jacobite sympathies or motivation in 1745-6, and therefore defines the very nature of popular Jacobitism in its many guises at that time. Not taking for granted that the traditional interpretations of static Jacobite ideologies represented the needs and desires of the commoners involved, a more pragmatic agenda is explored. Supporting this hypothesis of a many-headed Jacobite 'hydra', the chapter will explore implications of devotion through cultural loyalty, anti-unionism, national identity, congregational subscription, governmental disaffection, and other facets, all supported by examples and statistics, where available. This will answer questions of to what extent the Forty-five was a national movement or a regional one to the people who supported it, as well as quantifying the part that was played by religion, dynastic adherence, and familial loyalties.

At the core of this study is how Jacobitism was represented by its plebeian population and how that population expressed itself both within the spheres of both ideology and actuality. Chapter III therefore deals with the ever-fleeting concept of the Jacobite constituency, examining a number of characteristics that go some way to offer an updated review of the qualities that define who the Jacobites actually were. The social strata of Jacobite military supporters, cursorily touched upon by Jean McCann and others, warrants a more thorough investigation using widespread demographic information that a database can provide, as does its relation to any economic, political, or religious incentives that a reinstated Stuart kingship might have availed. To test these theories, characteristics of Jacobite expression will be explored through locations of origin, faith, occupation, age, and gender within a full demographic analysis, while being held against overall population statistics in Scotland during the mid-eighteenth century. Touching on the presence of Jacobite initiate networks in exile or otherwise outwith Scotland is also a revealing lens through which to view international support for a Stuart restoration, however ineffective they would prove to be during the operational life of the rising in

1745-6.<sup>68</sup> Most notably, adding this bottom-up study of the constituency to the body of current political, ecclesiastical, and military analyses of the Forty-five offers new focus on the efficacies of the common peoples' implicit motivations, as well as explicitly-stated principles, to be compared with the overarching ideologies of the elites.

How support amongst the military was gathered and sustained is the next logical theme to follow, and Chapter IV covers the general concept of recruitment both within and outwith the actual army itself. Because Jacobitism was most successful when expressed militarily, an examination of methods with which soldiers were drawn to the standard deserves sufficient focus. Recruitment tactics obviously have direct bearing on motivation, but beyond the actual regiments, the Jacobite army's stream of logistics trickled down through the civilian population with demands of foodstuffs, lodging, materiel, and a significant commitment to gathering cess from the lands in which the army occupied.<sup>69</sup> Many non-combatant 'supporters' (willing or not) were condemned with as much vengeance as any soldier who fired a musket on the field of battle. And this, of course, does not account for those Jacobite operatives and sympathisers who managed to evade the sweeps of search parties and the damning lists of rebel names gathered by Presbyterian ministers within the government's employ. In his introduction to *No Quarter Given*, Bruce Lenman reinforces this by affirming that numbers of total participation are far different from the numbers of those unfortunate enough to be captured.<sup>70</sup> Questioning the efficacy of Jacobitism outside of its military apparatus, McLynn speculates that Jacobite sympathisers were assessed by the level of support they could enlist, but not in what specific manners this was done.<sup>71</sup> Whether it be size of estate, donated monies, or actual armed levies, these factors can be evaluated

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68 For Jacobite initiate networks, see Murdoch, *Network North*, p. 329-341; and also Murdoch's 'Tilting at Windmills: The Order del Toboso as a Jacobite Social Network' in Monod, et al., *Loyalty and Identity*, p. 243-264; Robert Collis, 'To a Fair Meeting on the Green: The Order of Toboso and Jacobite Fraternalism, 1726-c.1739' in MacInnes, et al., *Living with Jacobitism*, pp. 125-138; Murray Pittock, *Material Culture and Sedition, 1688-1760* (Basingstoke, 2013), pp. 93-124. Significant work has also been done on exiled Jacobite communities in Europe. Some sharp overviews are Doron Zimmermann, *The Jacobite Movement in Scotland and Exile, 1749-1759* (Basingstoke, 2003); Edward Corp, *The Jacobites at Urbino: An Exiled Court in Transition* (Basingstoke, 2009); Rebecca Wills, *The Jacobites and Russia, 1715-1750* (East Linton, 2002); Göran Behre, 'Jacobite Refugees in Gothenburg after Culloden' in *SHR*, 70:189 (April 1991), pp. 58-65; Daniel Szechi, "'Cam Ye O'er Frae France?" Exile and the Mind of Scottish Jacobitism, 1716-1727' in *JBS*, 37:4 (October, 1998), pp. 357-390.

69 This is discussed in some detail within Chapter III: Constituency, p. 90 and Chapter V: Consequences, pp. 211-212.

70 Lenman in *NQG*, p. xvii.

71 McLynn, 'Issues and Motives in the Jacobite Rising of 1745' in *The Eighteenth Century*, 23:2 (Spring 1982), p. 118.

and in order to determine how deeply the commitment to the cause ran within its constituents, as well as how this reflected back upon the popularity of Jacobite sentiment at distinct stages of the Forty-five. Realistic assessments of draconian recruiting must also be approached from new angles with much more data than has been done before, especially in the context of a Jacobite military and political apparatus ostensibly dedicated to freedom from foreign oppression and repressive governmental jurisdiction.

Qualifying differing levels of participation is a very grey area when it comes to accusations of treasonable behaviour against the established government, as well as reprisals for that participation. Chapter V analyses Hanoverian reaction to the fifth attempted Jacobite rising in half a century by looking at the consequences of rebellion in the months after open hostilities ceased. Though scholars have written much about the execution of post-Culloden depredations upon entire regions of the Scottish populace, little has been done in the modern era to examine trial results in order to determine relative frequencies of transportation, banishment, and execution in the wake of the failed rising.<sup>72</sup> Likewise, few comparisons have been made between the aftermath of the considerably larger Jacobite revolt in 1715 and that of the Forty-five to determine if the legal responses were commensurate to the relative perceptions of threat.<sup>73</sup> Simply scanning Rosebery's List alone reveals large variations in 'acts of rebellion' from a variety of private citizens who never marched a step with the Jacobite army in 1745, but allegedly helped the cause in other ways. These range from drinking treasonable healths to 'speaking disrespectfully of His Royal Highness the Duke of Cumberland', and far beyond.<sup>74</sup> Such cases, together with the massive influx of alleged and accused soldiers who were seen in arms, posed serious containment and processing problems for the government, with jails in both Scotland and England filled to bursting from the start. Weighing the effectiveness of judicial policy versus the ability for the penal system itself to carry such a load, government officials had their work cut out in attempting to determine who was responsible, who should be punished, and to what degrees of both. An extensive system of gathering evidence and witnesses was quickly implemented, aided by watchful eyes within the Church of Scotland, which was perhaps the

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72 The last serious studies were Seton and Arnot's *The Prisoners of the '45* and Rupert C. Jarvis, *Collected Papers on the Jacobite Risings* (2 vols., Manchester, 1971).

73 Margaret Sankey provides the template to the Fifteen with *Jacobite Prisoners of the 1715 Rebellion: Preventing and Punishing Insurrection in Early Hanoverian Britain* (Aldershot, 2005).

74 See entry for Charles Blackie, a sailor in Campbeltown, Rosebery's *List*, pp. 290-291.

Hanoverian government's most reliable ally. The economic disruptions precipitated by the rising affected both loyal citizens and those sympathetic to the Jacobite cause, raising the consequential stakes on both sides. And amidst the confusion and mania of civil war, unfounded accusations of Jacobitism were used to frame innocent people, which caused strain on both commoners in the mercantile trades and politicians in the upper echelons of British society.

Murray Pittock rightly states in the closing of his introduction to *The Myth of the Jacobite Clans* that

the history of the Jacobite cause has spent so much time on interpretation and so little on the research that justifies it that the open-minded reader can scarce avoid the conclusion that the Myth has become far more important as story than history.<sup>75</sup>

It is the hope that this extensive and careful interpretation of population data that informs the history of later Jacobitism, aided by the use of purpose-built technology and a sound, discriminating methodology of information management, contributes toward a body of research that cuts through the myths and casts light upon the natures of the cause and movement by looking attentively at the common people who supported them both.

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<sup>75</sup> Pittock, *Myth*, p. 25.

## CHAPTER II: MOTIVATION

### YE JACOBITES BY NAME

Conferring the title of Jacobite on any one of the c.15,000 subjects in this study is wholly subjective, however fair or necessary for historical reference. The language of accusation has in the past suffused and continues to inform this term, which Paul Monod describes as one ripe for ‘superficial judgments’ and defying systemisation: ‘too vague to grasp, too volatile to define’.<sup>1</sup> Indeed, the use of the appellation has been leveraged as a trap to weight sentimental politics and bait atavistic cultural conceits of both allies and opponents of Jacobitism – military, diplomatic, or ideological. Historians often ascribe inspired Jacobite tendencies on some characters who likely would not call themselves such (whether in public or behind closed doors) and upon others who left behind evidence that should elicit no more than a ‘could be’ from their biographers.<sup>2</sup> The task in question is not as much about finding who was the ‘most Jacobite’ of all from each suspect’s recorded information and behaviour, but rather those whose public and private identities reflected or espoused any of the many varying levels of Jacobite devotion, intention, or lack of alternative. Scrutiny of such motivation helps to describe particular aspects of the greater movement in the waning years of its effectiveness. Attending to this task in turn helps narrow in on a loose definition, despite its projected volatility, of what Jacobitism was to the people who gave it their support in 1745-6.

In 1982, Frank McLynn contributed an excellent overarching analysis of Jacobite motivation during the Forty-five to *The Eighteenth Century*, dividing adherence within the movement amongst seven distinct and sometimes divergent, ‘imbricated’ categories. All of these, he claims, contributed to the make-up of a rebellion with a very ‘unique flavour’ amongst similar phenomena of its time.<sup>3</sup> McLynn defines one of these parcels of motivation as ‘Jacobitism of the Masses’,

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1 Monod, *Jacobitism and the English People*, p. 1.

2 Numerous works have celebrated or denigrated historical personae as unabashed Jacobites, or at least have inflated such characteristics, despite a lack of compelling evidence to support this. See Marsha Keith Schuchard, *Emanuel Swedenborg, Secret Agent on Earth and in Heaven* (Leiden, 2012) for one example. Also notable are the conflation of Jacobite attributes through misinformation or a lack of critical thought. Macinnes explores the pointed association between Jacobitism and banditry in *Clanship*, pp. 164-169.

3 McLynn, ‘Issues and Motives’, p. 98.

which not only furnished a general platform of discontent for the 'lower sort of people', but also generated a wave of popular misinformation predicated by Walpolean feedback and a censored national press.<sup>4</sup> These two factors tended respectively to confuse and obscure discrete lines of popular Jacobite motivation, both in the eyes of Jacobite opponents and in its subsequent historiography. Rather than relegate 'Jacobitism of the Masses' to a single category within a larger grid of motivational factors, however complex and murky, this thesis seeks to prove through a significant collection of prosopographical evidence that the Forty-five was, in the context of the larger Jacobite era, itself a 'Rising of the Masses', actively manifesting as anything but concise in terms of motivation and doctrine, and therefore extremely accessible, however questionably popular, to people across all classes. It was not as populous in military turnout as in the Fifteen, but then the relative levels of ideological engagement in 1745 were less defined and definitively more scattered than thirty years prior. In a sense, popular Jacobitism can be considered as a product of practicality rather than ideology. McLynn is not surprised by this, and goes so far as to state that later Jacobitism was doctrinally insignificant to the majority of its adherents, the measurement of which he considers a 'fruitless discussion' in the context of a revolutionary movement that 'provided a source of legitimacy for political dissent of all kinds.'<sup>5</sup> This discussion is perhaps only fruitless to those unconcerned with popular expressions of Jacobitism and how its numerous and evasive motivational currents ran through those who turned dissatisfaction and unrest into a full-fledged revolt, voluntarily or otherwise.

William Greenhill, a gardener at Kirktown of Lethendy before 1745, left behind some questions about sustained duty and the sometimes protean nature of Jacobite loyalty during the rising. Contained within a dozen pre-trial examinations of his countrymen from Perthshire during July of 1746, as well as within his own deposition upon being captured, is evidence that Greenhill voluntarily joined the Jacobite army just after Prestonpans, serving in Inshewan's company within Lord Ogilvy's regiment. Accordingly, he made the long march to Derby and back again to Scotland, retreating with the rest of the army in early December. Greenhill never fought in a battle during the rising, but is nonetheless well-remembered and notorious in his hometown. Previously, in the months leading up to the invasion of

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4 Ibid, pp. 116-117. See also Macinnes, 'Scottish Jacobitism', passim and 'Jacobitism in Scotland', pp. 225-252; Monod, *Jacobitism and the English People*, pp. 39-40.

5 McLynn, 'Issues and Motives' p. 98. He states 'there is little point in getting entangled in controversy about whether the masses "really" favoured Jacobitism', yet a study of the motivational factors of those who were accused, captured, and processed through the judicial system for treasonous activities hardly seems pointless.

England when he noted things were ‘going on very well’, Greenhill had been an ardent and vocal supporter of the Jacobite effort, drinking public toasts to the Stuarts in Coupar Angus and Dunkeld, and encouraging others to join the fight. He is remembered to have placed the needs of his family – and the needs of others’ families – behind that of what he called the ‘Glorious Cause of putting a Righteous King upon the Throne’. Numerous witnesses had seen him shake his sword while at the cross of Coupar, threatening that he would ‘Thrust this Into the Heart of any man who offers to hurt [the rightful] King’ and that ‘he Should Never Go home till he saw the Prince on the throne’. He left with Charles Edward against the wishes of his wife, Margaret Bowden, who desperately sought the help of others in Lethendy to convince him not to go – or at least to ‘Settle his house and Affairs’ before leaving. Upon finally deserting the army in February of 1746 and returning to Lethendy, with great dejection he told numerous people that he had had enough of the Jacobites. He was done being a rebel in action, however sharp his words and their sentiment may have continued on. A few months later, he would be captured and set to trial with the help of his neighbours, who had readily observed his Jacobite activities. He would thereafter be transported to the colonies, and records do not show if he ever again demonstrated any inclinations toward the Stuarts or their goals.<sup>6</sup>

Greenhill’s vignette is a concise illustration of the divide between Jacobite sentiment and action and how the momentum between the two points fluctuated in either direction depending on the fortunes and circumstance of both the movement (as reflected by its military success or failures) and the individual. This was a model repeated thousands of times over with differing results, and is indicative of a popular movement with unpopular or at the very least disorganised leadership, as well as the lack of a tangible and effective ideology that could hold the attention of a non-professional fighting force and the motivated civilian network of logistics needed to keep it fortified.

Taking a sample of alleged Jacobites and testing the questions of causal ideological attraction, whether sustained or fleeting, provides a solid framework with which to explicate a representative study of popular motivation. McLynn’s structure is helpful to reference: dynastic, religious, ideological, and popular elements of Jacobitism are surveyed, as well as its questionable attachment to the

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<sup>6</sup> Various evidence relating to William Greenhill, PKA B59.30/72/2, 5.

Tory party and of those Jacobites focussed on the welfare of Scotland as a nation.<sup>7</sup> While calling out the extreme difficulty in labelling ‘serious versus casual’ Jacobites, Monod identifies the general tenor of Jacobitism through its language, expressions, and behaviour – an aptly-termed ‘system’ of signs that, together, may be taken as an indication of a Jacobite subculture, regardless of the severity of its exhibition.<sup>8</sup> Concurrently, Murray Pittock champions the demythologisation of popular Highland motivations while giving due consideration to material culture as a surrogate language of the movement. Pittock also points out that Jacobite engagement was different in each of the British kingdoms – as well as between Highland and non-Highland regions – and that ‘almost as much separated the Jacobites as united them’.<sup>9</sup> These scholars provide some important considerations for crafting a narrative of widespread motivation, but the quality and relevance of these categories should be tested against large-scale participatory data in addition to accounts based on evidence left by the engaged elites. While it is essential to question what defines a Jacobite in order to understand martial or political incentive, it is perhaps more valuable to analyse the thousands of accounts of Jacobite activity to provide a more realistic and definitive primer explaining motivation during the Forty-five.

## DEGREES OF LOYALTY

Each of the alleged Jacobite-connected persons surveyed in this study – whether self-described, unwitting, or misrepresented – had a distinct reason or reasons for participating in the rising. Some of these motives are ‘factually’ recorded while others are implied, and usually there is some modicum of misinformation connected to each anecdote no matter how thorough a trial deposition, interview, memoir, or character witness is notated. Most explicit

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7 McLynn, ‘Issues and Motives’, *passim*.

8 Monod, *Jacobitism and the English People*, pp. 7-10.

9 Pittock, *Material Culture and Sedition*, pp. 1-31; Pittock, *Myth*, pp. 42-45; see also Jennifer Novotny, ‘Polite War: Material Culture of the Jacobite Era, 1688-1760’ in Macinnes, et al., *Living with Jacobitism*, pp. 153-172. Monod interestingly states that ‘Jacobite political culture should be interpreted as a language, with its own internal logic or grammar, operating as a coherent system’, *Jacobitism and the English People*, p. 10. Pittock furthers this concept in *Material Culture and Sedition* by noting that communication through Jacobite material culture was used as a non-verbal replacement of text to create ‘a framework for shared memory’, p. 3. Even in 1715, as Daniel Szechi addresses, ‘each of the three kingdoms had its own Jacobite underground’, *1715*, pp. 52, 58. Allan Macinnes states ‘Jacobitism in the three kingdoms had little in the way of a common cause other than a wish to restore the Stuarts [...] to their rightful thrones’, *Union and Empire: The Making of the United Kingdom in 1707* (Cambridge, 2007), p. 244.

motives will continue to remain unknown. For the evidence that does exist, the very nature of the description of treasonous activities and rebellious incitements should be treated with contextual criticism that considers the objectives of both the defendant and the accuser; in this case that of the government representative, loyal citizen, reluctant conscript, or revolutionary dissident. With this in mind, a realistic and grass-roots typology of plebeian Jacobite motives can be described.

McLynn's taxonomy would be suitable for this purpose did it not marginalise the great majority of active Jacobite footmen by lumping them into a single economically-based category of the 'lower' classes. Instead, viewing the motivational elements across class divides presents relevant, tangible principles of Jacobite belief and, more often than not, of that belief put into action. Most commonly cited amongst the sources used in this study are the following motives for engagement within the Forty-five: political dynasticism or conditional ('contractual') Jacobitism; anti-Unionism or patriotic belief; confessional adherence; cultural, social, and familial loyalty (including personal and familial financial concerns); general governmental disaffection; assignment within foreign service; and forced recruitment or impressment. These are simple and broadly-painted strokes which offer a useful environment in which to view the constituents in question, taken directly from the consulted evidence. It should be acknowledged that the lines between these categories are blurry, as well as the fact that specific motives are not mutually exclusive.<sup>10</sup> As William Greenhill and many others demonstrate, loyalty is a transient term that is rarely set in stone, instead changing shape and firmness along with the fortunes of the cause and, more vitally, those of the individual.<sup>11</sup>

## FOR KING AND COUNTRY

The most oft-recognised principles of the Jacobite movement during its century of life are undoubtedly those of allegiance to the exiled house of Stuart,

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10 For a realistic scenario of multiple (and conflicting) Jacobite loyalties, see Murdoch, *Network North*, pp. 343-345.

11 Despite the Earl of Marchmont's assertion that the disposition of Scots Jacobites could not be converted [George Henry Rose, ed., *A Selection from the Papers of the Earls of Marchmont* (i, London, 1831), p. 250], Szechi comments upon the mutable nature of the Jacobite choice: 'it was not an irrevocable decision [...] someone could embrace Jacobitism, then become disillusioned with it and move on to another political alignment and again perhaps move back into the Jacobite fold later in life', 1715, p. 57. William Speck notes that 'no single generalization can do justice to the complexity of motives' which led supporters to join the rebellion, *Stability and Strife: England, 1714-1760* (Cambridge, MA, 1979), p. 249.

whom ardent Jacobites sought to restore to the throne of Britain, and, after 1707, the breaking of the undesirable bonds of Union, usually but not intrinsically associated with Scotland's independence from both the British state and *de facto* monarchy. In fact, these two main goals of Jacobitism in popular memory are virtually inextricable, as the establishment of the former might likely have (to some Jacobite hopefuls) begotten the latter. But from the start, the promised benefits from attaining these goals cast as wide a net as possible to tempt in the very broadest base of sympathy and support, and those assurances would only become more inclusive as the cause developed through the eighteenth century, 'impelled toward greater and greater political radicalism as time went on'.<sup>12</sup> Stuart aims and policies were repeatedly called out in manifestos that specifically targeted disaffected Scottish subjects, conjuring visions of sovereignty and tolerance: 'Our Ancient Kingdom of Scotland may be restored to its former honour, Liberty, and Independency, of which it has been so treacherously deprived' (1708); 'to relieve our Subjects of Scotland, from the hardships they groan under on account of the late unhappy Union' (1714); and 'to free our People from the unsupportable Burden of the Malt-Tax, and all other Hardships and Impositions, which have been the Consequences of the pretended Union' (1743).<sup>13</sup> In Ireland, later Jacobitism was largely driven by disdain for the post-Revolution establishment, with hopes focussed on a popular mythology of Gaelic-blooded Stuarts and their duty to hand out 'a scattering for the English-speaking band.'<sup>14</sup> The particular strain of Jacobitism in Scotland, as expected, developed with a powerful and attractive national facet, especially after 1707, and many scholars now agree that the earlier rising in 1715 congealed so effectively there because of its outwardly independence-seeking nucleus and the threat that could bring to bear on a perceived stranglehold of Union. What is certain is that, despite outward appearances, after 1714 the Stuarts took advantage of the popular discontent in Scotland by 'subsuming' the

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<sup>12</sup> Szechi, *The Jacobites*, pp. 30-31; Macinnes, *Clanship*, p.194; Pittock, *Myth*, p. 143.

<sup>13</sup> 'James VIII to his good people of his Ancient Kingdom of Scotland' (1 March, 1708), *HMC Stuart Papers* (i), pp. 218-221; Declaration of James Francis Stuart (15 October, 1714) reprinted in Alistair and Henrietta Tayler, *1715: The Story of the Rising* (London, et al., 1936), pp. 311-316; 'James the Eighth To all our loving Subjects of what Degree or Quality soever Greeting' (23 December, 1743) reprinted in Allardyce, *Historical Papers* (i), pp. 177-180. See also Jeffrey Stephen, 'Scottish Nationalism and Stuart Unionism: The Edinburgh Council, 1745' in *JBS*, 49:1 (January 2010), p. 65 and 'To All True-Hearted Scotsmen, whether Soldiers or Others', NLS MS.1011 ff. 1-4.

<sup>14</sup> Aindrias Mac Craith as quoted by Vincent Morley, 'The Continuity of Disaffection in Eighteenth-Century Ireland' in *Eighteenth-Century Ireland*, 22 (2007), pp. 196-197. See pp. 193-197 for a discussion of Irish Jacobitism as a distinct political ideology from that of the rest of Britain. Morley suggests that the 'militant Catholicism' displayed by Irish Jacobites would have likely been rejected – or at least met with scepticism – in Scotland and England.

latent patriotism bubbling up against the Hanoverian status quo and using it as a lever to strengthen their platform of dynastic sovereignty.<sup>15</sup> In premeditated design and intended effect, restoring the Stuarts to the throne would be seen as a way to begin restoring Scotland to healthfulness.

Taken as a whole, however, Jacobitism was far too international of a phenomenon to be considered a nationalist movement despite its power of popular appeal in Scotland, and may have been too long-lived to preserve that zeitgeist at its core through successive generations. Dissolving the Union, which was forcefully advertised in pro-Stuart propaganda, became less of a popularly-vital issue later in its effective life, as Jacobite-expressed (and Jacobite-appropriated) discontents became less centralised. By the approach of mid-century, many inhabitants of the British nations were settling down and hoping for the promised economic benefits of a consolidated government.<sup>16</sup> Even some prominent Scots saw through the national shine and recognised the schemes of an exiled royal family at the heart of Jacobite machinations, laid bare by Charles Edward's public declaration while in Edinburgh. This declaration promised to dismantle the Union to Scotland's advantage while simultaneously insisting that his father be installed as the sole monarch of all three kingdoms of Britain and Ireland.<sup>17</sup>

The notion of contractual Jacobitism to limit monarchical power was explicitly rejected as James' son operated without sanction of his peers and without establishing the Scots Parliament he had promised. Indeed, Jeffrey Stephen alleges that the Prince's decision to invade England was predicated entirely upon his family's constitutionalist self-interests and that his manifesto of 9 October 1745 was

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15 Bruce Lenman, *The Jacobite Cause* (Glasgow, 1986), pp. 43, 53; John Baynes, *The Jacobite Rising of 1715* (London, 1970), p. 15; MacInnes, *Clanship*, p. 201; Pittock, *Myth*, pp. 47, 51-52; Szechi, *1715*, p. 51. See also Szechi, *The Jacobites*, p. 32.

16 Economic arguments in favour of Union were passionately argued, with pamphleteers citing examples of the burgeoning linen and cattle industries, Alastair Durie, ed., *The British Linen Company 1745-1775* (Edinburgh, 1996), p. 1; Leah Leneman, *Living in Atholl: A Social History of the Estates 1685-1785* (Edinburgh, 1986), pp. 198-212; Whatley, *Scottish Society*, pp. 184-218; John Gibson, *Edinburgh in the '45: Bonnie Prince Charlie at Holyrood House* (Edinburgh, 1995), p. 60. For the international context of Jacobitism, see Éamonn Ó Ciardha, *Ireland and the Jacobite Cause, 1685-1766: A Fatal Attachment* (Dublin, 2002); Wills, *The Jacobites and Russia*; Frank McLynn, *France and the Jacobite Rising of 1745* (Edinburgh 1981); Behre, 'Sweden and the Rising of 1745'; Jonathan Hawkins, 'Imperial '45: The Jacobite Rebellion in Transatlantic Context', *The Journal of Imperial and Commonwealth History*, 24 (1996), 24-47; etc.

17 Iain Gordon Brown writes that Sir John Clerk of Penicuik regarded Jacobite efforts as 'retrograde interruptions to the peaceful social and economic advance of Scotland in the United Kingdom, events not representative of stirrings of any national consciousness but solely the result of the machinations of the exiled House of Stuart', Brown and Hugh Cheape, *Witness to Rebellion* (East Lothian, 1996), p. 46. See also Christopher A. Whatley and Derek J. Patrick, *The Scots and the Union* (Edinburgh, 2006), p. 61; Edinophilus, *The Pretended Prince of Wales's Manifesto and Declaration, Dated at Edinburgh, October 14 1745, Dissected, Anatomized, and exposed to Ridicule* (Newcastle, 1745); 'Charles Prince of Wales Unto all His Majesty's Subjects, of what Degree soever, Greeting' (10 October, 1745) reprinted in Allardyce, *Historical Papers* (i), pp. 188-192.

‘designed to facilitate Stuart unionist aspirations’, noting that their only real objection to the Union was that it excluded them from succession.<sup>18</sup> While some scholars have cited the entirety of Charles Edward’s Scottish military council as being primarily motivated by the goal of an independent Scotland, Lord George Murray himself, a veteran of 1715 and 1719 but otherwise removed from politics since his pardon in 1725, made it clear that his focus was on a larger context:

I am as much against Popery and arbitrary power as any person in the island [...] Upon the whole I am satisfied there is much greater need of a Revolution now to secure our liberties and save Britain from utter destruction than there was at the last – even if the King’s rights were not in question.<sup>19</sup>

As evidenced in part by Murray, Alexander Forbes of Pitsligo, and the sundered but recalcitrant doctrine of many Scottish Episcopalians, there was plenty of room to welcome the Stuarts back to the throne without conceding to divine rule and the suspension of traditional laws and customs. But there was never any guarantee that this is what a Jacobite coup under Charles Edward in 1745 would have provided.<sup>20</sup>

Daniel Szechi identifies a pattern of political unrest running through the British state during the years between risings, featuring elite Jacobite operatives who exploited anti-government turmoil by crafting guileful plans to foment revolution: the Atterbury Plot in 1721–22, Cornbury affair in 1733–34, and other, more prolonged schemes by Gordon of Glenbucket and Lord Sempill from 1737 to 1743. According to the official record, all of these came to naught largely due to the absence of significant French support.<sup>21</sup> The promise of these revolutionary opportunities was strongly appealing to a number of patriotic or politically disaffected elites in Scotland, Wales, and in the north of England – some of them with significant diplomatic experience – who with some degrees of variance endeavoured to support Charles Edward when he finally arrived in western

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18 Stephen states that the Stuarts ‘had no ideological, constitutional, or economic objections to union’, ‘Scottish Nationalism and Stuart Unionism’, p. 65; Pittock, *Myth*, p. 153; Speck, *The Butcher*, p. 185.

19 Stephen, ‘Scottish Nationalism and Stuart Unionism’, p. 49; Lord George Murray to his Children (9 September, 1745) reprinted in Katharine Tomasson, *The Jacobite General* (Edinburgh, 1958), pp. 39–40. See also Winifred Duke, *Lord George Murray and the Forty-Five* (Aberdeen, 1927), pp. 60–61; Alistair and Henrietta Tayler, *Jacobite Letters to Lord Pitsligo 1745–1746* (Aberdeen, 1930), p. 10.

20 Macinnes, *Clanship*, 189; Macinnes, ‘Jacobitism in Scotland’, p. 233; German, ‘Jacobitism in the North-East’, p. 114; Murray Pittock, ‘The Political Thought of Lord Forbes of Pitsligo’ in *Northern Scotland*, 26 (1996), pp. 73–86; Pitsligo’s letters ‘On Government’, UAL MS.2740/4/18/1/14–15.

21 Szechi, *The Jacobites*, pp. 90–99; W.B. Blaikie, ed., *Origins of the ‘Forty-Five* (Edinburgh, 1916), pp. xxv–xxviii; Glenbucket’s ‘Memorial’ to King James, reprinted in Henrietta Tayler, ed., *The History of the Rebellion in the Years 1745 and 1746* (Oxford, 1944), p. xxvii; Father Innes’ covering letter to Glenbucket’s memorial, reprinted in Bruce Lenman and John Gibson, *The Jacobite Threat: Rebellion and Conspiracy 1688–1759: England, Ireland, Scotland and France*, p. 187; Eveline Cruickshanks and Howard Erskine-Hill, *The Atterbury Plot* (Basingstoke, 2004).

Scotland in the late summer of 1745. A number of these elites had previously come out in the Fifteen and had since been pardoned, while others had served in Parliament since Union, comfortably observing the successions of risings from underneath a periwig but not providing anything resembling military support to the cause.<sup>22</sup> In Scotland, that covert presence was arguably organised and unquestionably subversive, seeking to manipulate commercial networks through the careful establishment of safe ports and private banks.<sup>23</sup> Rather than Jacobite plotters being the ‘opportunist hi-jackers of national grievances’ that Whig historians have sketched, then, the tide of relevant scholarship is shifting in a new direction: one that identifies Jacobite operatives tending a sustained opposition movement rather than just an explosive and pragmatic succession of attempted coups and military actions.<sup>24</sup> Jacobitism was able to be sustained through a century of political and economic peaks and valleys by its devoted public partly due to the idea of the Stuarts, regardless of what they were able to establish in practice. But the disastrous reprisals from the collapse of the Fifteen, however limited, still weighed on the minds of those who were most likely to mobilise for another attempt.<sup>25</sup>

Dynastic loyalty had slowed from being *the* vital talking point in popular circles well before 1745, however still common it was for pro-Stuart exclamations to be heard amidst crowds of protest and in witness testimonials.<sup>26</sup> Demonstrations by plebeian Jacobites continued to be expressed most commonly in the context of regal legitimacy, specifically targeting traditional days of commemoration for both houses of Stuart and Hanover, and thus outwardly had the appearance of wholesale devotion to the ousted dynasty.<sup>27</sup> McLynn notes that the traditional Stuart doctrines of hereditary succession and divine right no longer held sway with men of

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22 McLynn, ‘Issues and Motives’, pp. 108-109; Szechi, *The Jacobites*, p. 98. See also Daniel Szechi, ed., *‘Scotland’s Ruine’: Lockhart of Carnwath’s Memoirs of the Union* (Aberdeen, 1995) and Szechi, *George Lockhart of Carnwath, 1681-1731: A Study in Jacobitism* (East Linton, 2002).

23 Macinnes, *Union and Empire*, p. 245; Pittock, *Myth*, pp. 117-118; See also Allan Macinnes, ‘Union, Empire and Global Adventuring with a Jacobite Twist 1707-53’ in Macinnes, et al., *Jacobitism, Enlightenment and Empire*, pp. 123-140; Lenman, *Jacobite Risings in Britain*, pp. 226-230.

24 Szechi, *The Jacobites*, pp. 94-95; Szechi, *1715*, pp. 52-56; Macinnes, ‘Jacobitism in Scotland’, p. 226; Monod, *Jacobitism and the English People*, pp. 195-232; Sankey, *Jacobite Prisoners of the 1715 Rebellion*, pp. 118-129; Margaret Sankey and Daniel Szechi, ‘Elite Culture and the Decline of Scottish Jacobitism 1716-1745’ in *Past & Present*, 173 (November 2001), pp. 105-111, 114.

25 Macinnes, *Union and Empire*, pp. 245-246; Monod, *Jacobitism and the English People*, p. 44.

26 *Ibid.*, p. 44; Szechi, *1715*, p. 58.

27 Monod affirms that ‘most Jacobite disturbances were not connected with specific economic, political or religious issues’, *Jacobitism and the English People*, p. 202. See also Nicholas Rogers, ‘Riot and Popular Jacobitism in Early Hanoverian England’ in Eveline Cruickshanks, ed., *Ideology and Conspiracy: Aspects of Jacobitism, 1689-1759* (Edinburgh, 1982), pp. 70-88.

stature in England, rather than their frustration regarding corruption within the Hanoverian government made up the majority of the 'ideological content of Jacobitism' at that time.<sup>28</sup> Arthur Gordon of Carnousie, for example, followed Alexander Forbes of Pitsligo into the rising, but was someone 'not at all wedded to Kingscraft'.<sup>29</sup> This was mirrored by a significant proportion of the British lay populace, as practical concerns took the place of philosophical ones. Stephen Conway posits that local loyalty, rather than national or dynastic, was at the forefront of most British minds, claiming that provincial anti-Jacobite associations

though trumpeted by the ministry as proof of the popularity of the Hanoverian regime, were strongly localist in orientation. They saw themselves as local defence bodies, not as part of a national force [...] they had no interest in exerting themselves beyond their locality.<sup>30</sup>

This would be paralleled in many places of large-scale recruitment throughout Scotland as Jacobite officers struggled to retain their soldiers outside of familiar terrain.<sup>31</sup>

This is not to say that the motivational efficacy of Jacobite dynastic aspirations, even in England, was nonexistent. The non-juring chaplain from Manchester Thomas Coppach called out from the scaffold that the very reason he took up arms was 'to restore the royal and illustrious house of Stewart, and banish from a free, but enslaved people a foreigner, a tyrant, and an usurper'.<sup>32</sup> Jeffery Battersby, a shoemaker in Bury, made no bones about his enthusiasm for the Stuarts, exclaiming in front of at least three witnesses that 'King James had the only right to the Crown of England' and that when he attained the throne 'there will be flourishing times'. Another man was heard to have claimed he 'woud rather be shot thro the head then ly at the Mercy of ye Elector of Hanover'.<sup>33</sup> John Daniel, who joined up with Balmerino's Life Guards at Lancashire, wrote a fancifully dogmatic introduction to his account of travelling with the Prince's army. In it, he describes his first sight of Charles Edward Stuart:

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28 McLynn, 'Issues and Motives', p. 109. Macinnes argues that while Jacobitism was expressed widely throughout England, it failed to 'constitute a sustained political threat' due to its 'cultural distinctiveness', *Union and Empire*, p. 245. See also Szechi, *1715*, p. 59.

29 'Memoirs of the Rebellion in 1745 and 1746' in Blaikie, *Origins*, p. 121.

30 Stephen Conway, 'War and National Identity in the Mid-Eighteenth-Century British Isles' in *EHR*, 116 (2001), p. 865.

31 Murdoch, *Network North*, pp. 344-345. Locality is further discussed on p. 52 of this chapter and also in Chapter IV: Recruitment, p. 158.

32 Robert Forbes, ed., *The Lyon in Mourning* (i, Edinburgh, 1895), pp. 60-64.

33 (All TNA) SPD.36/93/127; 36/81/114; 36/93/125, 129; 36/88/16, 29-34, 42, 58, 116; TS.11/760/2363.

Nor was it long before an opportunity presented itself of proving my fidelity to my lawful Sovereign [...] I felt a paternal ardor pervade my veins, and having before my eyes the admonition 'Serve God and then your King,' I immediately became one of his followers.<sup>34</sup>

The depositions against Battersby and others, supported by Daniel's epic yarn, suggest a significant undercurrent of Jacobite sentiment outwith Scotland during the years surrounding the Forty-five. Yet most of England's Jacobites plainly did not show up when the rebel army was marching through it.<sup>35</sup>

In Scotland, similar evidence of dynastic support and patriotism can be found within legal proceedings. Six loyal citizens in Perth deponed they heard Thomas Donaldson from Coupar Angus claim that 'the Prince had a better Right to the Crown than King George'. James Warden, a notorious schoolmaster at Alyth, was overheard warning that 'Scotland would be for ever ruined If the Rebellion did not Succeed', and witnesses testified that he had offered to wager five-thousand marks that the Jacobites would triumph in their designs.<sup>36</sup> Amidst the depositions at Perth, however, only four out of 132 prisoners were connected with evidence that suggests regnal endorsement of the Stuarts or treasonable words toward King George.<sup>37</sup> This of course does not mean there were no others, but the detailed evidence offered by partisan witnesses generally fails to identify explicit dynastic sympathies, even when such charges carried significant weight against them. Similarly, a negligible number of plebeian participants in the Forty-five cited any aspect of anti-Unionism as a motivation for rising up, though it should be noted that the differences between Scottish patriotism and criticism of Union are easily conflated due to their similar sphere of concerns and aspirations regarding national welfare.

In the Highlands, it appears that the predilection of the *Gàidhealtachd* to generate a distinctively Scottish rather than local identity through military service did not begin in earnest until the commencement of post-Culloden regeneration. As once-maligned Highland rebels became integrated into and even exemplars of the British military machine, Andrew Mackillop points out that Gaels 'could fight for regiment, king and country in a seamless, mutually reinforcing framework with

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34 'A True Account of Mr. John Daniel's Progress with Prince Charles' in Blaikie, *Origins*, p. 168.

35 Monod, *Jacobitism and the English People*, pp. 330-331; Macinnes, 'Jacobitism in Scotland', pp. 229-230; Szechi, *The Jacobites*, p. 101.

36 PKA B59.30/72/4-5.

37 PKA B59.30/72/2-5; TNA TS.11/760/2361.

no inherent contradictions or tensions'.<sup>38</sup> Until then, however, loyalty to region was paramount, and far more relevant to the common people than notions of national identity.<sup>39</sup> While Macinnes explains that 'dynastic legitimacy was seen as the source of justice' in the Highlands, the clan elites were only ever going to be the ones benefitting from the changes to national economy or authority.<sup>40</sup> The dearth of evidence proving vocal constitutional scepticism is unsurprising given the social status – and, therefore, social and economic interests – of the majority of active Scottish Jacobites. Anti-Union politics was primarily the realm of the monied classes, though a pulsing vein of patriotism always figured prominently within the Jacobite agenda in Scotland since the Hanoverian ascendancy precluded a Scottish monarch from ruling the British nation.<sup>41</sup> It would be too much to claim that most plebeian Jacobites were completely uninterested in or ignorant of the political situation in Britain, but to the common tenant farmer both the dynastic right of Stuart rule and the disruptive political effects of representation within the Union were largely irrelevant issues.<sup>42</sup>

By contrast, anti-Unionism in 1715 was a more concentrated, unifying agency of Jacobitism, which makes sense due to the contested regnal succession left by Anne Stuart's death as well as its temporal proximity to the Treaty itself and the dissolution of the last Parliament in Scotland.<sup>43</sup> These factors were not as pressing and, therefore, not as structurally relevant in 1745, but only limited compelling evidence has been found to suggest that the common Jacobite sympathiser in 1715 was any more greatly inspired by the potential of breaking with England. The mercantile classes were more sensitive to the benefits and restrictions on trade implemented pre- and post-Union, however, and this influenced the decision for some to embrace or denounce Jacobite ambitions.<sup>44</sup> During the Forty-five, the

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38 Andrew Mackillop, 'For King, Country and Regiment?: Motive & Identity Within Highland Soldiering, 1746-1815' in Steve Murdoch and A. Mackillop, eds., *Fighting for Identity: Scottish Military Experience c. 1550-1900* (Leiden, 2002), pp. 188-190. See also Colin Kidd, 'North Britishness and the Nature of Eighteenth-Century British Patriotisms' in *The Historical Journal*, 39:2 (June 1996), pp. 362-364.

39 See the section in this chapter on Locality, Influence, and Memory, pp. 52-58.

40 Macinnes, *Clanship*, pp. 188-191; Szechi, *The Jacobites*, pp. 15-16.

41 Monod states: 'It is important to recognize that politics did not occupy a constant place in the lives of eighteenth-century plebeians, and that political riots were exceptional episodes', *Jacobitism and the English People*, p. 196. See Chapter III: Constituency, pp. 103-107 for an examination of social class.

42 Whatley, *Scottish Society*, pp. 142-143; 186-218; Leneman, *Living in Atholl*, p. 225; Andrew Mackillop, *'More Fruitful Than the Soil': Army, Empire and the Scottish Highlands, 1715-1815* (East Linton, 2000), p. 232.

43 German, 'Jacobitism in the North-East', pp. 51-52; Szechi, *1715*, pp. 60-76; Pittock, *Myth*, p. 54; Christopher Whatley, *Bought and Sold for English Gold? Explaining the Union of 1707* (East Linton, 1994), pp. 2-16.

44 See the section on 'The Fetid Soup of Discontent' in this chapter, p. 62-67.

protective powers of the Union were sometimes ironically invoked by what were purported to be its very enemies. Alexander Kinloch, one of a number of officers of that ilk in Ogilvy's regiment, defied the English court at his trial by insisting that he was, being from Fochabers, only accountable to a Scottish judicial system. Kinloch demanded that he be tried by the Scottish Court of Justiciary since the accused crime of treason occurred in Scotland: 'by the 19th Article of the Union between the Kingdoms the Cognizance of all offences Committed by Scotchmen in that Kingdom was preserved to the Courts of that Kingdom'.<sup>45</sup>

Examining the reaction to mandatory loyalty oaths also adds to the story. If the oath rolls of Devon and Exeter are any indication, as much as 20% of Britain's population was tested by the government with a series of Acts created to reinforce explicit and widespread loyalty to the crown.<sup>46</sup> The existence of these oaths, as described by Howard Erskine-Hill, was 'to bind [Hanoverian] supporters to them more strongly, and force their enemies into the open more decisively.'<sup>47</sup> Adherence to oaths of loyalty was demanded by the post-Stuart British government in England since 1696 and systemically enforced in 1723 after the discovery of the Atterbury Plot, clearly informing a popular awareness of the relentless dynastic struggle – and the public's place in that struggle.<sup>48</sup> If oaths of allegiance (swearing obedience to George) and abjuration (disowning any loyalty to James) are to be taken as legitimate fealty by the undersigned – and they certainly were when pledged in favour of the *de facto* monarch; enough so to prevent capital punishment in many

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45 Sharpe to Newcastle (28 October, 1746), SPD.36/88/135; Mackintosh, *Muster Roll of Forfarshire*, pp. 99-103; P45 (ii) pp. 322-323. The Jurors (Scotland) Act was passed in 1745 (19 Geo. II, cap. 9), which would render Kinloch's request moot, allowing charges of high treason to be tried anywhere in the kingdom, Sir Edward Hyde East, *A Treatise of the Pleas of the Crown* (i, Philadelphia, 1806), p. 105.

46 'Devon and Exeter Oath Rolls, 1723' <<http://www.foda.org.uk/oaths/intro/introduction5.htm>>; Memorandum about the Oath of Abjuration (7 December, 1746), NLS MS.17527 ff. 111-112; Pittock, *Material Culture and Sedition*, p. 10.

47 Howard Erskine-Hill's introduction to *Samuel Johnson in Historical Context*, p. 2. Monod disagrees with this, stating that the bulk of the middling and lower classes were never administered the oaths, and their purpose (specifically in 1715) was to 'safeguard Catholics against persecution, not to make them loyal to George I', *Jacobitism in the English People*, pp. 133, 143.

48 1 Geo. I St. 2 cap. 13; Edward Vallance, *The 1723 Oath Rolls in England: An Electronic Finding List* <[www.historyworkingpapers.org](http://www.historyworkingpapers.org)>. The scope of the later oaths was massive; noted in Vallance's paper is an estimation of 25,000 oaths made in Devon and Exeter alone. See also John Wells and Douglas Wills, 'Revolution, Restoration, and Debt Repudiation: The Jacobite Threat to England's Institutions and Economic Growth' in *The Journal of Economic History*, 60:2 (June 2000), p. 427; Colin Kidd, 'Conditional Britons: The Scots Covenanting Tradition and the Eighteenth-Century British State' in *EHR*, 117:474 (November 2002) pp. 1151-1152.

cases – it would follow that these oaths were expected to be maintained.<sup>49</sup> After making such pledges, the government was trusting (or guileless) enough to let thousands of disarmed Highland rebels free in the aftermath of the Fifteen.<sup>50</sup> The text of similar oaths from 1754 were recently re-discovered and translated from the *Gàidhlig*, which categorised their Highland subscribers based upon their depth of willingness to renounce their Jacobite tendencies.<sup>51</sup> During the American Revolution, a minister in North Carolina provided a cultural explanation for why relatively few Gaels joined that rising against their established government:

The obligation of an oath is one which a conscientious people, like the Scotch, especially when left without proper instruction as most of them were at that time, cannot be easily induced to violate.<sup>52</sup>

Yet some persons refused to take the oaths of loyalty in 1745 and were quickly snapped up and prosecuted. Ten men, for instance, were taken into custody and held in York Castle for declining to subscribe.<sup>53</sup> Non-juring ministers were specifically targeted by legislation designed to ensure they qualify themselves by registering and renouncing loyalty to the Stuarts.<sup>54</sup> Cumberland complained that the magistrates of Forfar were especially frustrating (though he called them ‘good politicians’) for not taking the oaths while his troops were encamped there in March 1746.<sup>55</sup> However ‘deeply significant’ for some, oaths did not appear to be

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49 As noted within a memorandum concerning degrees of punishment for captured rebels: ‘The case of such as Surrender maybe more favourable except such as have either been engaged in the Rebellion 1715 or who have taken the oaths to the Government’, Saltoun Papers (23 July, 1746), NLS MS.17523 ff. 1-2; SPS.54/34/9d. Rosalind Mitchison observes that ‘all [Highland] tenants were to take the Oath of Allegiance’, ‘The Government and the Highlands, 1707-1745’ in N.T. Phillipson and Rosalind Mitchison, eds., *Scotland in the Age of Improvement* (Edinburgh, 1970), p. 38. Wade likewise comments that every soldier in the Independent Highland companies was made to take the same oath, ‘General Wade’s Second Report’ (1727) reprinted in Allardyce, *Historical Papers* (i), p 157.

50 Daniel Szechi, ‘Retrieving Le Cocq’s Plunder: Plebeian Scots and the Aftermath of the 1715 Rebellion’ in Monod, et al., *Loyalty and Identity*, p. 99; Sankey and Szechi, ‘Elite Culture’, p. 115.

51 Michael Newton, ‘Highland Loyalists in the American Revolutionary War’ (28 March, 2014) <<https://virtualgael.wordpress.com/2014/03/28/highland-loyalists-in-the-american-revolutionary-war>>. Newton provides the translated text of three distinct *Gàidhlig* oaths of loyalty, first published by D. Wimberley, ‘The Bighouse Papers’ in *TGSI*, 23 (1898-99, published in 1902), pp. 32-34. See also Oaths of Allegiance, etc., UAL MS.1016; PKA B59/33/3.

52 E.W. Caruthers, *A Sketch of the Life and Character of David Caldwell, D.D.* (Greensborough, NC, 1842), p. 186.

53 Mr Buck’s Account of the Prisoners in York Castle (31 January, 1747), SPD.36/93/125.

54 Fletcher to Newcastle (23 December, 1746) SPS.54/34/53a; 19 Geo. II cap. 38.

55 Cumberland to Newcastle (9 March, 1746), SPS.54/29/9; Deposition of James Brown (10 January, 1746), SPS. 54/35/5.

enforced for any other reason than to give the government a sense of reassurance during a period of extreme internal turmoil.<sup>56</sup>

On the Jacobite side, 188 men of the reported 750 soldiers in the Duke of Perth's regiment apparently willingly signed their own oaths of allegiance to James VIII in 1745, the text of which states:

I solemnly promise and swear In the presence of Almighty God That I shall faithfully and diligently serve James the Eighth King of Scotland England France and Ireland against all his Enemies forreign or domestick And shall not desert or leave his service without leave asked and given of my officer And hereby pass from all former alledgeance given by me to George—Elector of Hannover So help me God.<sup>57</sup>

The Perthshire men in this regiment, mostly recruited from the lands around Blair Atholl, were specifically noted to possess strong loyalty to 'the Stuart cause', yet James Drummond, Duke of Perth and commander of his regiment (as well as Lieutenant-General in the Prince's army), found some crucial difficulties with recruiting due to the lingering memory of reparations after 1715.<sup>58</sup> In at least two instances, however, the undersigned 'faithful' Jacobites from Perthshire turned King's evidence against others in their regiment and at least fifteen other soldiers within Perth's regiment are recorded as having given damning testimonies to procure their own discharges.<sup>59</sup> While the turning of King's evidence at Jacobite trials was not an uncommon occurrence for those who were faced with capital punishment, the Perthshire regiment displays one of the highest proportions in all of the Jacobite army. This is significantly ironic considering it also has proved the only recorded instance of numerous company-wide oaths of allegiance and abjuration for James VIII.<sup>60</sup>

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<sup>56</sup> See John Mullan's review of J.C.D. Clark and Howard Erskine-Hill, eds., *Samuel Johnson in Historical Context* in *London Review of Books*, 26:2 (2004), pp. 19-21. Indeed, the 1714 legislation was entitled 'Security of the Sovereign Act' (1 Geo. 1 St. 2 cap 13).

<sup>57</sup> J.R.N. Macphail, ed., *Papers from the Collection of Sir William Fraser* (Edinburgh, 1924), p. 274.

<sup>58</sup> Earl of Perth in *NQG*, p. 65; Macinnes, *Clanship*, pp. 166-167; Mackillop, *More Fruitful Than the Soil*, pp. 105; Leneman, *Living in Atholl*, pp. 133-140, 221-225; Fletcher to Tweeddale (7 September, 1745), SPS. 54/26/12a.

<sup>59</sup> The two men recorded the *Fraser Papers* document are Greenock peddler James Parker and William Wilson from Edinburgh. Parker gave evidence against Allan Cameron and James Ross from the same regiment at the Southwark Jacobite trials. *P45* (iii), pp. 244-245, 406-407; Allardyce, *Historical Papers* (ii), pp. 394, 482.

<sup>60</sup> Note that the Scottish Army of the Covenant had been issued articles of war in 1640 that stipulated oaths to be taken in order to be considered part of the army. See Edward M. Furgol, 'Beating the Odds: Alexander Leslie's 1640 Campaign in England' in Murdoch and Mackillop, eds., *Fighting for Identity*, pp. 42-43. The British army during the early eighteenth century required the same, Victoria Henshaw, *Scotland and the British Army, 1700-1750: Defending the Union* (London and New York, 2014), p. 54. No such articles have been found or are referred to regarding the Jacobites in 1745-6, which makes the Perthshire roll so significant.

In contrast, formal oaths to the established government were sometimes fabricated by select Jacobite elites looking to enter positions of office. Macinnes notes that development of such shrouded loyalties within governmental posts marks Jacobitism in Scotland as being uniquely ‘covert but sustained’, further lending credence to the idea of a persistent core of dissent between physical risings.<sup>61</sup> Andrew Hay, younger of Rannes, made his oath to King George on 1 June 1742, but joined up with Charles Edward when he arrived in Scotland anyway.<sup>62</sup> So, too, did Jacobite officers sometimes cajole their prisoners into making promises of non-aggression against the exiled royal family. Christopher Hodgson, a corporal in the Westmoreland militia, deponed that rebels in Carlisle informally made him swear ‘never to take Arms against K. James or his Son Charles’, though no signed oath was ever enforced.<sup>63</sup> The Earl of Loudoun wrote to the Earl of Sutherland expressing his bewilderment that some of his troops from Alexander Mackay’s company had taken oaths in favour of the Prince:

They, that is part of them, took what was called an oath never to serve against the Pretender or his airs, directly contrary to the oath they had taken tother day when they were attested, and which must bind them against all subsequent oaths.<sup>64</sup>

Loudoun was willing to accept these men back into his ranks, despite his knowledge that the punishment for desertion was death. Thomas Mayotts, a Roman Catholic from Essex accused of enlisting men for the Jacobites, testified that he was ‘ready & willing to take the Oaths of Allegiance to his Majesty, whenever called upon’.<sup>65</sup> From the evidence presented, it would appear that regardless of expectations for loyalty oaths to be upheld once subscribed, they were ultimately unimportant to the subscriber in light of personal principles or in the interests of preserving life and limb. But perhaps that cynicism is best described by a cleverly descriptive verse in a contemporary song:

Scotland and England must be now  
United in one nation  
And wee must all perjure anew

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61 Patrick Couper, *A Letter to North-British Jacobites, about their taking the oaths to King George and the Government* (Edinburgh, 1724); Macinnes, ‘Jacobitism in Scotland’, p. 229. See also Lenman, *Jacobite Risings in Britain*, pp. 229-230.

62 Taylers, *Jacobites of Aberdeenshire and Banffshire*, p. 298.

63 Fawcener’s notes from Coventry Goal (10 February, 1745), SPD.36/81/114.

64 Loudoun to Sutherland (24 November, 1745) reprinted in William Fraser, *The Sutherland Book* (ii, Edinburgh, 1892), p. 83.

65 List of Prisoners in Custody of the Messengers, SPD.36/84/9-11.

And take the Abjuration<sup>66</sup>

There were many crimes of treason for which alleged Jacobites were indicted, ranging from outright rebellion, political theatre, printed propaganda, and, like the above, seditious poetry and song.<sup>67</sup> Other than actually being seen in arms by an informer, the most common reason cited for being taken into custody is under charges for speaking treasonous words or demonstrating subversive symbolic behaviour. Drinking loyal toasts to James and Charles Stuart in defiance to the government was commonplace in private and, of course, became more common publicly once the rising had begun. Notably, it was not only patrician Jacobites who engaged in these activities, though symbolic behaviour appears to generally have appealed to the upper echelons of society.<sup>68</sup> The frequency of cases involving toasts within reports, warrants, and depositions should be considered in the context of company and locale before being used to inform degrees of genuine motivation and commitment. What did these toasts actually mean to the people who made them? Were they a symbolic language of discontent or a literal pledge to the success of the Jacobite cause? And vitally, was it an attempt to smear the character of others, whether deserving or not? The answers are likely different in every inn or back room of a tavern in which it took place, but such actions when observed and reported, regardless of their intended effect, were considered treason.<sup>69</sup>

Warrants for twelve distinct people appear in the Duke of Newcastle's letter book, suggesting their prosecution on the grounds of 'Treasonable Words spoke by Him against the King' and similar offences.<sup>70</sup> Two men being held at York, John Douglass and Abraham Widdon (the latter who was committed as 'a Dangerous Person'), were both to be prosecuted for drinking healths to either James or Charles.<sup>71</sup> A number of witnesses in Dunkeld called out nine people they claim to have seen drinking 'disloyal healths' to various Jacobite leaders whilst loitering at the mercat cross.<sup>72</sup> Even in places as far away as Devonshire, citizens were taken

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66 NRS GD.45/26/103/34 reprinted in Donaldson, *The Jacobite Song: Political Myth and National Identity* (Aberdeen, 1988), p. 29. See also Edward Miles, *Oath Taking Superseded by Truth Speaking* (London, 1852), wherein the 'legal absurdity' of enforcing laws relating to oaths is addressed.

67 Monod, *Jacobitism and the English People*, pp. 220-221; Pittock, *Material Culture and Seditious*, passim.

68 Szechi describes drinking healths to be a form of patrician loyalism, *The Jacobites*, pp. 33-36; Rogers, 'Riot and Popular Jacobitism', p. 71. See Chapter III: Constituency, pp. 80-83, 91 for more on this.

69 Monod, *Jacobitism and the English People*, pp.119-125; Pittock, *Material Culture and Seditious*, pp. 69, 139-140; Donaldson, *The Jacobite Song*, pp. 38-66.

70 Duke of Newcastle's Letter Book (1745-1750), SPEB.44/133.

71 List of Persons in York Castle (22 December, 1746), SPD.36/93/125.

72 PKA B59.30/72/3.

into custody for 'declaring that the pretender was of the Stuart family and was the right heir to the Crown, or words to that effect.'<sup>73</sup> Importantly, the expression of toasts, cheers, and songs allowed antagonists of the Hanoverian government to vent and motivate others to join in protest, whether against specific governmental policies or even versus the character of King George, himself.<sup>74</sup> This would sometimes spill over into social contention as lines of loyalty were drawn and crossed between common citizens. Situations like these rarely ended well. Four Staffordshire men were incensed that Simon McKensie and John Endsworth rudely came into their alehouse and attempted to make them drink to the health of the Pretender. Both rebels were shortly thereafter captured and then executed in York in November of 1746.<sup>75</sup>

Regardless of the specific words chosen, the idea that was conveyed to the loyalist subjects of Hanover through oaths and toasts was that of allegiance to the Stuarts and support of their claims, however broad or nebulous those claims were at a particular time during the campaign. The loyalist response was clear: 'you're either for us or against us'. However, the symbolic nature of these actions when used as a language of resistance goes some way in obscuring the presence of any practical reasons for their protest, if any did indeed exist. Nicholas Rogers makes the valuable points that anti-Hanoverian statements were not by their nature pro-Jacobite ones, and also that the monopolisation of loyalty by the Whig party should have been expected to draw 'seditious outbursts'.<sup>76</sup> Between the variable gravity and fleeting permanence of oaths in favour or in resistance to the Stuarts, and the usage of seditious toasts as a rhetorical pastime in defiance of disappointing governmental policies, their true connection with Jacobitism remains difficult to decipher.

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73 Samuel Wrench was noted to be from Peverell in *P45* (iii), pp. 410-411. Monod presents a useful study of 'seditious words cases' in England during both the Fifteen and the Forty-five, *Jacobitism and the English People*, pp. 244-254. A comprehensive survey of this subject in Scotland still has yet to be carried out, though some statistics are stated in Chapter III: Constituency, p. 91.

74 Rogers describes that this can be considered the 'rhetorical' employment of Jacobitism, 'Riot and Popular Jacobitism', p. 71.

75 SPD.36/88/116.

76 Nicholas Rogers, 'Popular Disaffection in London During the Forty-Five' in *The London Journal*, 1:1 (1975), pp. 11, 21; Rogers, 'Riot and Popular Jacobitism', p. 71.

## LOCALITY, INFLUENCE, AND MEMORY

The commitment to safeguarding locale that Conway identifies in the previous section is exemplified by Paul Monod, who states that in the English West Midlands, ‘Jacobite allegiance in the area [...] often had less to do with restoring the Stuarts than with preserving local community’. He is careful not to necessarily equate localism with apathy for national affairs, distinguishing that it was important for preserving social hierarchy while still providing ‘resistance to centralised administrative control’.<sup>77</sup> The inhabitants of some British towns nonetheless chose to refrain from partisan politics entirely, perhaps in the interests of sustaining the relative peace of their local communities, or perhaps just to pragmatically maintain a low profile during a time of extreme paranoia. During the British army’s occupation of Aberdeen after reclaiming it from Jacobite control, Lord Ancrum described his frustration with the reluctance of local residents to help the government sniff out rebels:

I must own to you that it gives me no sort of pleasure to see good natured things done to the People of this Country, nothing will make them do their duty but starving them or in some other shape forcing them to it. I have quite lost the little humanity I had for ‘em, I mean even for those who pretend to be well affected, none of them give us the smallest assistance on the Contrary I am persuaded that there is hardly one of them that would not rather conceal a Rebel than inform us of them.<sup>78</sup>

Likewise, John Cope found it extremely difficult to gather intelligence around Crieff in the early days of the rising, noting ‘the People in this Country keep every thing they know very private’.<sup>79</sup> Part of this reluctance might very well have to do with the level of risk associated with commitment to one side in support of an uncertain enterprise. At least in rural locales, partisan abstinence was more likely a case of not wanting to risk abandoning subsistence in the form of crops and farm; Highland and Lowland communities alike were largely led by adherence to locality and the welfare of agricultural productivity.<sup>80</sup>

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77 Paul Monod, ‘A Voyage Out of Staffordshire; or, Samuel Johnson’s Jacobite Journey’ in Clark and Erskine-Hill, eds., *Samuel Johnson in Historical Context*, p. 13; Kieran German also identifies this commitment to local preservation in Aberdeen during the Fifteen, ‘Jacobite Politics in Aberdeen and the ‘15’ in Monod, et al., *Loyalty and Identity*, pp. 82-95. See also Mackillop, *More Fruitful Than the Soil*, pp. 106-107.

78 Ancrum to Fawkener (25 June, 1746), SPS.54/32/24e.

79 Cope to Tweeddale (21 August, 1745), SPS.54/25/92a.

80 Mackillop, ‘Motive & Identity’, pp. 191-193; Ian Whyte, *Agriculture and Society in Seventeenth-Century Scotland* (Edinburgh, 1979), pp. 30-34.

Loyalty to political cause in the north of Scotland has been proved time and again to be less important than that of practical cause. A century before the final Jacobite rising, James Grant of Freuchy, chief of Clan Grant during the Covenanting wars, demonstrated that protecting his ancestral lands against both sides was his first duty.<sup>81</sup> John (Lord Gordon), and his brother Lewis (third marquess of Huntly) notably switched sides from Covenanter to Royalist to protect his family's best interests when they saw things going awry for Argyll after the Battle of Inverlochy in February 1645.<sup>82</sup> Much has been made of Montrose's shifting loyalties through the seventeenth century, and even the Earl of Mar who hoisted the Jacobite banner at Braemar in 1715 was renowned for his political chicanery, switching allegiances multiple times before finally selling it all for the Jacobites in the Great Rising.<sup>83</sup> Things were no different in 1745, as exemplified by Simon Fraser of Lovat, 'the Old Fox' who outwardly demonstrated vacillating commitment through the entire campaign. Like Montrose, Lovat's unwavering loyalty to his own personal needs cost him his head after the revolutionary dust had settled. Bruce Lenman explains that

there was a great deal of hedging of bets amongst Jacobites during the '45 and many a son was sent out to fight with all or part of the family following while his father sat unctuously at home.<sup>84</sup>

This was most certainly the case with Lovat, who ordered his son to raise Clan Fraser in his stead, as it very might well have been with the chiefs of Clanranald and Glengarry, as well as the Earl of Airlie's son, Lord Ogilvy.<sup>85</sup>

Personal allegiance to landowners, employers, or provincial political figures was also a major motivating influence, and was likely the most significant cause of popular Jacobite-driven obedience during the Forty-five.<sup>86</sup> This was particularly prevalent in the Highlands, a rural and sometimes martial society where 'memories of hospitality and protection were enduring', and where contracted fealty of tenant

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81 Barry Robertson, *Royalists at War in Scotland and Ireland, 1638-1650* (Farnham, 2014), pp. 132-133; Barry Robertson, 'The Covenanting North of Scotland, 1638-1647' in *The Innes Review*, 61:1 (2010), pp. 42-43.

82 Barry Robertson, *Lordship and Power in the North of Scotland: The Noble House of Huntly, 1603-1690* (Edinburgh, 2011), pp. 131.

83 See Edward Gregg, 'The Jacobite Career of John, Earl of Mar' in Cruickshanks, *Ideology and Conspiracy*, pp. 179-200. Of course, Mar's duplicity gave rise to his nickname, 'Bobbin' John'.

84 Lenman, *The Jacobite Risings in Britain*, p. 256. Note that Stevenson's classic *The Master of Ballantrae* (1889) is predicated upon this precise scenario.

85 Tomasson, *The Jacobite General*, p. 57; W.C. Mackenzie, *Lovat of the Forty-Five* (Edinburgh, 1934), pp. 156-163; Duncan Forbes to Tweeddale (22 December, 1745) reprinted in *Culloden Papers*, pp. 461-464.

86 Sankey and Szechi, 'Elite Culture', pp. 95-96.

to landowner, largely through networks of kinship, meant that hierarchical subservience was built into Highland society.<sup>87</sup> Divided from urban communities by the severity of mountains and moors, there existed a sort of ideological mirror between hereditary right of the Stuarts and the traditional authority of the clan system, and the conflict between constitutional law and customary right manifested with a familiarity that some Highland chiefs could intrinsically get behind.<sup>88</sup> However, regardless of ideological commitment, martial adherence, especially in rural areas, could never really be expected to extend beyond local boundaries.<sup>89</sup> This goes some way toward informing the need for Jacobite army officers to ‘refine’ their recruitment practices as the campaign wore on, whether in Highland regions or otherwise.<sup>90</sup>

As Jean McCann suggests, local authority might have been a catalyst for levying troops to march for the Prince, but ideological adherence and morale started to slip when those troops strayed from familiar land.<sup>91</sup> As well, feudal deference to chief and monarch was not a hard and fast rule, indicated by the numerous clans and septs who either refused to pick up arms and join the fray or who actually organised for the government during the Forty-five.<sup>92</sup> Coll MacDonell of Barisdale told the Prince’s secretary, John Murray of Broughton, that despite his intense recruiting efforts in Inverness-shire he could not depend much upon the local men to come along with him – even though many had promised under oath to do so.<sup>93</sup> At least five other clans joined the Jacobite army against the wishes of their hereditary chiefs. Clan loyalties, and therefore clan actions, were also mutable characteristics.<sup>94</sup> Some Highland chiefs, after decades of feuding, had created contracts of mutual alliance that bound their clans together in the event of rebellion

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87 Whatley, *Scottish Society*, p. 145; Conway, ‘War and National Identity’, pp. 865-866; Murdoch, *Network North*, p. 344; Macinnes, *Clanship*, pp. 2-24.

88 McLynn, ‘Issues and Motives’, p. 113; Macinnes, *Clanship*, p. 188; Sankey and Szechi, ‘Elite Culture’, pp. 97-98.

89 This was also reflected by expectations of recruitment and implicit contracts made within the government Independent companies during and after the Forty-five. See Mackillop, ‘Motive & Identity’, pp. 193-194.

90 This is discussed further in Chapter IV: Recruitment, p. 165.

91 McCann, ‘Organisation’, pp. x, xx, 76, 101.

92 James Maxwell of Kirkconnell notes that the remoteness of the Highlands contributed to the chiefs being able to maintain clan authority, ‘but the principal source of it is a real attachment of the people to the persons of their chiefs’, *Narrative of Charles Prince of Wales’ Expedition to Scotland in the Year 1745* (Edinburgh, 1841), p. 26.

93 Barisdale to Broughton (29 October, 1745), SPS.54/26/122/61. Loudoun had apparently set a price on Barisdale’s head for anyone who would seize him, but they ‘hade not the heart’ to do so.

94 McCann, ‘Organisation’, p. xix; Audrey Cunningham, *The Loyal Clans* (Cambridge, 1932), passim; Macinnes, *Clanship*, p. 166.

from within. In the case of northern neighbours the Earl of Sutherland and Lord Reay, their own agreement in July 1745 to 'bind and oblige' each other's resources for the mutual defence of George II was a minor example of the 'firm union and confidences' then being allegedly challenged on the national level, which duly endeared them to the Hanoverian administration.<sup>95</sup> The chief of Glengarry's alliance with the Grants of Glenmoriston, who in turn ostensibly supported Forbes of Culloden and therefore MacLeod of Skye and Macdonald of Sleat, ensured that taking clear sides was not a simple thing and there were hidden ramifications as a consequence of any decided action no matter its trajectory.<sup>96</sup>

While the majority of the Highland clans notionally supported Jacobite aims through its century of life, military contribution to either side of the conflict tended to decline as more chiefs drifted toward neutrality, mostly for pragmatic reasons rather than lack of conviction. Macinnes demonstrates that traditional values alone were not enough to pull the clans into all three major campaign eras of Jacobite activity, as the political situations both locally and nationally had everything to do with specific clan incentives. This is borne out by evidence showing not only declining Jacobite loyalties within the fifty major Highland clans, but also by the fact that the number of clans riven by ideological tensions increased six-fold between 1689 and 1746.<sup>97</sup> Though traditionally martial by nature, modernisation and the influence of commercialism began to inform the decision of whether or not to participate in rebellion as the century wore on. Anti-Jacobite propaganda was partially responsible for conveying an 'accusatory rather than analytical' Highland-Jacobite parallel in the minds of many Lowland Scots and other Britons, which was reinforced by Charles Edward's attempts to unify his army with a Highland theme as well as the campaign of targeted government retribution in that region after Culloden.<sup>98</sup> Not unlike Scots in the Lowlands and the north-east, however, most established clans refused to be driven by Jacobite ideology alone and were able to 'contain' their frustrations until they decided that 'force was the only way out'.<sup>99</sup>

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95 J.H. Stevenson, 'A Contract of Mutual Friendship in the '45' in *SHR*, 4 (1907), pp. 159-163; Fraser, *The Sutherland Book* (i), pp. 403-404; Reay to Sutherland reprinted in *ibid.* (ii), 254-255.

96 Norman MacDonald, *The Clan Ranald of Knoydart & Glengarry* (Edinburgh, 1979), p. 80.

97 Macinnes, *Clanship*, pp. 190-191, 248-249. He notes that the primary cause of internal conflict was 'religious differences and the growing social tensions between the elite and their clansmen over the introduction of commercialism at the expense of traditional expectations'; McCann, 'Organisation', p. xviii.

98 Macinnes, *Clanship*, p. 164; Lenman, *Jacobite Risings in Britain*, p. 291.

99 *Ibid.*, p. 149. See also Mitchison, 'The Government and the Highlands', p. 30. Some clans used Jacobitism as a form of protest against modernisation implemented by their chiefs, Sankey and Szechi, 'Elite Culture', p. 101; Macinnes, *Clanship*, pp. 171-172.

Jacobites relied on the prestige of their officers to attract men and materiel, and the joining of well-known gentlemen such as Lochiel, Pitsligo, and Lord George Murray was regarded as essential by the Prince and his early staff, while being seen as detrimental by Whigs who were also aware of their esteem.<sup>100</sup> Such was the pull of charismatic local leaders that the virtual absence of any in England was likely the most pressing reason that significant numbers of Jacobite military support never materialised there.<sup>101</sup> Recruits in Scotland were often beholden to their immediate superiors, 'be he landlord, clan chief, or the usual ambiguous mixture of the two', and the ubiquitous presence of these leaders in disaffected areas drew the kind of support that England could not provide.<sup>102</sup> McCann explains the relative success of recruitment in the Western Highlands due to the presence of 'decisive views of figures of local eminence', accounting that locales with strong leadership displayed the 'least difficulty' in drawing support.<sup>103</sup> Evander McIver, a tenant to Glengarry, confided that he left his wife and children behind and took up arms expressly to please his laird.<sup>104</sup> In the north-east of Scotland, a region containing widespread Jacobite sentiment, tenured rebel officers with local influence like Pitsligo were able to quickly raise considerable numbers of men to voluntarily join them. Lord Elcho was himself shocked when he learned that James Gordon of Cobairdie, an officer from Banffshire, had voluntarily enlisted with Pitsligo's cavalry, describing that it was 'a great surprise' for he 'had no manner of tincture that way, but, being a rambling young lad, was determined by comradeship and something too by the high regard he had for Lord Pitsligo'.<sup>105</sup> Peter Campbell, another soldier in Glengarry's regiment, was noted as having been 'influenced by his superior to rise in arms', as were Donald Farquharson and William McEvan from the respective locales of Aldsay and Invermoriston.<sup>106</sup> Likewise, Thomas

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100 Forbes to Sutherland, reprinted in Fraser, *Sutherland Book* (ii), p. 81. Forbes admits that the attachment of Murray to the Atholl Brigade 'will encrease their numbers', even if not directly adding much to the size of the army. See also Blaikie, *Origins*, pp. 120-121 for more on the interaction between Pitsligo and his volunteers.

101 Leo Gooch, *The Desperate Faction? The Jacobites of North-East England 1688-1745* (Hull, 1995), pp. 167-170.

102 Lenman, *Jacobite Risings in Britain*, p. 283; Sankey and Szechi, 'Elite Culture', p. 101.

103 McCann, 'Organisation', pp. xx, 71, 91.

104 Evander MacIver to Glengarry (29 October, 1746), SPS.54/26/122/17.

105 David, Lord Elcho, *A Short Account of the Affairs of Scotland in the Years 1744, 1745, 1746* (Edinburgh, 1907), p. 285; Taylers, *Jacobites of Aberdeenshire and Banffshire*, pp. 232-233; Taylers, *Jacobite Letters to Lord Pitsligo*, p. 2; *Gordons Under Arms*, pp. 519-520. Pitsligo likely brought upwards of 200 men into the last rising, the majority of these being landed gentry and their servants, A.M. Annand, 'Lord Pitsligo's Horse in the Army of Prince Charles Edward, 1745-6' in *JSAHR*, 60 (1982), p. 227. *The Caledonian Mercury* (9 October, 1745) states that he marched into Edinburgh with 248 men.

106 *P45* (ii), pp. 98-99; William Mackay, *Urquhart and Glenmoriston* (Inverness, 1914), pp. 496-497.

Gordon served as a captain ‘under the influence of [Gordon of] Glenbucket’. Joseph Robertson, a non-juring minister in Haddington, was responsible for guiding a number of people to join Charles Edward’s army in the autumn of 1745, including his own nephew.<sup>107</sup> Famously, the wife of the Chief of the Mackintoshes, dubbed ‘Colonel’ Anne, used her high position to bring nearly 300 men into the rising, arguably against the wishes of her husband – and likely against those of the recruits, themselves.<sup>108</sup> Evan McDonald and Alexander Ferguson both wrote letters to their wives stating that their high regard for their masters kept them in the field during the Jacobite army’s march to England.<sup>109</sup> The power of personal prestige cannot be underestimated when considered as a motivational factor for the general populace, and while Jacobite sensibilities existed in nearly every significant town between England and Scotland, it was ultimately strong leadership that made the difference in actually securing martial and material support where it was needed.<sup>110</sup> Undoubtedly this is part of why Jacobite elites are seen as such vital figures and beacons of favour, whether territorial, political, or otherwise. The question remains, however, as to what particular types of influence were exerted to draw plebeian assistance, and this will be addressed in Chapter IV: Recruitment.

So, too, was familial influence a notable incentive within the popular constituency of the rising. James Stirling, a veteran of the Fifteen living in Glasgow, was likely too infirm to again join the Prince’s army. Instead he travelled to Edinburgh, where he presented his two sons directly to Charles Edward for his use in Elcho’s troop. Andrew Johnstone claimed that his father ‘with Threats & Menaces obliged him to quit the King’s Service’ and join the Jacobite army. Other rebels stated they were simply told by their mothers to go out for the cause – a formidable ultimatum in any era.<sup>111</sup> Lord Ancrum recounted to Everard Fawcener the furtive actions of the Jacobite mother of one Mr Mercer near Angus who, upon

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107 Rosebery’s *List*, pp. 136-137; *Gordons Under Arms*, p. 530.

108 *More Culloden Papers* (iv), pp. 76-80; The Lord President to the Laird of MacLeod (29 October, 1745) reprinted in *Culloden Papers*, pp. 438-439; Lady McIntosh to the Duke of Atholl (16 October, 1745) reprinted in *Jacobite Correspondence of the Atholl Family During the Rebellion 1746-1746* (Edinburgh, 1840), pp. 95-96; James Grant to Ludovick Grant (6 October, 1745), NRS GD.258/48/2/30. The ambassador to France, the Marquis d’Eguilles, claimed that Mackintosh brought as many as 600 into the rising, Blaikie, *Origins*, p. 101; *P45* (i), p. 317. Alexander Stuart of Dunearn boasted in a letter to his brother that he enjoyed tea with Lady Mackintosh, confiding that ‘She is really a very pretty Woman – Pity she is a Rebel’, Alexander Stuart to James Stuart (24 April, 1746) reprinted in Allardcye, *Historical Papers* (i), p. 313.

109 Evan McDonald to Elspet Grant (30 October, 1745) and Alexander Ferguson to Elspet Grant (same date), SPS.54/26/122/19-20.

110 McCann, ‘Organisation’, pp. xx; Monod, *Jacobitism and the English People*, p. 225.

111 *P45* (ii), pp. 32-33; *ibid.* (iii), pp. 350-351; Rosebery’s *List*, pp. 276-279; SPD.36/88/58; Examination of James Paterson (22 June, 1746), TNA TS.11/1081/5614.

her son being seized, 'slipt ten guineas into the Serjeants hand to let him escape, but the Serjeant had more honesty than to do it'.<sup>112</sup> As mentioned previously, the Master of Lovat was sent out against his own political loyalties by his father. Simon Fraser the younger would eventually go on to hold the rank of Major-General in the British army and to triumphantly reclaim his ancestral lands from the Hanoverian government in 1774, but not before doing as his father had commanded.<sup>113</sup>

The influence of tradition and memory should also not be discounted as a strong motivator for some to have participated, as well as the power of the symbolic trappings of that tradition. John Sanderson, a captain in the Manchester regiment who joined the Prince in Edinburgh, had his striking lace coat remarked upon by numerous witnesses. Apparently this was Sanderson's 'garb of resistance', as he claimed it had been secreted away since the last rebellion and he had not donned it since.<sup>114</sup> Numerous other physical items make appearances in the hands of Jacobite activists, including locks of hair, glassware and crockery, and even weapons used to fight on the field of battle. This demonstrates the ability for Jacobite sentiment to survive the span time as a potent belief through seditious objects, even thirty years on from the outcome of the Fifteen.<sup>115</sup>

## CONFESSIONAL FREEDOMS

Daniel Szechi states that the very foundation of Jacobitism in Britain lay in the three main religious institutions outside of the established Churches of England and Scotland. Between the Roman Catholic, Anglican non-juring, and Scots Episcopalian Churches, all of the conflicts of faith and doctrinal schisms with the establishment were essentially accounted for. Much like the fortunes of the Union, the question of religious freedoms must be considered in the context of regal authority and what tolerances would be imposed by the reigning monarch. The concept of a Stuart-imposed divine right of kings appealed to Roman Catholics, as well as the fact that the traditional faith of that dynasty happened to match their own, and Stuart proclamations explicitly tempted Catholic toleration from as early

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112 SPS.54/32/24e.

113 Annette Smith, 'Annexed Estates in the Eighteenth-Century Highlands', *Northern Scotland*, 3 (1977-8), p. 30.

114 TNA TS 11/760/2363.

115 Szechi, *The Jacobites*, p. 33; Pittock, *Material Culture and Sedition*, pp. 125-150; Novotny, 'Polite War', pp. 153-172.

as 1717.<sup>116</sup> Whereas Irish Jacobitism was able to be sustained by the broad base of Catholic clergy on an island consisting of a 75% Catholic majority, English and Lowland Scottish Catholicism was primarily maintained by the landed gentry and was relatively sparse. Evidence of accurate, widespread plebeian Catholic presence outwith Ireland is difficult to come by, and its waning constituency was a feature across class divides after the failure of the Fifteen, partially due to the imposition of anti-Catholic taxes and penal laws.<sup>117</sup>

Despite a mythological belief that the Scottish Highland clans were primarily Roman Catholic, only a quarter of the clans held more than a divided adherence to that church, many of which bifurcated even further by 1745.<sup>118</sup> But the devotion of the Roman Catholic minority in mainland Britain to the exiled House of Stuart was formidable and long-lived. In fact, the exceptional feature of this Catholic dedication to Jacobite efforts in Scotland was its endurance, made possible due to the geographical remoteness of its Highland constituents.<sup>119</sup> Meanwhile, Presbyterian polemics equated all agents of ‘popery’ as Jacobite who supported successive rebellions and efforts to subvert the government with ‘Zeal, Concurrence & private Encouragement from the whole Popish Party’. In response, the establishment sought to curtail such activities through imposing the registration of Catholic estates (regarded as ‘known Asylums of Priests’) and the prevention of gatherings at inns and taverns by denying public licenses.<sup>120</sup> To the Church of Scotland, the Catholic threat was obstreperous and was seen as the cyclical financing of sustained rebellion between Highland clergy and the exiled monarchy. As successful as Jacobite recruitment was in traditionally Roman Catholic areas, however, the ability of that faith alone to stoke action was questionable. Yet

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116 Szechi, *The Jacobites*, pp. 18, 32; Macinnes, ‘Jacobitism in Scotland’, p. 234.

117 Monod, *Jacobitism and the English People*, pp. 126-127, 132-138; Szechi, *The Jacobites*, pp. 18-19. Macinnes states that ‘the primary purpose of successive governments in promulgating the penal laws was to enforce the disarmament of professed and suspect papists because of their close identification with the Jacobite cause’, *Clanship*, p. 174. See also Alasdair Raffe, *The Culture of Controversy: Religious Arguments in Scotland, 1660-1714* (Woodbridge, 2012), pp. 37-38 and Allan Macinnes, ‘Catholic Recusancy and the Penal Laws, 1603-1707’ in *RSCHS*, 23 (1987), pp. 27-63; Sankey, *Jacobite Prisoners of the 1715 Rebellion*, pp. 40.

118 Macinnes estimates that only twelve of the fifty primary Highland clans were Catholic (24%), and half of those were in fact divided or mixed, *Clanship*, pp. 248-249. See also Lenman, ‘The Scottish Episcopal Clergy and the Ideology of Jacobitism’ in Cruickshanks, ed., *Ideology and Conspiracy*, p. 37; Sankey and Szechi, ‘Elite Culture’, p. 97.

119 Lenman, *Jacobite Risings in Britain*, pp. 228-229; Alasdair Roberts, ‘Roman Catholicism in the Highlands’ in James Kirk, ed., *The Church in the Highlands* (Edinburgh, 1998), pp. 63, 83.

120 ‘Suggestions on the means to destroy the influence and estates of the great Catholic families throughout Britain’ (undated), SPS.54/28/47f.

Catholic support of the Jacobite cause, as Lenman calls out, was taken for granted by nearly everyone.<sup>121</sup>

Scottish Episcopalians saw their church structure enfeebled and replaced at the Revolution, and were subsequently barraged for decades by the Williamite and Hanoverian governments with the full support of the established Presbyterian establishment.<sup>122</sup> England had witnessed over forty dissenting meeting houses destroyed in 1715 and this would be a common theme across Britain through the century, and especially directly after Culloden.<sup>123</sup> Universities in Scotland were nonetheless seeded with Episcopal sympathies after the Restoration and were responsible for churning out educated clergy who spread the belief that the established church post-1689 was 'as illegitimate as the new political regime'.<sup>124</sup> This went some way to ensuring that non-juring doctrine gave Jacobitism perhaps its most constant tenets throughout the decades of political jockeying and dynastic upheaval, and naturally became a confessional citadel in which the disaffected could shelter. To be a non-juror was to denounce the legitimacy of the illegitimate monarch (George) in favour of the rightful one (James) who could restore core moral values upon the kingdoms of Britain.<sup>125</sup> As such, non-jurors were viewed with extreme unease and suspicion and their congregations were considered to be

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121 Macinnes, 'Jacobitism in Scotland', pp. 234-235; Macinnes, *Clanship*, p. 173-177; Szechi, 'Defending the True Faith: Kirk, State, and Catholic Missioners in Scotland, 1653-1755' in *Catholic Historical Review*, 82:3 (July 1996), p. 400; Lenman, *Jacobite Risings in Britain*, pp. 229, 254; McCann, 'Organisation', pp. 109-136. McCann demonstrates that out of an estimated Roman Catholic population in Scotland of 19,000 (via the Scottish Catholic Archives and Alexander Webster's Census of 1755), somewhere between 4300 and 5300 troops were raised. This represents a rough total of 30% of total Jacobite army numbers but only 22-27% of the total Catholic population in Scotland, pp. 123-124. See also Thomas McInally, 'Missionaries or Soldiers for the Jacobite Cause? The Conflict of Loyalties for Scottish Catholic Clergy' in Macinnes, et al., *Jacobitism, Enlightenment and Empire*, pp. 43-58. Richard Findlay, 'Keeping the Covenant: Scottish National Identity' in Devine and Young, eds., *Eighteenth Century Scotland*, p. 122; Colley, *Britons*, pp. 5, 74. For the marginalisation of anti-Catholic sentiment, see Steve Pincus, 'The European Catholic Context of the Revolution of 1688-89: Gallicanism, Innocent XI, and Catholic Opposition' in Allan Macinnes and Arthur Williamson, eds., *Shaping the Stuart World, 1603-1714: The Atlantic Connection* (Boston, 2006), pp. 109-111.

122 Macinnes, *Union and Empire*, p. 245; Macinnes, 'Jacobitism in Scotland', pp. 234-236; John Parker Lawson, *History of the Scottish Episcopal Church: From the Revolution to the Present Time* (i, Edinburgh, 1843), passim; C.D.A. Leighton, 'Scottish Jacobitism, Episcopacy, and Counter-Enlightenment' in *History of European Ideas*, 35 (2009) pp. 1-10.

123 Nicolas Rogers, 'Riot and Popular Jacobitism', pp. 70-88; NLS MS.3044 f. 123; Newcastle to Fletcher (30 April, 1746), SPS.54/30/32; Fletcher to Newcastle (13 June, 1746), SPS.54/32/17. See Chapter III: Constituency, p. 100 and Chapter V: Consequences, p. 224.

124 Lenman, 'The Scottish Episcopal Clergy', pp. 38-39; Mark Goldie, 'The Nonjurors, Episcopacy, and the Origins of the Convocation Controversy' in Cruickshanks, ed., *Ideology and Conspiracy*, pp. 15-35.

125 Monod, *Jacobitism and the English People*, pp. 42-43. Monod helpfully summarises non-juring principles as 'the importance of monarchical sovereignty, the moral degeneration of illegitimate regimes, the hope of revival through a restoration of the rightful King'.

‘nurseries of Jacobitism’.<sup>126</sup> In December 1746, Lord Justice Clerk Andrew Fletcher sent a list of seventeen non-juring ministers in Edinburgh to the Duke of Newcastle. Its purpose was to inform the government where their perceived enemies were operating, and Fletcher promised to stay vigilant in case any had ‘attempted to preach or teach and educate children’.<sup>127</sup> Likewise, the juring clergy were expected to uphold the *de facto* sovereign’s legitimacy, sounding ‘the Trumpet against Popery and the Pretender’.<sup>128</sup>

Without doubt, confessional interests are evidenced to be part and parcel of Jacobite motivation and were closely aligned through the entire life of the movement. Though, as with all of the causal considerations, the issue is similarly a complex one with no clearly defined boundaries. Like many scholars, Richard Findlay considers that religion was at the very centre of Scottish national identity during the eighteenth century, and that the conflict between the established Presbyterian and displaced Episcopalian Churches was a ‘national project’.<sup>129</sup> The non-jurors of the north-east and Lowland Perthshire who made up a significant percentage of Jacobite support during the Forty-five were duty-bound to reestablishing their religious freedoms and felt that the restoration of the Stuarts was the most efficacious way to see it happen.<sup>130</sup> But in the Highlands, defence or assertion of faith was rarely, if ever, the primary call to action for either chief or clan. The importance of this dichotomy in the context of later Jacobitism is that shared religious beliefs provided a bond of common sentiment only so far as to organise action within a much larger opposition movement.<sup>131</sup> Though the Jacobite constituency reflected numerous faiths, a feature which debunks the old maxim of the Forty-five being a struggle between Catholics and Protestants, it is extremely relevant that they were only moderately united under a common actionable cause.

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126 William Crookshank, *Popish cruelty represented. In a Sermon Occasioned by the present Rebellion in Scotland* (London, 1745); Anon., *A Letter from a Gentleman at Newcastle, to the Burgesses of Edinburgh* (Edinburgh, 1745).

127 Newcastle to Fletcher (9 December, 1746) SPS.54/34/39a; Fletcher to Newcastle (23 December, 1746) SPS. 54/34/53a; ‘List of nonjuring episcopal ministers in the city and county of Edinburgh’ (23 December, 1746) SPS. 54/34/53b.

128 Hardwicke to Herring (31 August, 1745) reprinted in R. Garnett, ‘Correspondence of Archbishop Herring and Lord Hardwicke during the Rebellion of 1745’ in *EHR*, 39 (1909), p. 532; Françoise Deconinck-Brossard, ‘The Churches in the ‘45’ in *The Church and War* (SCH 20, 1983), p. 255.

129 Findlay, ‘Keeping the Covenant’, p. 123.

130 Rosalind Mitchison (perhaps simplistically) comments that ‘because the north-east wanted an episcopal church and was denied it under the new regime, it was jacobite’, ‘The Government and the Highlands’, p. 25; Taylors, *Jacobites of Aberdeenshire and Banffshire*, p. 9.

131 Sankey and Szechi, ‘Elite Culture’, pp. 95-97; McCann, ‘Organisation’, p. 52.

Donald Cameron of Lochiel brought three chaplains into his regiment, each one of a different denomination: Episcopalian, Catholic, and Presbyterian.<sup>132</sup> In May 1746, twelve rebel tenants in the parish of Lochlee in Angus were willing to put their confessional doctrine aside to make peace with the government. Promising ‘out of Gratitude and to Shew a just Sense of our Sin and Folly’ after being released on the King’s mercy, they admitted to ‘having imbibed wrong principles’ by attending a non-juring meeting-house, and signed a declaration that they and their families would from now on attend ‘the established Church where his Majesty and the Royall Family are duely preyed for’.<sup>133</sup> While faith played a prominent role in the motivations of many Jacobites in 1745, the evidence is compellingly clear that it was not divided down denominational lines.

#### **‘THE FETID SOUP OF DISCONTENT’**

Christopher Whatley spends considerable space in his book *Scottish Society, 1707-1830* describing the slow burn of unrest and discontent within the common people of Scotland, otherwise largely skimmed over by historians of the period.<sup>134</sup> His thesis maintains that during the first half of the eighteenth century, considerable volatility and violence marked Scottish communities both urban and rural – though in a specifically piecemeal manner rather than ‘large-scale outbreaks of disorder’.<sup>135</sup> While the social order, Whatley concedes, was not in any particular danger from the multitude of food, tax, and malt riots in the 1720s, it did cement a tradition of protest in both Scotland and England.<sup>136</sup> Edinburgh’s unpopular political constitution created waves of discontent in the capital of ‘North Britain’, with vehement protesters calling attention to the decay of trades as opposed to the levying of taxes.<sup>137</sup> Disaffected plebeians south of the border, meanwhile, were not

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132 Roberts, ‘Roman Catholicism in the Highlands’, p. 83.

133 Declaration of the Tenants of Lochlee, NLS MS.3730 ff. 10-11.

134 Mitchison touches on this, however, in ‘The Government and the Highlands’, p. 34.

135 Whatley, *Scottish Society*, p. 144. See also Whatley, ‘An Uninflammable People?’ in Ian Donnachie & C. Whatley, eds., *The Manufacture of Scottish History* (Edinburgh, 1992), pp. 51-71. Whatley’s ‘How Tame Were the Scottish Lowlanders During the Eighteenth Century?’ in T.M. Devine, ed., *Conflict and Stability in Scottish Society 1700-1850* (Edinburgh, 1990), pp. 1-30 is also worth noting.

136 J.A. Houlding cites that ‘rioting was part of the fabric of English society’ and was seen as a legitimate way of expressing grievances, *Fit for Service: Training of the British Army* (Oxford, 1981), pp. 64-65. See also Kidd, ‘Conditional Britons’, p. 1150.

137 For example, *A Vindication of the Brewers of Edinburgh* (Edinburgh, 1725 and 1745), p. 5.

inherently politic-minded and generally did not organise their protests around overtly-political issues.<sup>138</sup> Regardless of locale, rioting was a natural way to exercise these frustrations, and Lenman observes that it was completely natural ‘for rioters to shout Jacobite slogans, whether they believed them or not’, simply because they ‘were known to infuriate Whigs’.<sup>139</sup> The question was not whether a widespread essence of discontent existed in every area of Scotland and Northern England, strengthened by the ‘endogamous’ patrician norm of opposition society in coffeehouses and inns within both burgh and hamlet. It was more an issue of whether that opposition society would see it fit to reign in the toasting and singing in favour of funding Jacobite army logistics and picking up arms to join the march to London.<sup>140</sup> To be put concisely, there was a sizeable gulf between practical and ideological Jacobitism, though the two sometimes were expressed in tandem.

Monod asserts that popular Jacobitism ‘was not a catch-all for discontent; it was aroused by particular circumstances, and pursued specific aims [...] but had little to contribute to the resolution of economic problems’. It makes sense that workers involved in labour disputes and protestors who vocally denounced higher taxes might not find it in their best interests to appropriate the treasonous countenance of Jacobitism, despite its embedded appeal.<sup>141</sup> This does not preclude the presence of people frustrated enough with government policies to rise in arms alongside the most potent agency of potential change, however. While there were many outward signs of British irritation through the first half of the eighteenth century and only a few relatively small demonstrations to relieve that pressure, Jacobitism was surely the elephant in the room.<sup>142</sup> This is to say that nearly everyone in Britain either had witnessed or knew someone who had witnessed a Stuart-sanctioned military attempt at unseating the present establishment. Quite simply, no other opposition movements had ever threatened the government so greatly, or had come so close to succeeding. Though most Jacobite disturbances might not have been directly connected to specific economic, political, or religious matters, and though Jacobite elites may have not been interested in rioting as part

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138 Monod, *Jacobitism and the English People*, p. 196, 231. Nicolas Rogers argues that by 1745, ‘Jacobitism was no longer a popular rallying point’ in London, ‘Popular Disaffection in London’, p. 27.

139 Lenman, *Jacobite Risings in Britain*, p. 156; Monod, *Jacobitism and the English People*, p. 195; Rogers, ‘Riot and Popular Jacobitism’, pp. 83-85; McLynn, ‘Issues and Motives’, pp. 116-117.

140 Szechi, *The Jacobites*, pp. 24-25; McCann, ‘Organisation’, p. 4.

141 Monod, *Jacobitism and the English People*, pp. 196-197, 202.

142 Compare Monod’s maps of ‘Riots and demonstrations involving Jacobitism after 1715’ (p. 200) and ‘Anti-Hanoverian riots, 1715-80’ (p. 224) in *Jacobitism and the English People*.

of their grand strategy, the opportunity for plebeians to take part in the potential upheaval might have been too tempting for some.<sup>143</sup>

Some enterprising folks saw the brewing rebellion as a chance to take advantage of the financial possibilities that it could present, and others were simply destitute and had little choice. Richard Morison, an Edinburgh barber, claimed that he followed the Jacobite army 'for no other reason' than to exercise his trade.<sup>144</sup> John Hamilton, factor to the Duke of Gordon, was thought to have joined the enterprise less because of his Jacobite inclinations and more due to 'the disorder of his affairs', as was the notorious Aberdeenshire recruiter James Moir of Stoneywood.<sup>145</sup> A servant to a linen-draper in Worcester claimed he was left ill in Nairn by his master, whereupon he was robbed by some Jacobites there. Reduced to starving, he 'crawled to Inverness and ironically agreed to serve the Rebels for necessary Substinence'.<sup>146</sup> So, too, did Robert Randall cite starvation for his involvement, confessing to Lt. General Handasyd that he had once worked for the government as an excise officer but had been dismissed three years before.<sup>147</sup>

Inverness-shire and the Western Highlands had suffered through numerous poor harvest seasons in the years before the rising, and McCann comments that 'such scarcity provided a certain incentive to unrest to those who had therefore little to lose'.<sup>148</sup> The Malt Tax imposed by the government in 1725 was violently protested in Glasgow, though it was equally onerous in all towns and especially to rural farmers in Scotland; an Aberdeenshire minister recorded in 1746 that 'almost all the common people' in the north-east were inclined toward Jacobitism due to the possibility that a revolution might mitigate that financial drain.<sup>149</sup> While there is

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143 Lenman states that Jacobitism 'failed to take advantage of the widespread and often violent demonstrations of disaffection towards the London government' between 1725 and 1739, *Jacobite Risings in Britain*, pp. 229, 155-156; Whatley, *Scottish Society*, pp. 142-145, 170-174, 194; Whatley, 'An Uninflammable People?', pp. 52, 62-66; Lenman, *The Jacobite Cause*, pp. 51, 83; Monod, *Jacobitism and the English People*, p. 202; Rogers, 'Riot and Popular Jacobitism', p. 72; McLynn, 'Issues and Motives', p. 125.

144 SPD.36/88/58.

145 Blaikie, *Origins*, pp. 116, 119; Reid, *Like Hungry Wolves*, p. 41. Hamilton was eventually made Governor of Carlisle before being captured there and executed on 28 November 1746. The Taylers note that he had a 'very considerable' personal estate, so Blaikie's claim is possibly a specious one, *Jacobites of Aberdeenshire and Banffshire*, p. 293. See also TNA TS.11/760/2363 for depositions against Hamilton.

146 Examination of Samuel Weaver (25 April, 1745), PKA B59.30/72/2.

147 Memorial of Robert Randal (9 October, 1746), SPD.36/88/51.

148 McCann, 'Organisation', p. xxi; Blaikie, *Origins*, p. 133; Lenman, *Jacobite Risings in Britain*, p. 261. See also John Campbell to Archibald Campbell of Stonefield (6 August, 1746), NRS GD.14/107; Philipp Robinson Rössner, 'The 1738-41 Harvest Crisis in Scotland' in *SHR*, 90:229 (April 2011), pp. 27-63.

149 'Memoirs of the Rebellion' reprinted in Blaikie, *Origins*, pp. 122, 134; Taylers, *Jacobites of Aberdeenshire and Banffshire*, p. 8; Mitchison, 'The Government and the Highlands', p. 34.

no evidence of serious food shortages in Britain during the first half of the eighteenth century, there was indeed a tangible sense of moral outrage at the possibility of one manifesting. Stoked by what was seen as unfair financial benefits to both food merchants and exporters, the social divide between the merchant and common classes deepened and the entire century seethed with intermittent food riots in both England and Scotland, which further hampered trade and employment.<sup>150</sup> Four Irish migrants later taken with the Manchester Regiment pleaded destitution as their reason for enlisting in the Jacobite army, either out of work because of trade in Manchester being 'at a Stand' or not being able to find employment due to their status as 'outsiders'.<sup>151</sup> By the middle of the century, large ports like Glasgow and Dundee were experiencing an eruption of vigorous trade with Europe and the West Indies; it was the threat of an invasion from within that did more economic harm than the good which was promised by Charles Edward's manifesto shortly after his landing.<sup>152</sup>

Though some segments of Scottish society were settling into some economic benefits of the Union by 1745, things were apparently not so in Edinburgh. Scotland's capital instead was torn by some measure of financial and political crisis in the years leading up to the rebellion. Numerous broadsheets were published between 1725 and 1746 citing the corruption of the capital's local government, which was seen as utterly unethical and self-serving. Accused of acting as a degenerate front for mendacious burgesses, magistrates of the town council were called out on several occasions for their submissiveness to the Deacons of Trade, who held massive influence over both elections and civic policies. The council was blamed for enforcing unfair practices by anointing the guilds with regulatory powers that were seen as prejudiced, squeezing out competition and creating monopolies within numerous trades. These corporations, tacitly empowered by the (ostensibly Jacobite-leaning) provost, Archibald Stewart, were condemned for colluding with smugglers and hastening Edinburgh into being

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150 Whatley, 'An Uninflamable People?', pp. 64-65. Nicolas Rogers notes that Newcastle keelmen 'were quite prepared' to destroy portraits of the Stuarts during the food riots of 1740, but were vocally Jacobite during a following strike a decade later, *Crowds, Culture, and Politics in Georgian Britain* (Oxford, 1998), p. 52, 58-61.

151 Testimonies of William Crosbie (TNA TS.11/760/2363 p. 62), Thomas Joy (TNA TS.11/760/2363 p. 63), William Mercer (TNA TS.11/760/2361 p. 32), etc.; Monod, *Jacobitism and the English People*, p. 339.

152 Derek Patrick, 'Dundee in the '45' in Charles McKean, Bob Harris, and Christopher A. Whatley, eds., *Dundee: Renaissance to Enlightenment* (Dundee, 2009), pp. 102-104; 'Tobacco Duties, 1729-1749' reprinted in *The Cochrane Correspondence Regarding the Affairs of Glasgow, 1745-6* (Glasgow, 1836), p. 106. See the Glenfinnan Manifesto, reprinted in John Scott Keltie, Thomas McLauchlan, and John Wilson, *History of the Scottish Highlands, Highland Clans and Highland Regiments* (i, Edinburgh & London, 1875), pp. 523-525. This will be further explored in Chapter V: Consequences, pp. 208-210.

‘overwhelmed by Calamity’.<sup>153</sup> This oligarchical cycle provided for some tense years and finally erupted when Jacobite troops entered and occupied the capital.<sup>154</sup>

Citing negative influence by the English councils since Union, an Edinburgh citizen called out the ‘weakness or Inattention of almost every Ministry, to the general Good of the whole united Kingdom’. This, it was claimed, produced ‘dislike and Indifference, and could not fail at last to ripen into downright Disaffection to the Government’.<sup>155</sup> Such disaffection was not tantamount to feelings of Jacobitism, it was defended, and the reluctance of loyalist Scots to stand against the rebels had little to do with their sympathies to the cause. Rather, the ‘Goose Chase by a Handful of Highlanders’ was perceived in Edinburgh to be a different creature entirely and did not receive a large degree of support, even despite the ease with which the Prince was able to take the capital. Yet this did not mean that many citizens of Edinburgh were happy with either London rule or the local government, both of which some felt were untenable. It also did not necessarily mean that the latent distrust and frustration with these authorities would not eventually court Jacobite machinations.<sup>156</sup> In fact, Edinburgh displayed a unique polarity that allowed it to exist without any major public disturbances during Charles Edward’s occupation. The burgh had two main banks and two significant newspapers; one of each was explicitly known to have Jacobite ties. Blaikie comments that the regular citizens of Edinburgh did not let politics get in the way of civic friendliness, and that both Whig and Jacobite were able to exist together ‘in amity and good-fellowship’ – at least in matters outside of the church.<sup>157</sup> Few Jacobite soldiers were recruited from the Edinburgh area, though numerous regiments from other counties were filled out while the army was in occupation of

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153 *A Letter from a Scots Gentleman at Berwick to his Intimate Friend at Newcastle* (Newcastle, 1745), pp. 7-8; *Proposal for Retrieving the Sinking State of the Good Town of Edinburgh* (Edinburgh, 1737 and 1745); *A Letter from a Gentleman at Newcastle to the Burgesses of Edinburgh*; W.B. Blaikie, ‘Edinburgh at the Time of the Occupation of Prince Charles’ in *The Book of the Old Edinburgh Club* (ii, Edinburgh, 1909), pp. 6-7, 20-21.

154 For an excellent encapsulation of the workings of the Edinburgh town council, see Alexander Murdoch, ‘The Importance of Being Edinburgh: Management and Opposition in Edinburgh Politics, 1746-1784’ in *SHR*, 62:173 (April 1983), pp. 1-16. See also *A Letter From One Citizen of Edinburgh to Another: Concerning the Proposals Made for a New Sett for the Said City* (Edinburgh, 1746); *Now or Never, or, A Serious Address to the Citizens of Edinburgh* (Edinburgh, 1741).

155 *A Letter from a Scots Gentleman*, p. 4. Whatley explores a similar issue as propagandised by Robert Freebairn, but he comments that such potential disaffection likely did not serve the Jacobite movement to any great extent, *Scottish Society*, p. 188.

156 *A Letter from a Scots Gentleman*, pp. 4-6; Gibson, *Edinburgh in the '45*, p. 11.

157 Blaikie, ‘Edinburgh at the Time of the Occupation’, pp. 13-14, 51; Gibson, *Edinburgh in the '45*, p. 10. The two banks were Bank of Scotland and Royal Bank of Scotland; the two newspapers were the *Caledonian Mercury* and the *Edinburgh Evening Courant*.

the capital. Poignantly, Blaikie illustrates that ‘the Edinburgh Jacobites shouted for Prince Charles, but would not fight for him’, which further illustrates the gulf between ideology and practicality.<sup>158</sup> Nonetheless, after Culloden the Duke of Cumberland showed his disappointment in Edinburgh’s poor defence by burning the captured Jacobite standards at the mercat cross, as well as suggesting to his father, King George, that the capital of Scotland be moved to Glasgow.<sup>159</sup>

In short, by-the-book Jacobitism did not have to be a catch-all for discontent for it to be effective, because it had assistance from those with similar goals who might not have been of a refined Jacobite persuasion. It is acceptable to acknowledge this and not denude the ideological tenets of the movement, and it is logical to surmise that the progression of Jacobite aims – during the Forty-five and through the movement’s entire life – took on more diversity as it went along than with which it first started.

## FOREIGN SERVICE

France’s commitment to the Jacobite military effort in Scotland, ever threatening but not successfully materialising until the autumn of 1745, bears considering in the overall assessment of motivation during the final rising. Louis XV’s signature on the treaty cemented at Fontainebleau in late October of that year legitimised his intentions to support Charles Edward and formally made the Forty-five an international affair.<sup>160</sup> The mostly Scottish and Irish regular troops in French service that were donated to the cause made up no less than 7% of the Jacobite army, and likely more based on the differing estimated numbers of total rebel soldiers.<sup>161</sup> These units were divided into three main bodies and, excluding British army deserters absorbed by other units, may have been the only real professional troops in the entire Jacobite cohort. Lord John Drummond had raised nearly 600 men of the Royal Ecosais by August 1744, its original intention being to fight in the War of Austrian Succession as part of the army of France. After

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158 Blaikie, ‘Edinburgh at the Time of the Occupation’, p. 56. The Officers of Excise show 142 names connected with Jacobitism from the Edinburgh area with thirty-nine identified in Port Leith alone, *Rosebery’s List*, pp. 244-259; NLS MS.1918 ff. 1-2. See also Memorial for the Town of Edinburgh, NLS MS.17527 ff. 141-144.

159 Gibson, *Edinburgh in the ‘45*, pp. 57-58.

160 McLynn, *France and the Jacobite Rising of 1745*, pp. 239-240; A.J. Youngson, *The Prince and the Pretender* (London, 1985), p. 216.

161 See, for example, Duffy, *The ‘45*, pp. 576-577; McCann, ‘Organisation’, p. 157; Fletcher to Newcastle (9 December, 1745), SPS.54/26/94a, etc.

participating in Flanders at numerous sieges, the regiment joined the expeditionary force sent to assist the Jacobites in Scotland, landing at Montrose in late November 1745. Though Drummond was expected to raise another battalion of men in Scotland for the under-strength unit, its numbers likely never rose far above 400.<sup>162</sup>

A second body of infantry sent to Scotland, the Irish Brigade or 'Wild Geese', had a long tradition of Jacobite military activity, originally being formed as part of a mutual trade between James VII and Louis XIV during the dynastic conflicts of the late-seventeenth century.<sup>163</sup> Populated somewhat clandestinely due to the appearance of Catholics from pro-Jacobite Irish families and deserters from the British army, the Brigade fought effectively on the Continent at Fontenoy before committing 'choice detachments' of its numerous regiments to the Jacobites in 1745.<sup>164</sup> These detachments (called 'picquets') of fifty men came from all six Irish Brigade regiments and, like the Royal Ecossais, were deployed to Scotland in late November. About half of this donation of soldiers was captured by the British navy even before making landfall, thus limiting the operational number of the Irish Brigade in Scotland to around 150 before local recruiting was used to supplement the unit.<sup>165</sup>

The third main body of troops in French service was the cavalry regiment of FitzJames' Horse, technically part of the Irish Brigade and commanded independently by Irish officers. Only one of four assigned squadrons actually landed in Scotland, and this without actual horses. Christopher Duffy notes that the men of Kilmarnock's cavalry had to hand off some of their mounts to ensure FitzJames' could perform as expected. Like the Wild Geese, FitzJames' was first raised by James VII in 1691, but was eventually passed into France's authority by 1698.<sup>166</sup> Members from all three of these bodies appear in numerous prison documents and were carefully tracked, given that their status as foreign soldiers ostensibly entitled

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162 Reid, *Like Hungry Wolves*, pp. 41-42; Duffy, *The '45*, p. 576.

163 Mark G. McLaughlin, *The Wild Geese: The Irish Brigades of France and Spain* (London, 1980), p. 5.

164 Ibid, pp. 12-15. Reid states that it was frowned upon and technically illegal to include Catholic recruits in British regiments before Culloden, 1745, p. 183; Reid, *Like Hungry Wolves*, pp. 41; Duffy, *The '45*, pp. 576-577. 'Choice detachments' quoted in John Drummond to Lord Fortrose (6 December, 1745) reprinted in Home, *The History of the Rebellion*, pp. 344-345.

165 Hector McDonnell, 'Some Documents Relating to the Involvement of the Irish Brigade in the Rebellion of 1745' in *Irish Sword*, 16:62, pp. 3-4 (1984-86); Mary Hayden, 'Prince Charles and His Irish Friends' in *Studies: An Irish Quarterly Review*, 23:89 (March 1934), pp. 95-109; John Cornelius O'Callaghan, *History of the Irish Brigades in the Service of France* (Glasgow, 1885), pp. 419-479; Reid, *Like Hungry Wolves*, pp. 41; Taylers, *Jacobites of Aberdeenshire and Banffshire*, p. 50; *P45* (i), pp. 235-239.

166 A. McKenzie Annand, 'FitzJames's Horse in the '45' in *Irish Sword*, 16:65 (1986), pp. 273-276; McDonnell, 'Irish Brigade Documents', pp. 3-21; Duffy, *The '45*, pp. 438, 577.

them to certain benefits as prisoners of war. Clear evidence was therefore demanded by the British government to prove that these men were not, in fact, lawful subjects of King George.<sup>167</sup>

Determining the personal motivations for these regular troops is difficult, as professional soldiers generally do what they are told to do by their superiors. Though their specific incentives could vary greatly, the majority of Scottish soldiers in foreign service during the seventeenth century likely 'did so out of financial necessity', even when considering that Scots 'at all social levels' were driven by the nation's deeply-ingrained martial tradition.<sup>168</sup> The Irish Brigade offers an interesting study, however, as the picquets destined for Scotland were apparently formed on an entirely volunteer basis. A rough count of extant numbers shows that the quotas of fifty men per regiment were exceeded, though only half of them escaped capture before landing. Aspirations of wealth might have had something to do with such enthusiasm, hearsay being that the 'English' were so rich that 'every man of the corps might make his fortune by plunder'.<sup>169</sup>

A document in the State Papers offers much more useful information about sixty-nine troopers from a squadron of FitzJames' regiment captured at sea. While not every entry in this list is definitive, the government had been able to record some of 'their Reasons for Listing & for going to France' before processing them as prisoners of war.<sup>170</sup> Amongst these, the most common citations are of growing up in Ireland and thereafter traveling to the Continent whereupon they enlisted. Some were visiting family or going to study; apparently the Irish uncles of FitzJames' soldiers now living in France were quite numerous, as an official's note reads 'this is a pretence they mostly all make'.<sup>171</sup> Others claimed they were brought to France by smugglers or otherwise made to enlist forcefully. Only two are recorded as signing up to seek their fortunes, and none cite ideologies of dynasty, nationalism, or politic. A few are noted as pretending to be Frenchmen, presumably to ensure they could claim proper status as prisoners of war. Conversely, numerous others

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167 See, for example, 'List of Officers in the French Service who are not His Majesty's Subjects', SPD.36/92/13.

168 Matthew Glozier, *Scottish Soldiers in France in the Reign of the Sun King* (Leiden and Boston, 2004), pp. 70-71. See also James Ferguson, ed., *Papers Illustrating the History of the Scots Brigade in the Service of the United Netherlands 1572-1782* (ii, Edinburgh, 1899), pp. 219-285 for papers regarding the recruitment of the Scots Brigade in the eighteenth century.

169 O'Callaghan, *History of the Irish Brigades*, p. 421.

170 Return of the Prisoners of FitzJames's Regt. (20 October, 1746) SPD.36/88/336-338. This is reprinted in full within McDonnell's 'Irish Brigade Documents', pp. 7-11. Note that there are some omissions and transcription errors in McDonnell's article. See also List of Prisoners of FitzJames' Horse, SPD.36/92/3.

171 Sixteen soldiers cited going to see relations as their main purpose for traveling to the Continent.

announced their intention not to return to France in any capacity.<sup>172</sup> Four of the troopers are English (all of which are noted as being Protestant), one is Welsh, one Scots, and the rest are Irish. Their average age is just over thirty-one and their average length of service at the time of capture is just under twelve years. In all, 35% of the average lifespans of these men was spent in military employ with France.

The fates of those captured in foreign service will be further explored in Chapter V: Consequences. It is fitting to mention here, however, that some of those who were born on British soil were willingly repatriated for enlistment into the British army. Ten soldiers from FitzJames' petitioned the government on 22 November 1746 for pardons in order to escape transportation or death, claiming they were 'taken by the French at sea' and given no other option than to engage 'after a long confinement'. Six more petitioned the same three days later, stating their desire to be pardoned for treason 'and to be allowed to serve in the British forces'.<sup>173</sup> Some of these men were former deserters from British regiments or were captured by the French while fighting against them on the Continent, and some simply wanted to get out of the military at any cost and regardless of the consequences. Of the five 'French' soldiers held in Dumfries jail, two had previously deserted from British regiments in Flanders. Incarcerated in Edinburgh, James Mouse explained that he enlisted with the French army with the intention to come home.<sup>174</sup> John Reid, a Royal Ecosais trooper made captive in the Marshalsea prison, asked that he 'may never be sent again to France being forced into that Service to save himself from a Lingring death for want of victuals'.<sup>175</sup> Of the 145 prisoners from Bulkeley's, Clare's, and Berwick's picquets, only forty-three are listed as having signed up for service voluntarily, specifically going to France for that purpose. Seven are noted as deserting from the 'Scotch Dutch', with numerous others citing that they were sold into Dutch Service from Berwick's, Rothe's and the Scots Fusiliers.<sup>176</sup> This goes some way to explaining the detailed notes about the

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172 The infamous Francis Townley, commander of the Manchester Regiment, also claimed to be a French subject after his capture, *P45* (i), p. 325.

173 Various petitions of soldiers in FitzJames' regiment, SPD.36/84, 36/88, 36/89; McDonnell, 'Irish Brigade Documents'.

174 Alexander Home's List of Prisoners in Scotland (22 November, 1746), SPD.36/89/272.

175 List of the Prisoners in the Different County Goals in Scotland, SPD.36/89/272; An Account of State Prisoners now in the Marshalsea Prison (12 July, 1746), TNA TS.20/52/3.

176 A Return of the Prisoners in the Citadel of Hull, SPD.36/89/37.

enlistment of these men, as the government surely either wanted their captured troops back or were looking to flag up deserters and other convicted criminals.<sup>177</sup>

France, of course, shared the common goals with the Jacobites of wanting to see the British army defeated and the Hanoverian government overthrown. Sending five vessels and about a thousand troops to Scotland, plus scattered caches of money, equipment, and firearms, however, was simply not enough to do any major damage to the establishment. France's real contribution was harbouring the exiled Stuart court for so many years, which gave Jacobite schemes a central command of sorts safely hidden away from prying Hanoverian eyes. It was in the shadow of this court that the tradition of foreign Jacobite recruiting was at its most potent, and this had been the case since late 1690. While Scottish soldiers in foreign service had previously been used by Stuart monarchs to influence foreign policy, in 1745 Charles Edward needed them to return home to assist with domestic endeavours.<sup>178</sup> What he received from France, even under formal treaty and despite repeated guarantees, was only a shade of what was required. Nevertheless, the promise of a more substantial French commitment kept Jacobite hopes alive in Scotland even as its absence kept large numbers of ambivalent English Jacobites out of the action entirely.<sup>179</sup> Ironically, it was these men from the regiments in French service, seemingly without much of a doctrinal stake in the conflict, who saved the bacon of the Jacobite command as it fled the field at Culloden. The sacrifice of the Irish picquets alone was nearly a quarter of their contingent.<sup>180</sup>

## IMPRESSMENT AND COERCION

Lastly, a somewhat incongruous category of Jacobite motivation during the Forty-five was the presence of forcing used to bring soldiers into arms. It is clearly not a doctrinal belief or personal ideology like the others noted in this typology, but nonetheless was a significant factor in building up opposition to government forces

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177 The enthusiastic Captain Stratford Eyre, before his term as Governor of Galway, offers a closing note at the end of the FitzJames' list: 'undoubtedly many transported felons, out laws, & fellows who have fled from Justice and Recruiters for the French Regiments, will be Discover'd Amongst These & other Prisoners of that nation', SPD. 36/88/336-338.

178 Glozier, *Scottish Soldiers in France*, pp. 2, 69, 231-236; Edward M. Furgol, *A Regimental History of the Covenanting Armies 1639-1651* (Edinburgh, 1990), pp. 2-3; Steve Murdoch and Alexia Grosjean, *Alexander Leslie and the Scottish Generals of the Thirty Years' War, 1618-1648* (London, 2014), pp. 25-46.

179 Szechi, *The Jacobites*, pp. 102-104; Lenman, *Jacobite Risings in Britain*, pp. 242-243, 259, 288.

180 Duffy, *The '45*, p. 523; Reid, *1745*, pp. 168-169.

in preparation for a revolutionary takeover. Despite nearly the whole of Jacobite scholarship's continued marginalisation of forced recruitment as an effective method for supplying the Jacobite army with its numbers in 1745-6, a careful analysis of the evidence overwhelmingly suggests otherwise. It is easy for both Whig-minded revisionists and Jacobite apologists alike to bury the case without realistically considering the value of impressment as a motivator of the constituency simply because it is detrimental to both agendas. The Whig narrative might benefit the most from proof of widespread forcing, demonstrating the 'barbarous customs and maxims' of the Highland host (as the Jacobite army in 1745 purposefully styled itself), but then the hundreds of pleas by captured prisoners would have had to be further investigated by the government – a costly and time-intensive prospect that had the propensity to rob the British judicial system of its treasonous examples to the rest of the kingdom.<sup>181</sup> The pro-Jacobite record, of course, suffers intrinsically from irony-sickness upon the admission of a significant quantity of forced supporters, as it denudes the ideologies traditionally associated with the Jacobite goal of fomenting a popular uprising that sought liberation from 'foreign' oppression.

Most arguments are made against the inherent value of 'forcing out' pleas, unilaterally subscribing to the belief that such testimonies were nothing more than obvious ploys to escape punishment and were therefore groundless or, at the very least, suspect.<sup>182</sup> One scholar plainly suggests that Bruce Lenman's consideration of primary-source evidence documenting examples of forcing is taking things 'too much at face value'.<sup>183</sup> The British government implemented a meticulous process of testing high-value prisoners against claims of impressment, which was designed to ensure that every attempt was made by the would-be victims to immediately and consistently remove themselves from forced service:

the Matter of Fact whether Force or No Force, and how long that Force continued, with every Circumstance tending to shew the Practicability or

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181 'Some Thoughts Concerning the State of the Highlands in Scotland' (3 October, 1746), SPS.54/34/4g; *An Attempt to prove, that the Common Highlanders act by Compulsion, and not by Inclination...* (London, 1745), NLS Abs.1.86.46; Pittock, *Myth*, pp. 89-90; Plank, *Rebellion and Savagery*, pp. 49-50.

182 *Ibid.*, pp. 46, 67, 86-93; Macinnes, *Clanship*, p. 167; Reid, *Like Hungry Wolves*, p. 40; P45 (i), pp. 269-273; Plank, *Rebellion and Savagery*, pp. 31-33.

183 James A. Stewart, Jr, 'Highland Motives in the Jacobite Rising of 1745-46: "Forcing Out," Traditional Documentation and Gaelic Poetry' in *Proceedings of the Harvard Celtic Colloquium*, 20-21 (2000-1), p. 145. See Lenman's take in *The Jacobite Clans of the Great Glen* (London, 1984), pp. 214-217 and *The Jacobite Risings in Britain*, pp. 257-258.

Impracticability of an Escape, was left to the Jury on the whole Evidence.<sup>184</sup>

Despite the fact that British officials were sceptical of these claims, however, hundreds of precognitions from witnesses and transcripts of laborious testimonials survive that prove judicial adherence to whatever the evidence actually bore out. Justices often expressed anxiety and frustration about collecting enough damning material to ensure that guilty parties were punished accordingly, but numerous examples exist of open resignation when sufficient witnesses or witness corroborations ('evidences', as they were termed) were not available to be used at trial. As a result, many alleged Jacobite prisoners were dismissed, acquitted, or otherwise let go.<sup>185</sup>

Some scholars consider the use of force in eighteenth-century recruitment no shocking occurrence, citing multiple instances of the British army (and, famously, the navy) itself employing such methods to bring people into its ranks.<sup>186</sup> This is decidedly missing the point, however. Press-gangs used to drum up numbers for a government-sanctioned and government-supported professional military body is very different creature from threats of burning houses and harming families by a popular revolutionary movement predicated on moral, national, and dynastic right. Perhaps even more ironically relevant is that the British army of the eighteenth century was appreciably motivated by its soldiers' *esprit de corps* and common antipathy for rebels of all stripes, both in North America and at home. It is exaggeration to state that British army recruits scrambled to the Union flag when recruiting parties 'beat up' for volunteers in the years surrounding the Forty-five – especially in Scotland – but evidence suggests it is highly doubtful that the numbers of pressed Jacobite and British army soldiers were similar, nor were their methods of coercion.<sup>187</sup> In any case, when describing the makeup of Cumberland's army at

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184 'A Narrative of the trials of rebel prisoners, on the King's Commission of Oyer and Terminer, at the Court-House on St Margaret's Hill, Southwark, 1746', NLS Yule.25. See also Reid, 1745, pp. 199-200.

185 P45 (i) pp. 119-132; Jarvis, *Collected Papers* (ii), pp. 255-256; SPS.54/32/46, 48, 49c, 50, 55; 54/33/6e, 23b; SPD.36/93/123-124; 36/89/272. Jacobite scholarship has not yet assessed the dismissals of alleged rebels deemed innocent by the courts or the conditions of their acquittals.

186 Pittock, *Myth*, pp. 86-87; 92-93.

187 H.C.B. Rogers, *The British Army of the Eighteenth Century* (London, 1977), pp. 60-61; Matthew H. Spring, *With Zeal and With Bayonets Only: The British Army on Campaign in North America, 1775-1783* (Norman, Oklahoma, 2008), pp. 103-137; Stephen Brumwell, *Redcoats: The British Soldier and War in the Americas, 1755-1763* (Cambridge, 2002), pp. 57-58, 99-100, 112-118, 273-274. See also James Hayes, 'The Royal House of Hanover and the British Army, 1714-1760', *Bulletin of the John Rylands Library*, 40:2 (1958), pp. 328-357. Houlding describes that British army impressment was specifically used to motivate voluntary recruiting, *Fit for Service*, pp. 116-18. As well, there is a mythological seed to the old maxim that professional loyalist soldiers fought with less ideological zeal than their revolutionary counterparts. There is room for a deeper study on the numerical comparison of pressed soldiers in both the British and Jacobite armies in 1745-6.

Culloden, Stuart Reid, a noted expert on the British army of the eighteenth century, definitively states that ‘with certain very clearly defined exceptions, enlistment into the ranks of the army was voluntary.’<sup>188</sup>

While conceding that there were surely occurrences of Jacobite coercion, Murray Pittock appears hard-wired against accepting that force was a significant recruitment tactic (and therefore, motivator) used to bring men into arms during the Forty-five, summing up his position by stating ‘if there were examples of forcing on clan lands [...] there were counter-examples’. This offers little clarity in the matter, as does his claim that the feudal obligations of tenants in the Highlands, when threatened by fire and sword to rise with their chiefs and tacksmen, ‘can hardly be reduced to the name of “forcing”’.<sup>189</sup> In fact, some scholars claim that impressment was barely present in the Central Highlands, and that in the Western Highlands it was categorically not present at all.<sup>190</sup> But we know there was significant resentment of and resistance to levying activity in the Highlands regardless of whether it was Jacobite- or government-sanctioned, as military recruitment naturally took manpower away from communities where farming was intrinsic to their survival. In this manner, both parties threatened to undermine the agrarian economies of these Highland estates, and there are examples in Breadalbane, Lochaber, Stratherrick, and Glenmoriston of widespread fallowness in the years following the Forty-five due to ‘excessive Jacobite recruitment and a consequent lack of agricultural labour’.<sup>191</sup> With this in mind, it seems questionable that tacksmen would willingly allow their holdings to suffer such financial decay for either redcoat or rebel. Business, even in the remoteness of the Highlands, continued.

There can be no doubt that many Jacobite prisoners facing unthinkable punishment for their part in the rising claimed coercion with an eye toward saving their skins. But it is also prudent and sensible to take for granted that instances of

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188 Stuart Reid, *Cumberland's Culloden Army 1745-46* (Oxford, 2012), p.16; Reid, *1745*, p. 183. See also Victoria Henshaw, ‘A Reassessment of the British Army in Scotland, From the Union to the ‘45’ in *Northern Scotland*, 2 (2011) pp. 10-11; Henshaw, *Scotland and the British Army*, p. 54. Mackillop, *More Fruitful Than the Soil*, pp. 107, 236-237; Stephan Conway, ‘The Scots Brigade in the Eighteenth Century’ in *Northern Scotland*, 1 (2010), p. 34; Houlding, *Fit for Service*, p. 118; Brumwell, *Redcoats*, p. 58; Rogers, *The British Army of the Eighteenth Century*, pp. 59-60.

189 Pittock, *Myth*, p, 90.

190 Stewart, Jr, ‘Highland Motives’, p. 170.

191 Mackillop, *‘More Fruitful Than the Soil’*, p. 107. Of note, Mackillop states that ‘Breadalbane tenantry were certainly not prepared to enlist [in the British army] unless enough men were left to guarantee normal agricultural activity’. See also evidence for this in the Carlisle area, James Ged to Duke of Perth (12 November, 1745), SPS. 54/26/151.

physical threats and blackmail can indeed be considered ‘force’, regardless of the context of the relationship between aggressor and victim. Being made to carry arms against the will of an individual is the very definition of being ‘forced out’. Vitally, it was not just the captured and condemned who noted the prevalence of these tactics after the fighting was over. Government intelligence from Atholl and Angus at the very beginning of the rising identified the large proportion of impelled soldiers.<sup>192</sup> Alexander McDonald, on the march with the Jacobite army at Musselburgh, wrote to his father in late October 1745 that Lord Lewis Gordon was ‘putting in to prisson all those that are not willing to Rise’.<sup>193</sup> Brushing aside these claims as nothing more than indemnifying scapegoats is simply unrealistic. The question remains as to how widespread it was and what tactics were used to manipulate elements of the Scottish population into supporting the Jacobite military apparatus.

Far from being a limited and negligible method of gathering Jacobite recruits, impressment and coercion during the Forty-five was widespread and significant. Bruce Lenman soberly considers that threats and force were not only the ‘standard methods’ of Jacobite recruiting, but entirely necessary to the continued survival of an army hard-pressed to obtain plentiful arms and funding, and with little outside support or a strong base of supply.<sup>194</sup> Whether this great need for impressment and its cognate resistance from potential levies makes more of a statement about the inefficacy of the movement itself, or the resistance of the clansmen, farmers, and merchants targeted to support it, is debatable. In either case, ‘the impressment issue’ can no longer be ignored as a valid motivator when considering the Forty-five as a distinct movement or cause.<sup>195</sup>

## IDEOLOGY VERSUS PRACTICE

As demonstrated by a great majority of the people who supported it, Jacobitism in the mid-eighteenth century was a blurry amalgam of different causes, frustrations, projections, and, at times, even excuses – ‘like fog around a lamp-

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<sup>192</sup> Anon. to Craigie (11 September, 1745), SPS.54/26/11b.

<sup>193</sup> Alexander McDonald to Angus McDonell of Leek (31 October, 1745), SPS.54/26/122/1.

<sup>194</sup> Lenman, *Jacobite Risings in Britain*, pp. 257-258.

<sup>195</sup> This topic will be explored in further detail within Chapter IV: Recruitment.

post'.<sup>196</sup> It manifested common threads of protest and disaffection, including the traditional Jacobite ideological causes of dynastic support for the Stuarts and an inspired nationalistic current that made it especially potent in Scotland. A majority of those who fought for the Jacobite cause in every significant rising were Episcopalian, and the non-juring clergy, while small in number, were likely responsible for gathering the most active support through the 'creation and transmission of articulate Jacobite ideology' in 1745.<sup>197</sup> But like in many theatres of war, these ideologies were less important to the popular constituents who were alleged and accused of displaying traits of Jacobitism.

Even in 1715, in which a decisive majority of the participants were allegedly motivated by opposition to the Union, the differing strains of both national and confessional incentive critically – and detrimentally – manufactured 'chronic tension' between them.<sup>198</sup> By 1745, the temporal distance from Union and the mixed messages transmitted by the very heads of the movement deprived later Jacobitism of a consolidated, driving motive. In this way, it helps to think of an ideological kaleidoscope rather than a lens; a Jacobite mosaic instead of a portrait.<sup>199</sup> In the Scottish Highlands, where Jacobitism was commonly thought to have been bred and sheltered, the decision to come out in the Forty-five was not made along lines of religion or those of previous Jacobite sentiment, revealing cracks in the continuity of loyal tradition to the Stuarts.<sup>200</sup> Likewise, the common people did not flock to Charles Edward's standard in pursuit of the spirit of national ideal.<sup>201</sup> Instead, factors of commercialism and industrialisation, as well as specific practicalities germane to each clan's chiefs and tacksmen were far more influential – and even then were not always adhered to by their tenants and family members. Agricultural issues were paramount to most who lived in a rural context and dictated many decisions to fight or stay home, and often times if the former was chosen it would not last beyond boundaries of locality or length of time separated

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<sup>196</sup> Monod, *Jacobitism and the English People*, p. 42.

<sup>197</sup> Lenman, 'The Scottish Episcopal Clergy', pp. 36-48.

<sup>198</sup> Szechi, *1715*, p. 61; Pittock, *Myth*, pp. 54, 144-145.

<sup>199</sup> McLynn, 'Issues and Motives', p. 98; Lenman, *Jacobite Clans of the Great Glen*, p. 157.

<sup>200</sup> McCann, 'Organisation', p. xviii.

<sup>201</sup> Donald Maclean, 'The Effect of the 1745 Rising on the Social and Economic Condition of the Highlands' in *The Celtic Review*, 10:37 (1914), p. 11.

from subsistence.<sup>202</sup> The covert, sustained movement championed by Allan MacInnes was kept in play by a segment of the Jacobite elite rather than the popular base of British citizens, disaffected in their attitude toward the government or not. The line between passive and active Jacobitism was one of commitment with known risk and Hanoverian criticism did not always equal Jacobite sentiment.

Paul Monod describes the quality of Samuel Johnson's Jacobitism, as well as that of numerous other elites, as

a variegated and changing intellectual trait, which rose and fell in intensity. It was not simply a fixed or inherited "prejudice" [...] the Jacobite disposition was never as uniform or simplistic as its enemies made it out to be. Its characteristics were diverse; they might encompass passivity and aggression, strict hierarchalism and wild populism, a desire for conformity and an impulse towards radical opposition.<sup>203</sup>

Charles' tactic of keeping his cause explicitly open to a wide range of subscribers and fluctuating its focus to suit a broader base of support backfired to some extent, manifesting in a muddled purpose and some inherent doctrinal weaknesses. Significantly, that kaleidoscopic appeal was relevant to a similarly varied base of adherents who would finally follow him into war against the British state in 1745, willingly or not. This is borne out by the evidence that describes their varying motivations. As would be expected, what is seen within the plebeian majority is not so much a distinct expression of Jacobite beliefs and ideals than that of the elites, but more of an inconsistency of those beliefs and ideals. Of equal importance, the Forty-five shows no signs of having been a class-restricted revolt, as it featured both plebeian and patricians conspiring together in the name of the causes most relevant to them personally.

Jacobitism had enough drawing power in 1745 to legitimately threaten the safety of the British state, however depleted or watered down it was by that time. Did an effective and defined Jacobite movement, then, really exist in 1745-6? Szechi definitively states that Jacobitism produced 'a self-sustaining, recognisable minority who rejected the social, political and religious order installed after 1688', though being careful to note that its various networks and 'shifting clouds' of representative opposition were 'never as resolutely committed as the core group'.<sup>204</sup> If a majority of the participants displayed little doctrinal awareness of the

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202 Mitchison notes that loyalty 'for chiefs and landowners was a question of prejudice and personal advantage' and that 'there was a marked correlation between bankruptcy and rebellion', 'The Government and the Highlands', pp. 30, 43.

203 Monod, 'Samuel Johnson's Jacobite Journey', p. 12.

204 Szechi, *The Jacobites*, p. 12.

ideological causes of that revolutionary stimulus, instead being moved to arms by private economic misfortunes, congregational influence, violent coercion or blackmail, familial legacies, and personal loyalties to those with more understanding of the European political world and more stake in that world, would any counter-movement versus the status quo have done the job?<sup>205</sup> It is not terribly helpful to marginalise the rank-and-file, as do McLynn and Macinnes, by claiming that the footmen of a movement rarely reflect the whims of its leaders.<sup>206</sup> After all, the common soldiers were punished alongside Jacobite elites due to their treasonous beliefs above all else, whether enacted themselves or simply through association with the real ‘movers and shakers’. If Jacobitism was an ideology of the elite but enacted predominantly by the commoners who were largely unaffected by the tides of politics and polemics, does that incapacitate the movement’s legitimacy as an effective agent of sweeping change?<sup>207</sup>

Evidence suggests that to the people on the ground, Jacobite agency was not primarily reflected in dynasticism nor promises of dissolving the Union, however symbolic those shibboleths had been or how many had previously died ‘in the name’ of those causes. Even in his essential study of the Jacobite army, Pittock concedes through the film of Jacobitism-as-nationalism that not all Jacobite motives were patriotic:

They did not fight to have the right to have Jacobite clubs, to drink healths, to restore the Royal Touch or cast latitudinarian bishops from the bench of the Church of England – they did not even fight to keep the Tories in power. The Jacobites who wanted these things by and large did not fight.<sup>208</sup>

Whether *those* Jacobites actually fought or not will likely be forever out of reach, but they unquestionably suffered for all of these desires and more, just as those who were actually in arms. Pittock’s inference that somehow the *true* Jacobites were the only ones who fought, and when they fought, they did for Scotland, against Union, for the restoration of a king and the Episcopal religion, does not tell the whole story.<sup>209</sup> Yet it does point out the discrepancies between ideological and practical

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205 Lenman quips: ‘I do think that [...] those who did Jacobite deeds are historically more important than those who only wrote and uttered Jacobite phrases. In fact one of the problems facing anyone who tries to recreate the mental values of active Jacobites is that, by and large, those who wrote most did not act, and those who acted wrote little, if anything’, ‘The Scottish Episcopal Clergy’, p. 36.

206 McLynn, ‘Issues and Motives’, p. 122; Macinnes ‘Scottish Jacobitism’, pp. 82-85. See also Findlay, ‘Keeping the Covenant’, p. 122 for a discussion of how elite principles cannot be taken for granted to represent the ‘values and ideas’ of the common people.

207 Compare this with the French Revolution and its popularity across all social classes.

208 Pittock, *Myth*, pp. 177.

209 *Ibid.*, pp. 177.

Jacobitism and how the two interacted and coexisted. The most critically distinctive quality of Jacobitism remains that its sentiments and actions did not always match, and that ‘the two were not always products of the same factors’.<sup>210</sup> If the Whig government was meant to be considered a safe bet to promote the welfare of Britain, it can be said that Jacobitism was its ‘currency of resentment’.<sup>211</sup>

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210 McCann, ‘Organisation’, p. xviii.

211 Martin Margulies, *The Battle of Prestonpans, 1745* (Stroud, 2007), p. 47.

# CHAPTER III: CONSTITUENCY

## PUBLIC AND PRIVATE REPRESENTATION

Like many political causes and revolutionary movements, Jacobitism was demonstrated in varying degrees by its supporters both ideologically and practically, in both public and private manners. By 1745, the numerous motivations behind Jacobite adherence had been intermittently but actively asserted for over half a century across two major risings and one minor military rising – all of them either never getting off the ground or failing with disastrous consequences for the dissidents. Yet through the eyes of the established government, Jacobitism was the prime threat and perpetual bugbear to the safety of the domestic status quo from the transfer of power after the Glorious Revolution, past the rocky settlement of Union, and into the distracting War of Austrian Succession on the Continent.<sup>1</sup> Though the Jacobites never gained enough military or political momentum to derail the standing administrations against which they rallied, the punishments for what was plainly considered treason were leveraged accordingly, however ineffectively, after the failure of previous risings.<sup>2</sup>

When considering how to measure the broad scope of the Jacobite constituency in 1745, then, a key factor to include is that a significant proportion of opposition ideology was at dire risk simply by being demonstrated.<sup>3</sup> As is true of any revolution, it is likely that the majority of Jacobite participants in the Forty-five understood that there would be serious repercussions if the endeavour were to fail, which must have informed the nature of their commitment.<sup>4</sup> As Monod observes, most of those inclined toward Jacobitism were therefore disinclined to take up

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1 Nicholas Rogers states that 'behind every demonstration Whig spokesmen saw the hidden hand of Jacobitism', 'Riot and Popular Jacobitism', p. 72.

2 Sankey, *Jacobite Prisoners of the 1715 Rebellion*, pp. 118-129; Szechi, *1715*, pp. 57; 199-229; Lenman, *Jacobite Risings in Britain*, pp. 155-179; 260-282; Pittock, *Material Culture and Sedition*, pp. 3-4. See also P45 (i), chapters VII-VIII for a comprehensive, if dated, examination of the judicial process and legal response during and after the last rising. Punishment is further explored in Chapter V: Consequences.

3 David Allan, *Scotland in the Eighteenth Century* (Edinburgh & London, 2002) p. 51.

4 An anonymous writer noted that an associate might indeed be safer with the army than at home: 'to tell you ye truth I'm in terrour for ye wild people in our cuntry when ye Prince leaves Scotland' (31 October, 1745), SPS. 54/26/148; Monod, *Jacobitism and the English People*, p. 308.

arms.<sup>5</sup> In addition to rendering the constituency in general more difficult to quantify, this also calls attention to the presence of those who expressed their sentiment privately amongst trusted friends and family, or even secretly, either alone or within clandestine networks both local and international. Those with moral, emotional, or historical sympathies who accordingly chose not to act upon them publicly, however talking a good game within the safety of the club or pub, are difficult to identify due to the absence of their obvious recorded contributions. They would not be listed in any muster roll nor would they be found amongst the dead and wounded after one of the major battles of the Forty-five. Likewise, they would not write any inspiring political treatise nor sermon from the pulpit encouraging others to march to London and restore their deposed rightful king. Instead, clandestine fraternities and secret societies provided an outlet for seditious discussion and disaffection to be expressed amongst like-minded members, which ‘fostered a sense of shared vision and purpose’, especially to diasporic communities abroad.<sup>6</sup> Such secretive forms of dissension might not have been physically explicit, but these seditious activities if discovered and brought to trial were still punishable by death. Many different strains of subversion could be and were condemned as high treason, whether overtly ‘Jacobite’ or not.<sup>7</sup> Even carrying such a risk, however, these commitments to Jacobitism did not indulge the overarching needs of the movement’s leaders, which ultimately was martial manpower and materiel.<sup>8</sup>

Measurements of the gains furthered by clandestine societies and clubs are decidedly nebulous. Nonetheless, active but secretive social networks of political dissension and discussion should not be underestimated as a valuable agency to spread and carry ideas within what Steve Murdoch terms ‘a community of minds and interest’.<sup>9</sup> Pittock shrewdly maintains that there is tremendous importance to the study of Jacobitism beyond what is preserved in documentary evidence of armed

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5 *Ibid.*, p. 308.

6 Collis, ‘To a Fair Meeting on the Green’, p. 130; Pittock, *Material Culture and Sedition*, p. 94.

7 Szechi, *1715*, p. 57; Monod, et al., ‘Loyalty and Identity’, p. 4; Pittock, *Material Culture and Sedition*, pp. 4-11; Monod comments that non-rebellious sedition was ‘legally indistinct from other forms of high treason’, *Jacobitism and the English People*, p. 308. See also Anna Battigelli and Laura M. Stevens, ‘Eighteenth-Century Women and English Catholicism’ in *Tulsa Studies in Women’s Literature*, 31:1-2 (Spring-Fall 2012), pp. 7-32.

8 Demonstrations of popular unrest were not likely seen as vital or even attractive to Jacobite strategies due to distrust of ‘the political sympathies of the common people’, Rogers, ‘Riot and Popular Jacobitism’, pp. 72-73.

9 Murdoch, *Network North*, pp. 329-345; Murdoch, ‘Tilting at Windmills’, pp. 243-264; Steve Murdoch, ‘Des réseaux de conspiration dans le Nord? Une étude de la franc-maçonnerie jacobite et hanovrienne en Scandinavie et en Russie, 1688-1746’ in *Politica Hermetica*, 24 (2010), pp. 29-56. See also Pittock, *Material Culture and Sedition*, pp. 93-121; Robert Collis, ‘Jacobite Networks, Freemasonry and Fraternal Sociability and Their Influence in Russia, 1714-1740’ in *Politica Hermetica*, 24 (2010), pp. 89-99; Collis, ‘To a Fair Meeting on the Green’, pp. 125-138.

insurrection and exiled correspondence. Rather, he forwards, such study should require

careful exploration of a private, personal and associational world, deliberately assembled to minimise the risk of prosecution under constructively extensible legislation. There are different dimensions to this exploration: diasporic, associational, cultural and memorial.<sup>10</sup>

If these dimensions appear to be marginalised here, it is simply due to the fact that communication of ideas through the use of Jacobite symbolism and secretive meeting houses was largely undertaken in the realm of elite society.<sup>11</sup> As Monod has proven, however, it was the middling and lower classes that protested in the open and who maintained 'the tradition of Jacobite unrest', despite its ultimate limpness. Likewise, it was those classes who were primarily, but not exclusively, accused and convicted of sedition in the first half of the eighteenth century for engaging in such activities.<sup>12</sup> Critically, and despite these expressions of discontent through seditious behaviour and the 'popular currency' of ideological polemic, there was no other effective institutionalised manifestation of late Jacobitism other than the army of Charles Edward Stuart.<sup>13</sup> The flicker of unofficial political association with the Tory party burned out by 1722 and was never really accessible to plebeian dissenters even during its livelier days.<sup>14</sup> However often cries for a return to Stuart rule stippled popular protests as the century wore on, Jacobitism failed to provide a base platform from which riots and organised unrest could be ignited. Rather, it was intermittent and disjointed elements of Jacobite ideology that rode the

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10 Pittock, *Material Culture and Sedition*, p. 12. See the importance of songs and poems in Ruth Perry, "'The Finest Ballads": Women's Oral Traditions in Eighteenth-Century Scotland' in *Eighteenth-Century Life*, 32:2 (Spring 2008), pp. 81-97.

11 See for example, Murdoch, 'Tilting at Windmills', p. 255; Monod, *Jacobitism and the English People*, pp. 46, 207; Macinnes, 'Scottish Jacobitism', p. 72.

12 Monod, *Jacobitism and the English People*, pp. 95-96, 244-255; Pittock, *Material Culture and Sedition*, pp. 19-20.

13 Monod states that the Stuart court was the movement's only institutional structure, *Jacobitism and the English People*, p. 95. By 1745, however, the army was a far more effective agency and really the only plausible measure of Jacobite success on a grass-roots level. See Macinnes, 'Scottish Jacobitism', p. 77 for the idea of polemic as popular currency.

14 Szechi, *The Jacobites*, pp. 1-6; Lenman, *The Jacobite Cause*, pp. 44-46; Macinnes, 'Scottish Jacobitism', pp. 70-72; Ian R. Christie, 'The Tory Party, Jacobitism and the 'Forty-Five: A Note' in *The Historical Journal*, 30:4 (1987) pp. 921-931; Frank McLynn, 'Issues and Motives' pp. 107-108, 119; Eveline Cruickshanks, *Political Untouchables: The Tories and the '45* (London, 1979); Daniel Szechi, *Jacobitism and Tory Politics 1710-14* (Edinburgh, 1984); Charles Dudgeon, 'Were the Tories Jacobites?' in *Conservative History Journal*, 7 (Winter 2008), pp. 10-12; Nicholas Rogers, 'Popular Jacobitism in Provincial Context' in Cruickshanks and Black, *The Jacobite Challenge*, p. 132.

momentum of such disturbances.<sup>15</sup> Clandestine networks existed but generally remained clandestine and due to their secrecy, size, and composition would not efficaciously penetrate the establishment without decisive grass-roots action.<sup>16</sup> The revolutionary-minded Jacobins may have had up to 8000 lodges throughout France by 1799, but the Jacobites in Britain and Europe were nowhere near as organised or established at any time during their existence, and especially not by 1745, when the cause was most fragmented and when Jacobite political influence was at its nadir.<sup>17</sup> The two movements are not necessarily cognate, but the comparison serves as an illustrative juxtaposition of relative opposition constituency during a similar age of unrest.

In contrast, those who publicly demonstrated their Jacobite allegiance through open rebellion are easier to survey and calculate. Their names are recorded in regimental lists and are revealed by witnesses who claim to have seen them recruiting for the rebel army, extracting land taxes from rural farms, or toasting the Prince Regent upon the mercat cross. Because openly marching in arms was really the only effectual dedication to the cause in 1745-6, participants were generally aware of what the consequence of a failed result might bring. Understandably, a significant number of soldiers claimed that they either never actually fired their weapons in anger or that they were dragged reluctantly into the fray by Jacobite recruiters.<sup>18</sup> Only thirty years before in the aftermath of the Great Rebellion of 1715, Szechi notes that most of the records and troop returns of that more populous Jacobite army were destroyed to favour anonymity and preserve safety, which now presents a troublesome barrier to accurate quantification and extensive demographic analyses of that constituency.<sup>19</sup> This was not the case with the Forty-five, though that fact is largely due to the British government's fastidious and potent reaction to yet another Jacobite rising; especially one that was perceived to have come very close to spilling out onto the streets of London.<sup>20</sup> Great efforts were

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15 Whatley, *Scottish Society*, p. 188; Lenman, *Jacobite Risings in Britain*, p. 229; Monod, *Jacobitism and the English People*, pp. 122, 202. Monod's research shows that specifically Jacobite-laced demonstrations and commemorations were likely more prevalent in England than in Scotland, *ibid.*, pp. 195-232.

16 Again, the Order del Toboso is instructive. Of the established members who strongly associated with Jacobitism, only a couple actually came out in the Forty-five, Murdoch, 'Tilting at Windmills', pp. 255-259; Macinnes, 'Jacobitism in Scotland', pp. 247-249.

17 Crane Brinton, *The Jacobins: an Essay in the New History*, (New York, 1957) pp. 38-40. See also John Brims, 'From Reformers to "Jacobins": The Scottish Association of the Friends of the People' in T.M. Devine, ed., *Conflict and Stability in Scottish Society*, pp. 2-50.

18 See Chapter IV: Recruitment and Chapter V: Consequences for more detailed information on these claims.

19 Szechi, *1715* p. 120.

20 Plank, *Rebellion and Savagery*, p. 83; Jarvis, *Collected Papers* (ii), pp. 220-232.

taken through the campaign to ferret out those who might have contributed to the hostilities, whether marching in the army itself or otherwise supporting it in any manner.<sup>21</sup> Records of these efforts make up the bulk of what informs our knowledge of Jacobite support in 1745-6. As noted in the Introduction, however, the directories in which they are published are incomplete and decidedly limited in their scope. What hampers these directories most is their inherent focus on captured prisoners or soldiers-in-arms from the Jacobite army – the very public sector of its expression. To illustrate the larger picture of Jacobite support, these sources should therefore be built upon by adding recorded semi-private and private expressions of Jacobitism where available, as well as those involved in civilian aspects of the cause, moving beyond military ranks and regiments alone. This is of course easier said than done, and due to issues of space, this chapter must concern itself mostly with public expressions, whether civilian or military.

Adding to the innate difficulties in cross-referencing differing historical lists of persons drawn from the many references that house them, there lies the problem of verification. Calculating numbers alone without linking names and prosopographical data to those numbers is ultimately unconvincing and offers a limited analysis. With these challenges in mind, how can we assess – and reassess – the scope of Jacobite support in its last period of effective expression? The logical place to start is by reviewing hard numbers. There is currently no precedent for population statistics that offer estimates of non-military Jacobite support, either within Scotland, the Three Kingdoms of Britain and Ireland, or internationally as a whole. Expectedly, the bulk of applicable data comes from and centres on Scotland, where the most arduous government ‘bookkeeping’ was done during and after the Forty-five. It is also indisputable that Scotland by far contributed the most support to the Jacobite cause, both in terms of fighting men and materiel.<sup>22</sup> With the exception of a very few instances, the trials of incarcerated Scottish Jacobites took place in England, away from any potential local favourability, and the fact that retribution for Jacobite depredations was specifically leveraged upon Scottish

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<sup>21</sup> These are explored throughout Chapter V: Consequences.

<sup>22</sup> Szechi comments ‘when push came to shove the Stuarts could rely only on the Scots and the Irish’, 1715, p. 259; Szechi, ‘Cam Ye O’er Frae France?’, p. 359. Macinnes contentiously states that ‘whereas the English drank for Jacobitism and the Irish dreamt of Jacobitism, the Scots died for Jacobitism’, ‘Jacobitism in Scotland’, p. 230. It should be understood that the Scottish focus of this study neither indicates nor belies a Scottish bias. Indeed it has been posited on many occasions that the absence of more international support is, ironically, why the Jacobite effort never succeeded. See McLynn, for example, *France and the Jacobite Rising of 1745*, pp. 230-236.

estates and communities is indicative of government concern about their reach and their control of seditious pockets in North Britain.

## MILITARY MIGHT AND CIVILIAN LOGISTICS

In the sphere of the military, historiographical tallies of the Jacobite army show a significant range of variance. Contemporary government accounts often overestimated rather than marginalised the size of the forces, both from intelligence and after-action reports; following on the heels of significant defeats at Prestonpans and Falkirk, this only makes sense. This also had an intended effect created by Jacobite strategists who deliberately marched and deployed units in particular manners to confuse and inflate the counts of government officials and their civilian informants.<sup>23</sup> Things are made less clear both within existing Jacobite musters and lists of prisoners by the fact that many units were merged through the campaign, with some soldiers being listed more than once amidst different units.<sup>24</sup> Most regimental estimates, both contemporary and modern, are given as clean, rounded numbers with very few actual registers of named personnel to support them, and numerous companies within certain regiments have been counted twice, if not more.<sup>25</sup> That so many soldiers shared common names – especially within the *Gàidhealtachd* – complicates things even farther and has historically skewed attempts to come up with an accurate count of both army and regiment.<sup>26</sup> Contemporary muster rolls carried by Jacobite quartermasters did exist, though only some have survived.<sup>27</sup> Despite these many problems, historians have generally come to agree on an estimated size of Jacobite military support in 1745.

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23 Duffy, *The '45*, pp.109-123, 136-138, 206, 283-288; Reid, *1745*, pp. 86-88; Pittock, *Myth*, pp. 75-76, 98-99. See also Rupert Jarvis' chapter on government intelligence in *Collected Papers* (ii), pp. 36-66.

24 Pittock, *Myth*, p. 80.

25 *No Quarter Given* does list names rather than round numbers, but it has already been mentioned that this is incomplete and poorly compiled. On a regimental basis, there are also exceptions, like Mackintosh's *The Muster Roll of Forfarshire*, which lists each name from known contemporary rolls. For rounded estimates see Reid, *The Scottish Jacobite Army 1745-46* (Oxford, 2006), pp. 15-43; Duffy, *The '45*, pp. 570-577; Pittock, *Myth*, pp. 79-81, 190-194; *P45* (i), pp. 300-325, etc. Pittock mentions double counting in *Myth*, pp. 78-80.

26 Even government officials had difficulty keeping straight the names of Scottish prisoners, SPS.54/29/7a. See also Monod, *Jacobitism and the English People*, p. 331 (note 96) for similar problems within *The Prisoners of the '45*. Seton and Arnot describe their identification process relating to names in *P45* (i), pp. 257-268.

27 Waugh to Lonsdale (9 November, 1745), SPD.36/73/65: 'The Prisoner brought in last Night had no Papers of any Consequence but some Muster Rolls &c. in his Pocket Book'. See also Roll of Spalding of Whitefield's Company, SPS.54/26/122/58.

Jean McCann's study of the organisation of the Charles Edward Stuart's Jacobite army, subsequently buttressed by Murray Pittock in *The Myth of the Jacobite Clans*, places the total at the army's apex between roughly 12,500 and 14,000 both on and off the field, though its operational strength probably never exceeded 9000 at any one time.<sup>28</sup> Scotland's population on the eve of the Forty-five stood around 1.25 million, therefore using the high-end of this estimate as a measure of Jacobite support in 1745-6 would result in 1.14% of the total population of Scotland in arms against the British government, or around 4.4% of the adult male population.<sup>29</sup> This calculation of population percentage does not take into consideration the Manchester Regiment or the number of English, Irish, and Continental nationals in French service who were engaged in the affair alongside (and sometimes within) Highland and Lowland units. These numbers initially suggest the Forty-five was not a particularly popular or populous rising, especially when compared with other eighteenth-century revolutionary movements.<sup>30</sup>

Thirty years earlier, though the population of Scotland was not significantly less, a greater showing of participants rose in arms for the Jacobites – likely between 8000 and 10,000 more. This amounts to nearly double the adult male population percentage of Scotland as assessed by Daniel Szechi in his seminal work on the Fifteen.<sup>31</sup> This was in part due to the wider net of influence cast by a greater number of nobles than during the Forty-five, a less diluted solidarity of projected cause, and its temporal proximity to the Union.<sup>32</sup> Looking backward to the

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28 McCann, 'Organisation', pp. x-xi; Pittock, *Myth*, p. 70-86. The figure of 9000 reflects likely numbers before Falkirk when both wings of the Jacobite army were reunited in mid-January 1746, Geoff B. Bailey, *Falkirk or Paradise!* (Edinburgh, 1996), p. 88. Reid calculates a far lesser maximum number at Falkirk of 6000, 1745, p. 99. Duffy is somewhere between the two, *The '45*, p. 416.

29 Andrew O'Dell, 'The Population of Scotland, 1755-1931: A General Survey' in *Scottish Geographical Magazine*, 48:5 (1932) p. 284. The Edinburgh minister Alexander Webster calculates a total of 1,265,380 people living in Scotland in 1755, restated by James Gray Kyd, ed., *Scottish Population Statistics* (Edinburgh, 1952), pp. xv, 8, 79.

30 The two most obvious revolutionary movements of the eighteenth century being the American War of Independence and the French Revolution: in North America (1775-1783), the rough population of the British colonies hovered around 2.2 million. Of this total, it is estimated that 40-45% of white colonists supported the rebellion. Though the Continental Congress authorised the creation of an army of 20,372 fighting men in November 1775, it is estimated that more than 250,000 Continental regulars and militiamen actually took the field during the eight years of open conflict. David McCullough, *1776* (New York, 2005), p. 4; Alan Taylor, *American Colonies* (New York, 2001), p. 443; *Compiled Service Records of Soldiers Who Served in the American Army During the Revolutionary War*, National Archives Pamphlet M881 (Washington, 1976), p. 1. In France (1789-1799), whose 20 million people equalled nearly 20% of the total population of Europe, it is estimated that between 500,000 and one million officially-enrolled Jacobins were present during the Terror (2.5-5%). This figure does not take into consideration the other opposition parties such as the Girondins, Cordeliers, etc., Brinton, *The Jacobins*, pp. 40-44, 250.

31 Szechi, *1715*, p. 126.

32 Blaikie, *Origins*, pp. 130-131; Szechi, *1715*, pp. 121, 125-126; Pittock, *Myth*, p. 70.

seventeenth century, Pittock offers the example of the Covenanting movement as a statistical gauge that shares a common reading with that of the Forty-five: that both respective armies 'represented the maximum effective fencible force that Scotland could field'.<sup>33</sup> Intended as criticism of the historiographical marginalisation of the Jacobite army's size, however, it does not create an effective reading of the popularity of Jacobite or Covenanting support, especially when Pittock concedes that to reach that 'maximum' threshold, the numbers of Scottish Covenanters must be combined with that of their Royalist foes.<sup>34</sup> Most importantly, it is known that numbers of Covenanting troops raised in Scotland in 1644 alone far exceeded both Jacobite and Hanoverian armies combined respectively in both the Fifteen and the Forty-five, however fluctuating across at least twelve different armies with differing political agendas.<sup>35</sup> Perhaps more pressing than the question of relative sizes of the armies raised in Scotland either against (in the 1640s) or for (in the 1740s) the Stuarts is querying the ability of Jacobitism to penetrate the imaginations and consciousness of those not inclined toward the Hanoverian government, both within and outwith its prime battleground.<sup>36</sup> Yet identifying the composition of the army is not a valueless task, as it bears the proof of how Jacobitism's various appeals took hold of the 1.14% of the population who contributed militarily. Not all Jacobites, though, were represented within Charles Edward's army. Likewise, not everyone in the army would necessarily describe themselves as a Jacobite. The problem with drawing these variable lines of classification, of course, is that very little data has been gathered for numbers of those not directly involved in arms. To address this disparity, a reassessment of popularity based upon quantifiable data for both military and civilian dedication should be carried out.

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33 Pittock, *Myth*, pp. 55, 65-67, 78.

34 *Ibid.*, p. 66. The 'Swedish' system of recruiting subsequently employed by the Covenanters allowed Sweden to field 3% of the country's population, over twice the population percentage of Scottish Jacobites a hundred years later, Edward M. Furgol, 'Scotland Turned Sweden: The Scottish Covenanters and The Military Revolution, 1638-1651' in John Morrill, ed., *The Scottish National Covenant in its British Context* (Edinburgh, 1990), pp. 138-143, p. 138.

35 Levied numbers of Jacobite troops in 1715 were closer to (but still not nearing) the total peak of Covenanting recruits in Scotland, which likely stood around 33-35,000, as opposed to the c. 24,000 Pittock cites. Furgol, 'Scotland Turned Sweden', p. 139-141; Furgol, *Covenanting Armies*, pp. 5-6; Furgol, 'The Civil Wars in Scotland' in John Kenyon and Jane Ohlmeyer, eds., *The Civil Wars: A Military History of England, Scotland and Ireland 1638-1660* (Oxford, 1998), pp. 49-50, 64-65; Pittock, *Myth*, pp. 65-67. Furgol does not believe there are reliable population statistics for Scotland in 1639-1651 (*Covenanting Armies*, p. 6), whereas Pittock claims the population was the same in the Covenanting era as in 1745 (*Myth*, p. 65). As will be seen in Chapter IV: Recruitment, fencibles represented only a limited portion of total Jacobite levies and needy recruiters had to get creative with other tactics for bringing men into the army. Despite assertive tallies of effective fencibles, Macinnes shows that less than half of 'serviceable' manpower in the Highlands came out in favour of the Jacobites in 1745, *Clanship*, p. 182.

36 As discussed in Chapter II: Motivation.

While being more difficult to track, civilian support for Jacobite aims both urban and rural was not insignificant, and a picture of how that support was manifested can be illustrated. Evidence suggests this was an essential component of the last rising's success (as well as contributing to many of its challenges), and therefore a summary will be helpful to weigh the value of civilian Jacobite participation.<sup>37</sup> Speaking about the Fifteen, Szechi estimates that when considering the number of civilian lives touched by rebellion, as much as half of Scotland's population may be legitimately factored in.<sup>38</sup> This is not difficult to envision when simply thinking about the countless family members left at home while their able-bodied kin marched away to war. Regardless of ideological basis or the specific reason for their loved ones' enlistment, those on the home front gave what support they could, even if it was just a short written response to the rare letter delivered while on campaign. Patrick Sharp wrote to his brother William who was on the march with the Strathbogie Battalion, confessing that his brother's absence was 'very disagreeable' to him. Offering William advice not to go into England but to remain in a Scottish garrison, Patrick explained the only reason he was not there with his sibling was due to his health, and that he hoped to be able to join him 'if we both live till the Spring'. Until then, the family offered to send him anything he might need, including a shirt from their sister.<sup>39</sup> William Sharp did not heed his brother's advice and was left behind by the Jacobite army at Carlisle, after which time he was captured, arraigned, and transported to Antigua in May 1747.<sup>40</sup> Alexander Lawson was arrested for harbouring his brother John in his Aberdeenshire home shortly after the Battle of Culloden. Despite not being in arms himself and strongly encouraging his brother to surrender himself, Lawson was seized by the town guard and imprisoned in the tolbooth of Aberdeen for six weeks. He was only released after drawing attestations of his bad health from the local minister and surgeon, and was discharged under the pledge of 200 marks for bail.<sup>41</sup> These brief examples of civilian support, taking the form of supplies sent from home and the willingness to physically harbour those on the run, are easily picked out of documentary evidence. If there is any doubt that this level of aiding and

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37 Seton and Arnot state that of the many hundreds without military units represented in their compilation, likely a large number of these were civilians and probably never carried arms, *P45* (i), p. 152.

38 Szechi terms this a projection of the 'wider Scots experience' in the rising, *1715*, p. 126.

39 Patrick Sharp to William Sharp (22 October, 1745), *SPS.54/26/122/33*.

40 *P45* (iii), pp. 308-309.

41 List of Prisoners Presently in the Tolbooth of Aberdeen, *ACA Parcel L/H/2*; Examination of Alexander Lawson (17 May, 1746), *ACA Parcel L/I/17*.

abetting can be considered a demonstration of Jacobite sympathies, we only need look at the government response to such actions, which was to consider it tantamount to high treason.

Finding civilians within government lists is also possible, however challenging. Only 300 of the 2579 of the names listed by the Commissioners of Excise, for example, are explicitly recorded as being prisoners, the rest not yet having been charged with a formal connection to the army. The entirety of this collection is pre-trial information, showing the magnitude of possible cases being thrown out due to lack of evidence or the inability of officials to locate those who went into hiding near their homes.<sup>42</sup> How many of these were actually non-combatants accused of seditious behaviour is difficult to determine, but a calculation of names without evidence of military involvement indicates about 10% of the total.<sup>43</sup> Extending this to the entire dataset raises the percentage to 40%, but it should be noted that this does not necessarily only represent civilians with Jacobite sympathies. Many were simply taken on suspicion of collusion with the rebels, and surely many others served in arms but have no military record preserved.

Those that are explicitly identifiable as sympathetic civilians range in their contribution and commitment to the cause. Most fall into one or more of a few distinct categories: logistics and supply, local administration, or bolstering morale. The most numerous of these assisted with the procurement of goods either urban or rural, like John Lumsden in Aberdeen, a farmer who 'Bought & Furnisht Shoes for the Rebels', and William Maxwell of Annandale, who provided horses for fleeing Jacobite officers shortly after the capitulation of Carlisle to government forces.<sup>44</sup> Others offered their services either intermittently or for the duration of the campaign. Leith innkeeper James Reid took a commission from Charles Edward to provide the army's horses with hay and stabling during its stay in Edinburgh, and William Verly at Alloa used his carpentry skills to build boats that helped the Jacobite army cross the Forth on 13 September 1745.<sup>45</sup> William Stephen helped the army logistically by pointing out the most well-affected citizens of Elgin to be billeted upon, while James Ged assisted by printing documents for the use of the

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<sup>42</sup> In time, it is hoped that each of these cases could be tracked to find the extent of their judicial involvement.

<sup>43</sup> This was calculated by excluding those with any indication of military service, having been seen in arms, or otherwise noted as joining the Jacobite army during its march.

<sup>44</sup> Rosebery's *List*, pp. 12-13; 144-145.

<sup>45</sup> *Ibid.*, pp. 148-149, 254-255, 348-349, 340-341.

Jacobite command in Edinburgh.<sup>46</sup> Other examples range from guiding rebel troops through difficult terrain, helping carry crates of arms brought in from foreign vessels, providing intelligence on British army movements, requisitioning carts for the transport of goods and materiel, and running general errands.

While the anaemic civilian administrations (implemented and overseen by the military) were anything but ‘comprehensive’, networks of civic officials were indeed put into place at strategic towns and burghs both in Scotland and England.<sup>47</sup> Administrative positions (‘governors’) were appointed in Carlisle, Perth, Crieff, Montrose, Arbroath, Aberdeen, Brechin, and Dundee. County sheriff officers (‘Lord Lieutenants’) were introduced in Angus, Perth, Aberdeenshire, Kincardineshire, and Banffshire. Their duties ran from collecting rents to overseeing the recruitment of troops, and included dispensing local justice as befit the Jacobite occupation of such locales.<sup>48</sup> In addition to these civic officials, a common description that repeatedly arises within government lists are those who held positions of lifting the public cess for the maintenance of the Jacobite army. At least sixty-five identifiable persons are noted to have contributed in the raising of these taxes in an official capacity, and they are generally labelled as rebel officers of the customs and excise. To these may be added six tidesmen or ‘tide waiters’ and at least two-dozen salt watchmen from the Haddington area who operated in a similar capacity while the army was billeted in Duddingston, just outside of Edinburgh.<sup>49</sup> Because the gathering of these monies would usually be undertaken in parties (both in the vicinity of the Jacobite army while on the march and in civilian areas established as ‘taken’ territory), there were likely many more actual collectors who were mobilised.<sup>50</sup> While there are distinctions between customs, excise, and cess taxes in the Jacobite lexicon, many of these officers had indeed doubled-up on their

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46 Ibid., pp. 126-127; *P45* (ii), pp. 222-223. Ged is sometimes listed as being in the Duke of Perth’s regiment, but he clearly also used the skills of his trade during the army’s occupation of Edinburgh. Note that he was sentenced to death but this was reduced to transportation due to his father’s printing innovations, SPD.36/99/65-66.

47 Pittock, *Myth*, p. 71 (quoting NRS GD.190/3/294/1); McLynn, *The Jacobite Army in England*, pp. 29-30; Lenman, *Jacobite Risings in Britain*, p. 257.

48 JDB1745 search on the occupation authorities: Governor; Town Officer, General. German, ‘Jacobitism in the North-East’, pp. 159-163; Patrick, ‘Dundee in the ‘45’, pp. 102-104; TNA TS.11/760/2361/82-3; Arbuthnot of Findowrie Papers, SPS.54/26/123a.

49 JDB1745 search on the occupation authorities: Tax Collector, General; Excise; Customs; Cess. Also included are those with such a description within their Acts of Rebellion. For example, Rosebery’s *List*, pp. 6-21; *P45* (iii), pp. 354-355.

50 John Archibald’s testimony against Alexander Christie, for example, notes that ‘a French Officer and a Party of 50 Armed Rebels’ were sent out to impress horses and carts in Perth, TNA TS.11/760/2361/50-1. See also Petition of Sir James Kinloch, SPS.54/26/180. Rupert Jarvis provides an excellent chapter on the raising of public monies in England, *Collected Papers* (i), pp. 175-194.

duties.<sup>51</sup> Conflicts between Jacobite excisemen, whose backgrounds were often rooted in smuggling and who displayed resentment for post-Union customs laws, and those appointed by the government (called 'King George's Beagles' in Aberdeen) were common and often incendiary. Disaffected merchants sometimes joined the fray as an opportunity to express frustration with unfavourable tax demands.<sup>52</sup>

Also of significance to civilian Jacobite support were those that openly spread advocacy through public displays of seditious behaviour. Over 120 people were arraigned for high treason due to being seen or heard uttering treasonable words or drinking to the health of the Prince. In Lethendy, William Greenhill accused King George of being an adulterer and John Craig of Forfar was heard publicly calling him a usurper. Charles Falconer spouted anti-Hanoverian speeches at Inverness, and in Fordoun, Thomas Ley forcefully made others drink treasonable healths while cursing the name of the king.<sup>53</sup> At least ten individuals were turned in for having read Jacobite manifestos in public, usually at a town's mercat cross, and this happened in Kendal, Carlisle, Aberdeen, Stonehaven, Montrose, Fordoun, and St Andrews.<sup>54</sup> Several non-juring ministers were accused of preaching seditious sermons 'to excite His Majesties Subjects to Rebellion' in Forfar, Haddington, and at a number of towns in England.<sup>55</sup> This last segment of civilian support – those who expressed disaffection verbally rather than martially – would seem to fall in line with the earlier assessment regarding the limited potency of Jacobite ideology alone. The practicality of their actions, however, was seen as equally subversive as that of rebel soldiers known to have been in arms.<sup>56</sup> Relevant to this, Lenman describes the Scottish Episcopal clergy as an exceptional case of those who not only

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51 McCann notes, however, that officers employed in the task of collecting cess were generally of a higher social station than those who gathered excise and customs duties, 'Organisation', p. 168. See Chapter V: Consequences, p. 211-212.

52 See, for example, Certificate for Francis Wilson (17 January, 1747), NLS MS.17530 f. 48; 'Information Against Andrew Walker and Walter Nicol' reprinted in *Albemarle Papers* (i), pp. 109-110; Rosebery's *List*, pp. 156-157. Pittock touches on the precedent for dissension and smuggling within the customs trades, *Myth*, pp. 124-125. See also German, 'Jacobitism in the North-East', p. 151 and Jarvis, *Collected Papers* (ii), pp. 50-51.

53 Testimony of John Gilruith (23 February, 1746), PKA B59.30/72/5; SPS.54/35/5; SPD.36/93/125, 127; Rosebery's *List*, pp. 174-175; *P45* (ii), pp. 140-141, 180-181. See Chapter II: Motivation, pp. 50-51.

54 SPS.54/26/178; 54/32/37; 54/35/5; Rosebery's *List*, pp. 14-15, 160-161, 178-179, 192-193; *P45* (ii), pp. 106-107, 174-175; 274-275.

55 SPS.54/35/5; SPD.36/88/34, 58; Rosebery's *List*, pp. 138-139, 234-235; Deconink-Brossard, 'The Churches and the '45'', pp. 253-262. More on non-juring ministers is discussed later in this chapter and also in Chapter V: Consequences, p. 224.

56 For ideology versus practicality, see Chapter II: Motivation, pp. 75-79. For government responses to subversive utterances versus responses to those in arms, see Chapter II: Motivation, pp. 50-51.

‘wrote and uttered Jacobite phrases’ but also transmitted them with ‘political militancy’, perhaps navigating the ephemeral gulf between ideological and practical Jacobitism. They were not the only ones to manifest an effective balance of the two, but they were likely the largest group to do so.<sup>57</sup> A few of these ministers even picked up weapons and marched along with the rebel army.<sup>58</sup>

The willingness of civilians to support a rebellion without actively raising arms could perhaps be considered not as felonious to government expectations nor as consequential to Jacobite aims as those firing on British army soldiers upon the field of battle. This was not the case. Monod describes the adherence of about eighty civilians along the march from the Scottish border to Derby, commoners who aided the Jacobite army in some manner, though none appeared to have stayed with the main body for more than a couple of days.<sup>59</sup> While few, if any, of these civilians were actually recruited into fighting units, they were still accused of treason by the government, brought up on charges, and found guilty after trial.<sup>60</sup> Their actions are as varied as the systems of support described above: ‘voluntarily providing [the Jacobites] with information, helping them collect excise taxes, fraternising with them or expressing support for them verbally’.<sup>61</sup> It is therefore erroneous to necessarily equate ideological commitment with inaction or to consider it the domain of the elites alone.<sup>62</sup> As will be explored in the following sections, the military arm of Jacobitism in 1745-6 benefitted from both civilian and martial support across class, sector, religion, and locale. Some of it was effective and some was less than so. The ways in which that support manifested may have not benefit what Jacobite commanders expressly needed, or even what they demanded, and this is one of the enduring causes of why the Forty-five ultimately failed.

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57 Lenman, ‘The Scottish Episcopal Clergy’, pp. 36-37, 47.

58 For example, George Law (Stoneywood’s), *P45* (ii), pp. 332-333 and Robert Lyon (Ogilvy’s), *Albemarle Papers* (ii), pp. 399-400.

59 Monod, *Jacobitism and the English People*, pp. 330-331.

60 List of Prisoners in the Castle of York, SPD.36/81/78-81; Account of Rebel Prisoners in the Several Goals of England, SPD.36/81/69.

61 Monod, *Jacobitism and the English People*, pp. 330-331; SPD.36/86/8; Jarvis, *Collected Papers* (i), p. 194; *P45* (i), pp. 139-143; Pittock, ‘Who were the Jacobites? The Pattern of Jacobite Support in 1745’ in Lynch, *Jacobitism and the ‘45*, pp. 66-67.

62 Whatley suggests, however, that the Whig government did not fear plebeian Jacobites ‘without patrician leadership and endorsement’, *Scottish Society*, p. 188.

## SYSTEMS OF QUANTIFICATION

There are many ways to classify and likewise to chart the demographic data that is under analysis in this study. Lines of measurement have been traditionally described by region; as microcosmic as by shire and village, and as macrocosmic as simply Highland or non-Highland.<sup>63</sup> Primary-source location records present some problems that instil a few caveats and make additional analysis necessary, however. Onomastics is by its very nature a relative science, and the predilection for linguistic variance in place-names is significant. Samples of particular places and how they are regarded both by local inhabitants and outsiders looking in are often times in direct conflict, especially extended over prolonged periods of time. Spread out over at least four distinct language groups and liberally doused with folk-etymologies as well as the common errors of eighteenth-century statesmen intending to confer written forms of orally-recognised locales, it only makes sense that tracking the origins and whereabouts of rurally-distributed Jacobites is a messy affair at best.<sup>64</sup> To contend with this, place-names in this study are nested at the macro-level by country, county, and parish, where known. As the notations regarding locales of alleged Jacobites become more granular, the margin of error regarding accuracy increases. Therefore, individual farm-towns, steadings, and buildings will not be assessed in this study. Authority structures for place-name data have been undertaken by consulting contemporary maps and parish gazetteers surveyed in the years after the rising, buttressed by contextual information for each persona record where available.<sup>65</sup>

Jacobite demographic data has also been assessed by faith as its major demarcation, with the popular understanding of eighteenth-century religious

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63 Both Macinnes' *Clanship* and Pittock's *Myth* are instructive accounts that break down traditional barriers of classification.

64 David Dorward, *Scotland's Place-Names* (Edinburgh, 1995), pp. 1-10. See also W.J. Watson, *The History of Celtic Place-Names of Scotland* (Blackwood, 1926) and F.H. Nicolaisen, *Scottish Place Names* (Batsford, 1976). Of immense help in sorting out all of these variables is the ScotlandsPlaces project <<http://www.scotlandspplaces.gov.uk>>, a collaborative, crowd-sourced codification of Scottish geographical data from historical documents.

65 For examples of parish records and similar texts, see Francis H. Groome, *Ordnance Gazetteer of Scotland: A Survey of Scottish Topography* (6 vols., Edinburgh, 1883); Anon., *The Topographical, Statistical, and Historical Gazetteer of Scotland* (2 vols., Edinburgh, et al., 1848); Samuel Lewis, *A Topographical Dictionary of Scotland, Comprising the Several Counties, Islands, Cities, Burgh and Market Towns, Parishes, and Principal Villages* (London, 1846). For examples of maps, see Herman Moll, *Scotland divided into its Shires* (London, 1745), NLS EMS.b.2.1/2; Anon., *New mapp of Scotland or North Britain with considerable improvements according to the newest observations* (London, 1746), NLS EMS.s.838; William Roy, *Military Survey of Scotland, 1747-1755*, K.Top.48.25-1.a.f.

conflict falling into the unhelpful categories of either Catholic or Protestant. The discipline, however, has long ago firmly dispelled that myth in favour of a more precise assessment of Jacobitism being supported by Catholic and Episcopalian doctrine and clashing with the established Presbyterian Church of Scotland.<sup>66</sup> Faith is understandably a difficult characteristic to track, and therefore prognosticated tallies of participating religious denominations are less revealing than is ideal. Due to the fact that such a large proportion of Jacobite support in 1745-6 was Episcopalian (and of that, mostly non-juring) and such great pains were taken to disperse unregistered Episcopal congregations in order to snuff out ‘nurseries and schools of Jacobitism’ within them, it makes sense that captured Jacobites of dissenting faith would not want to make the crime any worse by revealing it to the authorities.<sup>67</sup> Withholding confessional allegiances hardly mattered, though, as the connection between Jacobitism, popery, and the non-jurors had been firmly cemented long before 1745.<sup>68</sup> Still, a modern assessment of Jacobite faith using granular data has not yet been undertaken, and despite the paucity of evidence, contributions to this area should be welcomed.

Though the *Old Statistical Accounts* have addressed the vocational trends of individual parishes in 1791, occupational data have not been closely examined by scholars of the Jacobite period, no doubt a product of historiography’s preoccupation with the subject’s elite culture. There are exceptions to this: a brief tally of the stated occupations present in Rosebery’s List which is also touched upon in passing by McCann, and a few pages specifically on doctors, lawyers, ministers, and seamen within *The Prisoners of the ’45*.<sup>69</sup> Murray Pittock contributes with a number of publications that include some irregular surveys regarding the ‘cross-class nature’ of Jacobite support.<sup>70</sup> While this is a productive start, there is far more data available to be added into the sample and this optimally should be done

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66 See Ian E. Butterworth’s ‘Episcopalians in Scotland 1689-1745’ (unpublished PhD thesis, University of Aberdeen, 1978); Tristram Clarke’s ‘The Scottish Episcopalians, 1689-1720’ (unpublished PhD thesis, University of Edinburgh, 1987); Raffe, *The Culture of Controversy*; Roberts, ‘Roman Catholicism in the Highlands’; Macinnes, *Clanship*, etc.

67 Fletcher to Newcastle (26 April, 1746), SPS.54/30/29a; ‘Some hints anent disarming the Highlands and suppressing the Jacobites’ meeting houses’, SPS.54/30/30f; Act about the Nonjurant Meetings (8 June, 1746), NLS MS.17526 f. 230.

68 Lenman, ‘The Scottish Episcopal Clergy’, pp. 36, 39-40. Lenman dismisses previous attempts to measure popular support of confessional populations during the Jacobite era, mostly due to lack of evidence, p. 39; Jones, *The Main Stream of Jacobitism*, p. 245; Sankey and Szechi, ‘Elite Culture’, pp. 95-96.

69 Rosebery’s *List*, pp. 361-362; McCann, ‘Organisation’, pp. 75-76, 95-97; *P45* (i), pp. 217-228.

70 Pittock, *Myth*, p. 83-84, 113-114; ‘Who were the Jacobites?’, pp. 67-69; ‘The Social Composition of the Jacobite Army in Scotland in the Forty Five’ in *Royal Stuart Papers*, 48 (1997), passim. McLynn also skims the topic in *The Jacobite Army in England*, p. 27-28, but he only uses Rosebery’s List for a snapshot of occupations.

in a systematic manner. Occupation statistics were obviously deemed important enough by government officers to track within a large majority of their lists and records; in fact job descriptions are the most common kernel of notated information after name and location, more so than age or any other biographical detail. Though this was likely done for purposes of identification alone, it benefits historians by offering a chance to use that information in a variety of ways. At the very least, presenting a broad survey of these vocations comments upon social and economic patterns of Jacobite support and can address and challenge old maxims that characterise the Forty-five as an affair devoid of mercantile endorsement.<sup>71</sup>

Due to the army's primacy as the mouthpiece of the Jacobite cause in 1745-6, a review of its organisation by regiment can be useful to measuring the scope of committed martial support. Extensive work on the Jacobite order-of-battle has been carried out and is reviewed in virtually every worthy military history of the campaign.<sup>72</sup> Critically, all of these reviews are presented from the top-down based upon government intelligence and the post-conflict memorials of Jacobite commanders, as well as some participants and bystanders on both sides. The following section on the constituency by regiment is meant to reverse the view of Jacobite martial participation and test the military data collected at the persona level to measure it against traditional assessments of army composition and strength.

Lastly, age and gender are briefly surveyed from the existing data; two of the prosopographical variables with the best recorded coverage. Therefore, one of the fortunate consequences of having such a large corpus of prisoners and detainees is that it provides a telling snapshot of the maturity of disaffected society in the mid-eighteenth century. While the ages of Jacobite supporters both within and outwith the army are quite diverse, comparing trends of age with those of other eighteenth-century military forces reveals much about the parameters of what was needed by – and what was provided to – Jacobite leadership. Though in 1745 it is a given that the overwhelming majority of rebel soldiers in arms were male, direct support of the army was undertaken by many women traveling along with the regiments, and those who were captured were incarcerated and treated as traitors with little deference to their gender. As will be seen, documentary evidence proves that the

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71 Pittock, 'Who were the Jacobites?', p. 67; Sankey and Szechi, 'Elite Culture', p. 100; George Pratt Insh, *The Scottish Jacobite Movement: A Study in Economic and Social Forces* (Edinburgh, 1952), pp. 89-90, 137; Richard Miller, 'The Jacobite Mind' in *Modern Age*, 23:1 (Winter 1979), p. 72; McLynn, 'Issues and Motives', pp. 129-130.

72 Reid, *1745*; Duffy, *The '45*, McCann, 'Organisation'; Pittock, *Myth*, etc.

Jacobite effort undoubtedly benefitted from the support of plebeian women on the home front, whether that be a matter of logistics, supply, or simply morale.

## REGIONAL

When possible, captured prisoners and those accused of treasonous activities had their locations recorded for purposes of individual identification, but it also conveniently pointed out areas of intransigence to the government where additional vigilance and reprisals could later be enacted. Though traditional assessments of Jacobite adherence have generally been tinted toward the *Gàidhealtachd* as having the deepest commitment, more recent scholarship has identified a majority of support as coming from the north-eastern Lowlands of Scotland, as well as Central Perthshire and Angus.<sup>73</sup> Indeed, even the published lists from the Commissioners of Excise show a clear majority of 69.3% of the persons identified as coming from Aberdeenshire, Banffshire, Morayshire, and Angus.<sup>74</sup> Of worthy note regarding this series of lists, however, is a lack of returns from the *Gàidhealtachd* (Argyll offering under 5% and Ross a little over the same amount), which obviously skews the results well away from a Highland primacy. As well, these lists are returns from officers based at high-traffic areas of the country, which means that the broad locational regions in which they are presented do not necessarily represent the actual residences of the persons described within. Notably, scholars generally have used such data as an indication of Jacobite military strength, but it is again worth mentioning that a significant quantity of government lists contain non-martial subjects, and this is rarely explained in such regional assessments.<sup>75</sup> Instead, a more granular and systemic methodology should be assessed using a much wider sample of grass-roots data rather than trying to stretch to fit existing reports of regimental contribution or quantities of potential support.

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73 Lenman, *Jacobite Risings in Britain*, p. 253; Pittock, *Myth*, pp. 78-81; Duffy, *The '45*, p. 80. Macinnes notes that 7000 clansmen mobilised for the Jacobites in 1745-6, about 48% of the total potential of serviceable men in the Highlands. Conversely, Whig support from the clans was never more than one-third of this number, *Clanship*, p. 182. See also McLynn, *The Jacobite Army in England*, p. 27. The Taylers stated as early as 1928 that Aberdeenshire and Banffshire alone provided the army with as much as one-sixth of all Jacobite soldiers, *Jacobites of Aberdeenshire and Banffshire*, p. 418.

74 Rosebery's *List*, *passim*. It is worth noting that the distinction between Highland and Lowland in the north-eastern counties was often relative in the eighteenth century. Indeed, there were large tracts populated by Gàidhlig-speaking peoples, but for the purposes of this modern survey the counties are considered north-eastern. See Macinnes' maps of clan territory in *Clanship*, pp. 242-246.

75 Pittock, McCann, Duffy, and McLynn's works, noted above, are specifically all analyses of the Jacobite army, yet their sources most certainly also contain data for civilians.

Some 62.6% of the included records are explicitly marked with location data (usually by government officials), though the accuracy naturally lessens as finer locales are measured. Some variance must also be allowed for those of a particular nationality that is different from their recorded country or locale. With these caveats stated, at the national level just over 90% of the measured Jacobite constituency is registered as coming from Scotland, 4.7% from England, 3.6% from France, and 1.3% from Ireland. To this are added a scattering of Spanish, Welsh, Flemish, and at least one Italian supporter.<sup>76</sup> Approximate county locations can be found for 92.7% of this total. In Scotland, just over half of all constituents arises from the north-east (53% including Angus and Kincardine). The *Gàidhealtachd* provides no more than 30%, with the Lowland counties contributing the remaining 17%. These numbers differ from existing military analyses, showing considerably less support from the Western Highlands than is usually attributed.<sup>77</sup> This makes sense, however, as it was much easier for the King's troops to apprehend suspected Jacobites in the north-east and the Lowlands, and no doubt a larger number of civilian cases are recorded in larger urban areas, very few of which are located north of the Highland line. The regions of Edinburgh and Montrose, for example, each provide over 300 cases, with nearly twice as many from the Dundee area. The towns and surroundings of Aberdeen and Inverness each host around 150. In England, Lancashire contributed an overwhelming 61.5% of English support, most of which would have been from the Manchester area. Northumberland, Cheshire, Cumberland, and Derbyshire combine to make up around 18%. Jacobite sympathies in Ireland are evenly distributed through a number of counties, however small their recorded numbers. Galway, Kildare, Meath, and Westmeath are popular origins for transplanted and captured Jacobites.

Records that furnish finer location details may also be surveyed for a closer look at regional adherence. In the case of Angus, which was not only one of the most populous counties of Jacobite activity but also one of the most well-documented, the constituency by parish can be mapped. Of the 2087 records from Forfarshire, 83% of these can be further reckoned by parish. Montrose, Brechin, Dundee, and Kirriemuir each provided around 10% of all Angus cases, followed

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<sup>76</sup> Compare the French and Irish segments here with the 7% of the Jacobite army cited in Chapter II: Motivation, p. 67. See Appendix II: Jacobite Constituency by Nation 1745-6, fig. 1.

<sup>77</sup> See Appendix III: Jacobite Constituency in Scotland 1745-6, figs. 1-2. Note that this figure could be moderately affected by the large numbers of Highlanders killed at Culloden, though sources made out before the battle are also consulted. For the purposes of this study, Perthshire is considered a split of 50% Highland and 50% Lowland. See Macinnes, *Clanship*, p. 163; Murdoch and Grosjean, *Alexander Leslie*, pp. 21-22.

closely behind by Arbroath, Lintrathen, Forfar, and Glamis. Kingoldrum and Airlie also contribute significantly, with an average of 5% each.<sup>78</sup> For Inverness-shire, only about 37% of parishes are known from government records, with Urquhart and Glenmoriston furnishing over half of Jacobite support in that county. Kilmorack provides over 11% with the Isles producing around 13% of known rebels within Inverness-shire. Moidart, where the rising began, shows records for only 5% of the county, with Daviot at around 7%.<sup>79</sup> While this may cursorily be undertaken for other regions both British and Continental, more data would need to be collected and more time would need to be devoted to such a project in order to yield substantive results. The larger numbers by Scottish county presented here are revealing, however, and ultimately show that while the Forty-five can be considered a national rising in terms of martial and non-martial contributions across Scotland – though definitively not with a Highland primacy – the constituency of popular support was indisputably international.<sup>80</sup>

## CONFESSIONAL

Determining the faith of those involved in the Forty-five is by no means exact and only broad estimates may be made with any certainty. The doctrines of particular congregations and their alliance with or enmity toward the houses of Stuart and Hanover, however, are critically telling and offer empirical evidences of attachment and, therefore, possible incentives from taking part in rebellion or aiding the government in attempting to stop it. Few congregation lists from the period appear to survive, but a closer look at baptism records and minutes of the Episcopal Church and Kirk Sessions might go some way toward revealing confessional interests of those involved in the rising. In gathering data for the purposes of this study, explicit individual records of faith have proven to be the most slippery of attributes, therefore only a cursory survey can be presented at this time.<sup>81</sup> Still, it is enough to address (and perhaps, to some degree, challenge) the usual endorsements of Jacobite adherence within the churches.

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<sup>78</sup> See Appendix IV: Jacobite Constituency in Angus and Inverness-shire 1745-6, fig. 1.

<sup>79</sup> See Appendix IV: Jacobite Constituency in Angus and Inverness-shire 1745-6, fig. 2.

<sup>80</sup> Pittock, 'Who Were the Jacobites?', p. 66; Macinnes, 'Scottish Jacobitism', p. 72.

<sup>81</sup> Notably, only a handful of Episcopal and Roman Catholic clergy are addressed within *P45* (i), pp. 221-224. The faiths of the common soldiers and even of the other elites are not analysed.

It is of course inaccurate to consider that ‘the Non-jurant Episcopalians were Jacobites to a man’, despite the inextricable link between the two institutions and the connectedness of ideological Jacobitism’s political and ecclesiastical goals.<sup>82</sup> A good test of this is put forth when examining the extant list of subscribers for a non-juring congregation on the eve of the Forty-five. Thomas Rattray’s *Liturgy of St James*, published in 1744 for a pro-usages Episcopalian audience, was written specifically to distinguish his service and the congregation’s ceremonies from that of the similar practices set out in the *English Book of Common Prayer*.<sup>83</sup> Rattray’s list contains the names of 327 subscribers and one separate congregation, mostly from the north-east of Scotland, but also having sizeable representation in Fife and Perthshire; in England the subscribers were largely concentrated around Lancashire/Westmoreland, Cambridge, and Bedford.<sup>84</sup> While the demographic data from this list does tend to reflect common patterns of regional support for Jacobitism, the two should not be conflated. Only thirty-three of Rattray’s subscribers (c.10%) are known to have actually come out in the rising the year after it was published, most of these from Perthshire and Aberdeenshire. The somewhat incongruent turnout can be explained by the fact that almost every subscriber to a person was from the elite, whereas the majority of military support during the Forty-five was composed of the middle and lower classes.<sup>85</sup> To further expound, the large presence of peers, academics, and clergy does not represent what might be expected of a non-juring Episcopalian congregation hailing largely from traditionally Jacobite locales. Non-subscribing elites like Pitsligo and James Moir of Stoneywood were powerfully effective in raising troops in the same area of the country, but this does not seem to be the case for the persons on Rattray’s list, even with the presence of well-known men like James Drummond (Duke of Perth),

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82 J.G. Fyfe, ‘Robert Forbes’ in *Scottish Diaries and Memoirs 1746-1843* (Stirling, 1942), p. 19. Pittock suggests that more than 70% of the principal clans were committed to Episcopalianism, *Myth*, p. 45; Macinnes, *Clanship*, pp. 76-80; German, ‘Jacobitism in the North-East’, pp. 180-182. Macinnes also identifies that in the Jacobite era less than 2% of all Scots were Catholic with the Highlands being 2/3 of that percentage; only five of the principal fifty Jacobite clans were Catholic, less than 20% of the total forces raised in the Forty-five being of that religion while over 75% were non-juring Episcopalians, from *Clanship*, pp. 174-176. Sankey and Szechi cite Lenman and Pittock’s earlier assessments that 30-40% of Episcopalian Scots lived either in the north-east or the Highlands, with the the north-east being half-composed of that faith, ‘Elite Culture’, p. 95.

83 German, ‘Jacobitism in the North-East’, p. 86. In this context, pro-usage signifies the support of meaningful confessional practices that were in accord with Rattray’s idea of a ‘primitive’ church. See *ibid.*, pp. 82-83.

84 Thomas Rattray, *The Ancient Liturgy of the Church of Jerusalem, being the Liturgy of St. James* (London, 1744).

85 See Szechi, *The Jacobites*, pp. 19-20; Monod, *Jacobitism and the English People*, p. 270. Monod estimates that only 1% of the elites in England were non-juring. There is no current estimate for like numbers in Scotland. See the following section on the occupational constituency, pp. 103.

Viscount Strathallan, and John Arbuthnot. Kieran German explains that this might be partly defined by the fact that the debate over usages in non-juring Episcopal practices is largely the domain of the educated and clergy, and that the Jacobite support of non-juring usagers 'was always conditional upon James surrendering prerogative powers'.<sup>86</sup>

At least forty-nine Catholic and non-juring Episcopalian ministers, three bishops, and one precentor of a non-juring congregation were actively involved in the final rising.<sup>87</sup> As with Rattray's subscribers, the majority of these ministers were from the north-east, with significant representation also in Inverness-shire and Edinburgh. These include some recognisable names, such as the devoted minister Robert Forbes, who painstakingly collected for posterity heaps of documents and Jacobite ephemera during and after the campaign. The aforementioned English Episcopal minister Thomas Coppach became the chaplain for the Manchester Regiment and was executed as a traitor in October 1746, as was the Scottish Episcopal Robert Lyon for marching with Lord Ogilvy's regiment and officiating dissenting public services in Perth.<sup>88</sup> The Reverend James Taylor, a non-juring minister in Thurso, was taken prisoner after Culloden for allegedly collecting arms for the Jacobite army in his meeting house. After nearly dying in captivity, he was eventually released upon the favourable recommendations of no less than five Justices of the Peace.<sup>89</sup> The effects of the enduring link between the non-jurors and Jacobitism is exemplified by Taylor's capture, and government ire was squarely levelled at dissenting congregations after Culloden. Non-juring congregations were sought out and sundered, with twenty-seven meeting houses being destroyed in the counties of Angus, Aberdeen, and Moray alone. Many more throughout the country were chained and padlocked so they could not be used as houses of worship.<sup>90</sup> Significantly, Episcopal ministers were treated with a greater degree of

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<sup>86</sup> German, 'Jacobitism in the North-East', pp. 112-113; Macinnes, 'Jacobitism in Scotland', p. 233.

<sup>87</sup> JDB search results. 59% were Episcopalian, 15% Catholic, 6% Jesuit, and 20% unknown. Compare this with ten Episcopal and fifteen Roman Catholic clerics identified within *P45* (i), pp. 221-224.

<sup>88</sup> Forbes' collection was published as *The Lyon in Mourning*. For Coppach and Lyon, see Monod, *Jacobitism and the English People*, pp. 333-336 and Mackintosh, *The Muster Roll of Forfarshire*, pp. 115-116, respectively.

<sup>89</sup> Petition of James Taylor (11 October, 1746), SPD.36/88/191; Certificate in favour of James Taylor (30 September, 1746), SPS.54/33/33.

<sup>90</sup> Edward Luscombe, *Steps to Freedom: Laurencekirk, 1804* (Edinburgh, 2004), pp. 28-29; Memorandum Concerning the Act Anent the Nonjurant Meeting Houses, 1746, NLS MS.17527 f. 123; Fletcher to Newcastle (13 June, 1746), SPS.54/32/17; Letter from Humphrey Bland (14 December, 1747), NLS MS.3044 f. 123.

harshness than their Roman Catholic counterparts, and this is borne out by the lack of any recorded executions of the latter in prison and trial records.<sup>91</sup>

Evidence regarding the faiths of plebeian Jacobites is more difficult to find. Coll Macdonell of Barisdale wrote to Alexander Mackenzie of Dachmaluack in Ross-shire before the rebellion that he could raise five-hundred Roman Catholics from the estates of Glenmoriston, but those numbers cannot be verified, nor did they follow him in the autumn of 1745.<sup>92</sup> Most of the Irish soldiers in French service were likely Catholic, though the four English troopers mentioned in the returns of FitzJames' regiment are specifically noted as being Protestants.<sup>93</sup> Gilbert Purdon of the Royal Ecosais is described as speaking 'as good English as can be expected from an Irish papist'.<sup>94</sup> Mentions of religion in testimonies and examinations are sometimes made, but the sparse frequency of this makes larger assessments impossible.<sup>95</sup> An exceptional list of Jacobite prisoners who were taken in Carlisle during the waning days of 1745, however, provides an unexpected study. Out of 170 inmates, the majority (116 or 68.2%) are expressly noted as being affiliated with the Church of Scotland. Only thirty-eight are recorded as following Church of England (likely Episcopalian or Anglican), while thirteen are Roman Catholics, one is a Quaker, and two remaining names do not provide any religious detail.<sup>96</sup> If taken as a typical indication of faith within Jacobite ranks, this particular list of prisoners does not scale with the greater evidence of the overwhelming Episcopalian constituency put forth as fact in most scholarly circles.<sup>97</sup> In order to prevent the skewing of this analysis, however, further information should be included. By finding possible known locations of origin for these prisoners and cross-referencing it with their recruitment and regimental data, we find that the majority of those identified (59.3%) come from Aberdeenshire, Angus, and Perthshire – as would be expected based upon the known regional constituency of

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91 See, for example, *P45* (i), p. 224.

92 Barisdale to Mackenzie of Dachmaluack (21 March, 1744), NLS MS.7078 f. 1.

93 SPD.36/88/336-338.

94 *P45* (iii), pp. 258-259. Hanoverian officials were conflicted whether Purdon was French or Irish, SPS.36/88/60.

95 See, for example, SPD.36/84/9-11 (Thomas Mayotts); PKA B59.30/72/1 (Edward Shower); SPD.36/81/73-75, 78-81; TNA TS.11/1080/5533. Only seven plebeians can be identified as 'papists' from JDB1745 searches.

96 Gildart to Sharpe (26 October 1746), SPD.36/88/33d. See Appendix V: Jacobite Constituency by Faith 1745-6, fig. 1.

97 Macinnes comments that Scottish Presbyterians were 'rarely participants in the Jacobite cause' (*Clanship*, p. 173) and 'no more than passive sympathisers with Jacobitism' ('Scottish Jacobitism', p. 76). Harry Dickinson measures the Jacobite army of 1745 as 70% Episcopalian and 30% Catholic, leaving no room at all for followers of the Church of Scotland, 'The Jacobite Challenge' in Lynch, *Jacobitism and the '45*, p. 21.

the Jacobite army. Yet at least 7% of the Presbyterians from this list are from distinctly Highland locales (Inverness, Argyll, Ross-shire), with the same percentage from other Lowland regions.<sup>98</sup> One of the reasons for the predominance of these prisoners hailing from the north-east and Lowland Perthshire simply could be that relatively few Highlanders were left behind in the garrison of Carlisle, as they were considered to be the elite troops of the Jacobite army.<sup>99</sup> Still, the fact that the clear majority of Jacobites taken there cited allegiance to the Church of Scotland is unexpected given the traditional association between the north-east and the Episcopal Church.

Other evidence of Presbyterian Jacobites appear in examinations and petitions to the crown, and some of these are corroborated by their parish ministers. Walter Mitchell, who was kidnapped into the rising by Pitsligo's recruiters, swore that he was 'educated in the principles of the Church of Scotland' and provided a certificate by the minister of the parish in which he was born.<sup>100</sup> William Cargill, a brewer in Montrose, declared that he had always attended public worship 'with the Ministers of the Established Presbyterian Church having been educated that way'.<sup>101</sup> Apprehended by the King's troops in Atholl for carrying papers 'with treasonable verses', Daniel McLean claimed in his defence that he was the servant to the Reverend James Stewart, a Presbyterian minister in Argyll.<sup>102</sup> The fervently pro-government John Bisset, minister at Aberdeen's Presbyterian Church of St Nicholas, described in his journal a sermon he gave in early February 1746 in which numerous Jacobite soldiers attended, including many 'common Highlanders [...] severals of the French, and not a few of their officers'.<sup>103</sup> Despite the Hanoverian and Kirk propaganda that equated Jacobitism with popery while declaring the Church of Scotland as 'the only true Friends to the King', the government's own evidence does not necessarily bear this out.<sup>104</sup> Whether these

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98 See Appendix VI: Jacobite Constituency, Faith by County 1745-6, figs. 1-3.

99 Szechi, *1715*, p. 130; Duffy, *The '45*, p. 105.

100 Petition of Walter Mitchell, SPD.36/88/66.

101 Examination of William Cargill (11 February, 1746), PKA B59.30/72/1.

102 Examination of Daniel McLean (13 February, 1746), PKA B59.30/72/1; *P45* (iii), pp. 146-147.

103 Diary of the Reverend John Bisset (entry for 9 February, 1746) reprinted in *Miscellany of the Spalding Club* (i, Aberdeen, 1841), pp. 378-379.

104 SPS.54/32/56. See also NLS MS.17526 f. 191. Indeed, Blaikie writes in 1909 that he thinks the great majority of soldiers in the Jacobite army were Presbyterian, at least in the later days of the campaign, 'Edinburgh at the Time of the Occupation', pp. 35-36. See also R.S. Rait's 'Note on the Religious Situation in Scotland, as it Affected the Hanoverian Succession' in Adolphus William Ward, *The Electress Sophia and the Hanoverian Succession* (London, 1909), pp. 550-552.

people were using the good graces of the Kirk as a shield against further repercussions or maintaining overt ties with parish ministers while covertly engaging with dissenting congregations is unknown. Like many points of conflict during the Forty-five, the lines of confessional interest are not completely opaque. A wider study of faith within explicitly Jacobite-leaning communities should therefore be open to the presence of significant pockets of Presbyterianism, regardless of its ideological incompatibilities with doctrinal Jacobitism.

## OCCUPATIONAL

Vocational evidence is one of the more common attributes recorded by the government, and therefore an extensive collation of these can reveal a great deal about the social classes of the Jacobite constituency. Despite historiographic views that the risings were considered nothing but interruptions to all those concerned in the commercial trades, Pittock has cursorily shown that this is definitively not the case (at least in the north-east), with a strong showing of support from the mercantile sectors.<sup>105</sup> Further work can be done, however, across the most committed regions of Britain. Not only does this inform the nature of participation, but it has the added benefit of describing popular economies in specific areas based upon the frequency of occupational appearance. The presence of twenty-four salt watchmen employed by the rebels in the Haddington area, for example, very plainly informs the strength of that local economy in East Lothian during the middle of the century.<sup>106</sup> Vocations have been recorded for around 63% of the total dataset and it is therefore possible to illustrate a number of revelatory trends.<sup>107</sup>

As expected, the largest sector represented within the Jacobite constituency is that of the rural farmer. Over 26% of recorded vocations are those relating to agricultural or otherwise agrarian duties. The large majority of these are either farm tenants or labourers (87.3%), with the remaining number made up of fishing,

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<sup>105</sup> Pittock, *Myth*, pp. 83-84; McCann, 'Organisation', pp. 95-96. Conversely, plenty of evidence exists that the rising absolutely interrupted trade on both sides of the conflict. See, for example, *Diary of Alexander Smith*, UAL MS.3831/1 p. 122. See also Chapter V: Consequences, pp. 208-218.

<sup>106</sup> George Buchan-Hepburn, *General View of the Agriculture and Rural Economy of East Lothian* (Edinburgh, 1794), pp. 27-28, 72, 87-88.

<sup>107</sup> See Appendix VII: Jacobite Constituency by Occupation 1745-6, fig. 1. Though it was not undertaken for the purposes of this study, it would be instructional to further compare Jacobite engagement against the total workforce percentages in each of the following occupational categories.

herding, droving, or agricultural specialty trades.<sup>108</sup> In addition, forty persons are specifically associated with being factors or grieves, and to this category tacksmen could be added. These are seen in large concentrations through Aberdeenshire, Angus, and Inverness-shire (which together make up around 54.7% of the total), with Perthshire and Ross also contributing a sizeable amount (13.4%).<sup>109</sup> To view this in terms of even broader regions, of the known occupations of the alleged Jacobite constituency both military and civilian, the north-east contributed just under half of the total in the agricultural sector. The Highlands, in this case including half of the numbers from Perthshire, represents 27.8%, while the rest of the Lowlands make up around 5%. The remaining percentage come from England, with the highest concentration in Lancashire – which is fitting due to the sizeable regiment raised in the Manchester environs. A brief analysis of this sector suggests what is widely known: that large numbers of farm tenants and labourers were recruited into Jacobite regiments as the mainstay of the army, both in the Highlands and in the north-eastern Lowlands. Evidence of non-martial assistance is also available. Munro of Culcairn, for example, complained to Loudoun of the intransigent herds in Gairloch who repeatedly alerted hiding rebels to the presence of approaching government troops.<sup>110</sup> Of the twenty-four herdsmen found in records, nearly a third were from Inverness-shire and at least half were north of the Highland line.

The trades are also strongly represented, with manufacturers of goods representing 21.5% of the total of those known to be employed, with other traders or dealers consisting of an additional 10%.<sup>111</sup> Of the former, weavers are the most populous (25.5%), followed by shoemakers (14.8%), tailors (11.8%), and brewers (10%). Significant numbers of coopers, clothing dyers, and smiths of various metals also make common appearances. Well over two-hundred generic merchants are accounted for, with specialist dealers like butchers, vintners, and innkeepers adding another hundred to that count. Itinerant tinkers and peddlers make up 14% of the total numbers in trading and dealing, mostly across the north-east and Perthshire, where terrain was more suitable for mobile sales. Merchants with fixed premises were concentrated in Aberdeenshire, Angus, and Midlothian, with large segments

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108 Farm tenancy includes crofters, cottars, and husbandmen. Agricultural specialty trades in this case would include foresting, falconing, horse-hiring, etc. See Appendix VIII: Jacobite Occupation by Sector 1745-6, fig. 1.

109 Kincardine, Banff, and Argyll are represented with 8.5%

110 Munro of Culcairn to Loudoun (28 July, 1746), HL Box 38/LO 12337.

111 See Appendix VIII: Jacobite Occupation by Sector 1745-6, figs. 2-3.

also present in Kincardine, Moray, and Perthshire. Burghs were naturally the most populous residences for merchants of all trades, with towns like Edinburgh, Aberdeen, Dundee, Montrose, and Perth being commonly indicated. Exceptions are plentiful, of course: Ewen Cameron sold ale in Lochaber, Archibald Campbell owned a pub in Falkirk, and Alexander McKenzie provided snuff and tobacco for the small community of Logie in Ross, for example.<sup>112</sup>

One of the more significant sectors of the constituency not always directly deployed in the field consisted of those in servitude to the soldiers and officers who were so. Those who were employed in service to others make up nearly 20% of all tallied Jacobite support. Most were most likely either labouring farm servants or those attending to particular trades as menial assistants.<sup>113</sup> Many others were in the domestic service sector, following their masters on campaign as part of their contract or by compulsion. Over 600 servants are recorded in the first-tier sources alone including 240 domestic servants likely employed on farm estates or within the households of gentry.<sup>114</sup> From service at home to servitude on the march, the tasks expected of them vary slightly but generally can be depicted by an array of duties, including baggage handling, caring for horses, stewarding, cooking, and gardening. Some used their skills and personal or occupational resources to help the Jacobite effort without actually rising in arms. Within the precognitions at Perth, for instance, numerous witnesses testified against the servants of known Jacobite combatants, physically seeing them assist their masters while billeting in private houses or directly before and after specific battles, though perhaps not taking the field themselves. John Crichton, assistant to gardener John Kennedy in Drummond and imprisoned in Perth Tolbooth by July of 1746, was sworn against by his fellow servant gardener Ann McGrigor. Though never seeing him in arms, she noticed that he was dressed in Highland clothing and taking orders from a rebel officer

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112 *P45* (ii), pp. 80-81, 88-89; *ibid.* (iii), pp. 114-115.

113 It is difficult to confidently separate the term 'servant' as used in the eighteenth-century from persons under contract of tenancy to those of superior social rank. For the purposes of charting occupational sectors in this thesis, they are kept separate, but there is most certainly some overlap between 'farmer' and 'servant' regardless of what is transcribed in government lists. However, there is no obvious overlap between the two terms as they pertain to a unique person between multiple sources used in this study. For instance, there is no evidence that an alleged Jacobite is recorded as being a farmer in one list and a servant in another. Devine equates farm workers with farm servitude rather than labour, T.M. Devine, 'Scottish Farm Service in the Agricultural Revolution' in T.M. Devine, ed., *Farm Servants and Labour in Lowland Scotland 1770-1914* (Edinburgh, 1984), p. 1. See also Leneman, *Living in Atholl*, pp. 60-62.

114 In comparison, the corresponding amount of gentry support for the purposes of this study is calculated at 5.5%.

when the Jacobites were drawn up in the courtyard of Drummond Castle.<sup>115</sup> Robert Menzies, a merchant in Perth, recalls that he observed John Dow and John Kempie, servants to Lords Nairn and Gask, respectively, ‘attending their Masters Kempie wearing a white Cockade and done in Highland habit but did not See any of them bearing Arms’.<sup>116</sup> John Olton of Shropshire was captured by the King’s Dragoons just a few miles outside of Perth before testifying on his own behalf that he did not carry arms, though he admittedly was engaged as a menial servant to a Scotsman called Mr Rollo whom he met on the way to London. Olton followed his new master northward on the retreat of the Jacobite army and stayed with him until Culloden, where Rollo, a captain in Elcho’s Lifeguards, was killed: ‘when he observed his Master fall he the Declarant fled and brought his masters horse and Clock bag with him [...] Declares he did not Carry arms in the Rebel army.’<sup>117</sup>

Personal servants, especially to officers, would no doubt be present at battles even if not in arms, as with John Olton, and many would be treated as full-fledged combatants once captured. Young David Morison (15) confessed that he served a Jacobite officer under duress and was discharged on bail on 17 June 1747. The aforementioned John Crichton was released under the General Pardon of 1747, John Dow and John Kempie were both transported, and Olton, listed as ‘a servant’ to Elcho in *No Quarter Given*, was delivered to Carlisle for trial before disappearing from record.<sup>118</sup> Each of these men has been counted as a soldier within estimates of the fighting strength of the Jacobite army, but there is no evidence to show that any were in combat. Evan McDonald and Alexander Ferguson, however, did indeed march with Glengarry’s regiment, writing their wives from Musselburgh in late October 1745. In their letters, both men describe the importance of fulfilling their responsibilities to their respective masters; McDonald tells his wife ‘I think it both my duty and Interest to keep by my master’, and Ferguson explains ‘as we have at all times Stood by him our heart can not allow us to Leave him in the greatest Danger’.<sup>119</sup>

As this again stresses, personal loyalties to those with prestige and station accounted for a significant number of martial and civilian recruits to the Jacobite cause – both within and outwith the Highlands. Around 15% of all recorded

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115 Precognition of Ann McGrigor (26 July, 1746), PKA B59.30/72/5.

116 Deposition of Robert Menzies (14 July, 1746), PKA B59.30/72/4.

117 Examination of John Olton (21 April, 1746), PKA B59.30/72/2.

118 SPD.36/89/272 (prisoner #94); P45 (ii), pp. 134-135, 162-163, 212-213, 312-313; (iii), pp. 242-243.

119 SPS.54/26/122/19-20.

servants came from the Highlands and roughly the same amount from the Lowlands, with over half the total hailing from the north-east. This is buttressed when looking at the number of personal servants in Pitsligo's regiment alone, where at least seventeen men attended to landed elites like Irvine of Drum, Menzies of Pitfodles, Hay of Rannes, and Gordons of Park and Carnousie.<sup>120</sup> Significantly, some were already established in proprietary occupations before the conflict, like the Stonehaven merchant William Gibbon, who followed Pitfodles into the field at the age of 44. Alexander Forbes, a stabler in Peterhead, attended to William Scott of Auchtydonald from October of 1745, and Fraserburgh surgeon John Cruickshanks served as Pitsligo's personal physician after joining the Jacobite army at Edinburgh. John Mitchell kept an ale-house in the Canongate before attending to Lord Elcho until the end of the Forty-five.<sup>121</sup> While it is not known what kind of wages Dr Cruickshanks drew from his service to Elcho, it is unlikely that it would have eclipsed the income made from continuing to offer his services at home, and it can only be surmised that other proprietors with their own businesses would have failed to obtain any particular windfall from leaving their shops, inns, and alehouses behind. Nonetheless, the personal draw of popular elites appears to have been powerful enough to pull some away from their day-to-days, trading them in for a life on campaign, however short that might have been. Very few of these men were brought up on charges after their trials, either being pardoned or discharged with little evidence of punishment or transportation, which usually indicates they were not proven to be in arms during the rising. Alexander Gatt, for example, is present in the excise list from Banffshire as a servant to Carnousie, but there is no further documentation to show he was taken prisoner or punished for his part in the affair.<sup>122</sup> Whether 'obliged to respect' their masters through contract or compulsion, or following their superiors from a sense of duty, those labeled 'servants' by the government were at least as populous as 20% of total Jacobite support.<sup>123</sup>

## REGIMENTAL

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<sup>120</sup> *NQG*, pp. 60-62; James Mair, a chapman, also confessed to serving Carnousie but is not listed as being a part of any military unit and was discharged after the rising, *P45* (iii), pp. 6-7; *SPD.36/89/272*.

<sup>121</sup> Based upon JDB persona searches. *TNA TS.11/179/784*; *Rosebery's List*, pp. 88-91, 252-253, 340-341.

<sup>122</sup> *Taylers, Jacobites of Aberdeenshire and Banffshire*, p. 199; *Rosebery's List*, pp. 30-31.

<sup>123</sup> Sankey and Szechi, 'Elite Culture', pp. 93-95.

Excluding the obvious muster rolls within the dataset, only about 40% of collected records has distinct regimental information available for the subjects within. When including secondary sources specifically intended to cite regiments, that total rises to just under 70%. This indicates that while we have a competent measure of samples across Jacobite units as well as nearly-complete compositions of a few specific regiments, there is still a large proportion of those named that is either devoid of accurate military backgrounds or instead refers to civilians accused of treasonous activities. An example of this in the martial case suggests that the Chisholms of Strathglass in Glenmoriston under Roderick Og came to the field with between eighty and 150 men, though only nineteen of their names have been identified (12-23%). Even if the thirty noted as dying at Culloden are nameless (some of which are actually known) the great majority still lies unidentified.<sup>124</sup> Information about Lord Ogilvy's Angus regiment, on the other hand, is much more complete. Of a rough peak of 900 soldiers at Falkirk, as many as 751 (83%) are named.<sup>125</sup> While it is not reasonable to expect to identify 100% of Jacobite regimental rosters, it is hoped that the collection of primary sources will reveal more than is currently known about the makeup of these units.

Government records regarding Jacobite regiments were generally accurate through the campaign. Though intelligence networks were troubled by a combination of misinformation and a lack of participation by the natives, official reports measuring the compositions of rebel units were more or less realistic.<sup>126</sup> With the capture of Jacobite soldiers and other non-combatants who served alongside the army, some records of regimental service survive. This was often guesswork in initial reports, as assessments from customs and excise officers show a distinct paucity of details. These usually provided what little information was known at the time about alleged rebels, including name, occupation, and rank, if available. Intermittent notes describe obvious regimental affiliations, like the Prince's Life Guards, many of whom wore distinctive uniforms that were difficult to miss.<sup>127</sup> Early jail returns containing large numbers of prisoners held on suspicion suffered from the same lack of intelligence, as some never took part in the rising

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124 *NQG*, pp. 63-64; Duffy, *The '45*, p. 571.

125 Mackintosh, *The Muster Roll of Forfarshire*, passim; *NQG*, pp. 93-115; Duffy, *The '45*, p. 573.

126 See, for example, Return of the Jacobite Army (29 October, 1745), SPS.54/26/67 and 54/26/72b. More about the difficulties of obtaining intelligence are described in Chapter V: Consequences, pp. 215-217.

127 See Rosebery's *List* for the absence of regimental information. For primary sources, see Scottish Customs Officers' Lists of Persons Engaged in Rebellion, NLS MS.1918; MS.17522 ff. 1-34, 55, 83-87; 17524, etc. For the uniforms of the Life Guards, see Duffy, *The '45*, pp. 574-575.

and would therefore have no regimental connection to the army.<sup>128</sup> It was not until the prisoners were interrogated and witnesses gave testimonies against them that more detailed information was filled in. Lists made up later during the judicial process are far more complete and attempt to connect each prisoner with a unit, if at all possible.<sup>129</sup> Occasionally significant segments or remnants of some entire regiments surrendered in unison, giving the government an opportunity to record a snapshot of the Jacobite army's constituency, rather than having to chase down the fleeing soldiers and relying on accrued testimony after long bouts of processing.<sup>130</sup> This could be especially useful as Jacobite fighting units were often malleable, blending together or breaking apart depending on the tactical or strategic needs of the moment. Smaller companies and even battalions sometimes oscillated between regiments and numerous soldiers also served in more than one unit at different times during the campaign.<sup>131</sup>

Dedicated works focussed on military history have surveyed the rough composition of Jacobite army regiments, so the information presented here is largely concerned with the regimental composition of the included data rather than potential numbers. The largest regiments represented by lists of prisoners and those on suspicion of treason are Ogilvy's (north-east/Lowland), Cromartie's (Highland), Glengarry's (Highland), Duke of Perth's (Highland/Lowland mix), and the Manchester Regiment (England). Together these account for a little over 40% of all records appointed with regimental data.<sup>132</sup> Also of considerable size are Lord Lewis Gordon's regiment and the French and Irish regulars, including those captured at sea. The prevalence of these units in government records tend to signify either a sizeable body; significant numbers of captured, surrendered, or killed; or a combination thereof. Ogilvy's and Glengarry's for instance, were two of the larger regiments in the army (each around 900 at Falkirk), and therefore offered a larger propensity for capture and recording by government officers. In the case of the Irish picquets and the Manchester Regiment, their prominence is a symptom of widespread capture rather than size. Likewise, the Earl of Cromartie and most of

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128 For instance, SPD.36/81/70-81; 36/88/50; TNA TS.20/52, 56, 60; etc., especially SPD.36/92/38.

129 For example, SPD.36/84/8-13, 100; 36/86/6-7; 36/88/60, etc.

130 List of the McGregors Surrendered to Mr Colquhoun, NLS MS.17523 f. 30; List of the Men in Kilmarnock's Troop of Horse, SPD.36/84/38; List of Mackintosh's People, SPD.36/84/58; Return of FitzJames' Regiment, SPD.36/88/90-95.

131 Pittock, *Myth*, p. 77; Duffy, *The '45*, pp. 570-577; Reid, *1745*, p. 202; Adam Hay served in Pitsligo's Horse before transferring to Stoneywood's battalion of Lord Lewis Gordon's Regiment, for example, *P45* (ii), pp. 278-279.

132 See Appendix IX: Jacobite Constituency by Regiment 1745-6, fig. 4.

his unit surrendered at Dunrobin Castle the day before Culloden, though never eclipsing a total size of 300 men.<sup>133</sup> Cameron of Lochiel also had one of the largest turnouts to the rising, yet relatively few have been identified probably because his men dissolved into the rough terrain of Lochaber after Culloden, with orders to retain their arms for a possible regrouping.<sup>134</sup> Glengarry's, on the other hand, was 'hit very hard' on the left wing at Culloden, and large chunks of the regiment surrendered their arms shortly thereafter. It therefore makes sense that they would be strongly represented within government dossiers.<sup>135</sup> Like the other sections of this study, more records can and should be added to the appraisal given more time and a larger scope of primary source material.

Further benefit from regimental surveys can inform patterns of recruitment, as with the case of Lord Ogilvy's, commonly called the Forfarshire Regiment. Of the 630 persons identified within the unit, the distinct majority come from Angus, with sixty-five in Dundee, fifty-eight in Brechin, fifty-seven in Kirriemuir, and forty-eight in Lintrathen parishes. Slightly fewer are from Forfar and Glamis, with forty-one and forty-two recruits, respectively.<sup>136</sup> But at least 5% of Ogilvy's recruits were obtained in Perthshire, mostly from the parishes of Alyth and Meigle, as well as a few men from Banffshire, Fife, and Kincardine. Likewise, the Atholl Brigade, thought to have largely recruited from Perthshire, contains a sizeable contingent of Argyll men and at least seven recruits from Tiree. The Duke of Perth's regiment included men from Perthshire, but also large numbers from the shires of Aberdeen and Banff, as well as small contributions scattered across Moray, Fife, the Southern Lowlands, and England.<sup>137</sup> Lochiel's Camerons, of course, contained far more than only Camerons, and they hailed mostly from Inverness-shire and Argyll, with strong showings from Lochaber and Ardnamurchan, as well as a handful from Ballachulish.<sup>138</sup>

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133 The Manchester Regiment was wholly taken at Carlisle after being left behind by the Jacobite army in December 1745, Monod, *Jacobitism and the English People*, pp. 317-341. For Cromartie's, see Duffy, *The '45*, pp. 552, 570.

134 Alexander Mackenzie, *History of the Camerons* (Inverness, 1884), pp. 233-235.

135 Duffy, *The '45*, p. 571; SPD.36/83/270-274; Lochiel to chiefs (26 May, 1746) reprinted in Mackenzie, *History of the Camerons*, pp. 235-236; Mackay, *Urquhart and Glenmoriston*, pp. 494-498. 87 of Glengarry's men turned in their arms between 5-10 May, while 77 others surrendered on the 15th.

136 Information taken from Mackintosh, *The Muster Roll of Forfarshire*, passim. See Appendix IV.

137 Monod identifies 'at least two dozen Englishmen' who were recruited into mostly-Scottish units during the Forty-five, *Jacobitism and the English People*, p. 331. That number is likely considerably higher.

138 See Chapter IV: Recruitment, pp. 159-161 for more on patterns of recruitment.

As seen in Appendix IX, the included compiled data relating to regiment is often quite divergent from the accepted source used by most scholars and numerous family historians and genealogists when citing numbers relating to the Jacobite army.<sup>139</sup> This is expected when considering the differing sources and methodology of calculation used in these respective studies, but it still provides a useful comparison of tallied percentages. Figure 2 illustrates the differential between stated regiment sizes and the actual numbers of records provided in *No Quarter Given*. Figure 3 offers calculations of compiled (non-muster roll) primary sources used in this study and contrasts them with the muster roll. Figure 4 then compares the relative sizes of Jacobite units between quantifications by the most significant modern historiographical sources. The results show some significant gaps in tracking numbers within the muster roll. For instance, muster roll data for the Irish regiments serving in the Jacobite army lists ninety-nine names across all units, plus twenty-two in FitzJames' Horse. Yet at least 266 soldiers from specific Irish regiments are easily found amidst primary sources, plus seventy-nine troopers of FitzJames' in one document alone.<sup>140</sup> Though both studies use Seton and Arnot's *The Prisoners of the '45* as a source, the muster roll inexplicably notes only eight from Berwick's regiment, when ninety-seven are plainly listed as belonging to that unit. A number of other omissions, errors, and inconsistencies hamper the value of *No Quarter Given*, and therefore demonstrates the need for a revised standard work on the subject, especially if it continues to be used by scholars of the period.<sup>141</sup>

## AGE

Numerous sources have recorded the age of Jacobite prisoners, and we may gain some insight as to the maturity of the Forty-five's supporters from a brief survey of these numbers. The most populated source for this is *The Prisoners of the '45*, which features age data for 31.7% of its listed persons.<sup>142</sup> Adding in the most

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139 Reid, *Like Hungry Wolves*, p. 128; Pittock, *Myth*, p. 72-73; Duffy, *The '45*, pp. 416, 604; Murdoch, *Network North*, pp. 344-345; Edward Spiers, et al, eds., *A Military History of Scotland* (Edinburgh, 2012), p. 378; Maggie Craig, *Bare-Arsed Banditti: The Men of the '45* (Edinburgh and London, 2010), p. 141.

140 *NQG* pp. 40-42, 139-144. The muster roll states that FitzJames' strength at Culloden was probably around 70. SPD.36/88/90-95; 36/89/106; 36/92/3-7, 13, 56-57, 61, 63, 69, 102, 104.

141 Note that further details regarding the Irish picquets may possibly be found at Centre Historique des Archives at Vincennes, which is part of the Service Historique de la Défense.

142 Analysis of age in this source alone can be found in *P45* (i), p. 232. This collects 329 records with age data, while JDB collects 3017.

prominent lists of alleged rebels that feature ages and also the compiled muster roll of the army, the average age of the typical captured Jacobite proves to be thirty-two.<sup>143</sup> The youngest recorded age in these sources is two months and the oldest is eighty.<sup>144</sup> Webster states in the introduction to his census of 1755 that Scotland could raise approximately 25% of its total population as Fighting Men (between the ages of eighteen and fifty-six).<sup>145</sup> Of the persons included in this study of alleged Jacobites, 6.8% were over the age of fifty-six and 6.4% were under the age of eighteen at the time of their recording. This leaves 86.7% of the total within the bounds of what can be considered 'fighting age'. The largest segment of the tallied population lay between the ages of eighteen and twenty-four (31.5%), closely followed by that in the range of twenty-five and thirty (20%). The next highest segment then jumps to ages forty to forty-nine (15.6%).<sup>146</sup> To put this into perspective, Webster's census notes that only one-quarter of the Scottish population in 1755 lived to see their forty-eighth year.<sup>147</sup> This puts 15% of the included Jacobites above that stated life expectancy.

Kindred statistics for the British army vary, and more is known about length of service than raw ages. Individual regiments often had their own criteria for recruitment specifications, such as Loudoun's 1757 instructions which encouraged soldiers between the ages of eighteen and forty.<sup>148</sup> Cumberland's orders a month after Culloden required recruits between the ages of seventeen and thirty, though criminals apparently had a bit more leeway, raising their age allowance to forty-five.<sup>149</sup> Duffy asserts that the optimum age for a professional soldier in the

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143 For reference, this figure reflects what would be around 21% of the total number of estimated participants in the Jacobite army, using McCann's high-end tally of 14,000 as a gauge. The sources used in this computation are P45, NQG, McDonnell's 'Irish Brigade Documents', J. Macbeth Forbes, *Jacobite Gleanings from State Manuscripts* (Edinburgh and London, 1903); SPD.36/88/33d (Prisoners in Carlisle Goal), SPD.36/86/6 (List of Prisoners Sent to Tilbury), and SPD.36/88/60 (Stratford Eyre's Tilbury and Transport Lists).

144 At least ten babies who remained with their accused parents through imprisonment and transportation are referenced within government records. See SPD.36/93/129; 36/81/73-75; etc.

145 Webster notes that this calculation of 25% includes those unable to bear arms due to blindness, lameness, or otherwise not being fit to fight, relegating the actual calculation more along the lines of 20%, reprinted in Kyd, *Scottish Population Statistics*, p. 9. Macinnes calculates approximately 22,000 fighting men amongst the clans 'in the Jacobite period' with only about 20% of that number actually mobilising in support of Jacobitism, *Clanship*, p. 176. This is corroborated by 'Memoriall Anent the True State of the Highlands as to their Chieftennies, Followings and Dependances Before the Late Rebellion', reprinted in Allardyce, *Historical Papers* (i), pp. 166-176.

146 See Appendix X: Jacobite Constituency by Age 1745-6, fig. 1.

147 Kyd, *Scottish Population Statistics*, p. 79.

148 Brumwell, *Redcoats*, p. 58. Similar instructions from the 54th Foot in Boston during the same year specify ages sixteen to thirty-five, *ibid*, p. 59.

149 Henshaw, *Scotland and the British Army*, p. 55. Cope had employed a quartet of superannuated invalids to man the few government guns at Prestonpans, *A Report of the Proceedings [...] of Lieutenant-General Sir John Cope, etc.* (Dublin, 1749), pp. 53-54. See also Blakeney to Pelham (6 September, 1745), SPS.54/26/9.

eighteenth century was early-middle age, citing that ‘a well-set-up man in his thirties or forties had the advantage in endurance and health’ over a younger soldier in his early twenties.<sup>150</sup> Projecting this upon our figures reveals that around 31% of the sampled Jacobites fit into this category.<sup>151</sup>

Despite this sizeable portion of those in their vital years, informants often described the widespread presence of the unfit amidst Jacobite camps and those who followed the army. Many children appear in lists of captured rebels along with their older counterparts, like John Campbell and Alexander Grant, two twelve-year-olds who tagged along with the army train in November 1745.<sup>152</sup> This was not uncommon, as Captain John Vere wrote one week before Prestonpans that ‘there were a great number of boys & old men amongst ym who had noe weapons and attended baggage’.<sup>153</sup> Of at least sixty individuals who can be identified as being involved with looking after the Jacobite baggage train, only a few have their ages recorded; the ones who do are aged fifteen and younger.<sup>154</sup> In Edinburgh, Patrick Crichton speculated that it might have been the army’s strategy ‘to make us think they were a rabbell’ by hiding the most effective soldiers amidst ‘a great many old men and boys’ while on parade.<sup>155</sup> Similarly, an eyewitness in Manchester commented fancifully that the army contained as many as 3000 ‘boys of 10, 12 or 14 years old’, some of them ‘not as long as the Swords they carried’.<sup>156</sup> Meanwhile, those who were not deemed able to contribute were either passed over by Jacobite recruiters or left behind when the army’s provisions could no longer support them. Dougall Campbell, for example, witnessed a rebel party in Stirlingshire enter the house of Duncan and Robert Macfarlane, insisting that the son join them but leaving the father behind, ‘being an old man was not fit for service and therefore was not desired to go’.<sup>157</sup> When the Jacobites left their ill-fated garrison in Carlisle before retreating from England in December 1745, they also left behind a small community of women and children who had traveled with them until that time. Of

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150 Christopher Duffy, *The Military Experience in the Age of Reason* (London, 1987), p. 95.

151 Ages 30-45 (31.09%).

152 Declarations of Rebel Prisoners (9 November, 1745), SPS.54/26/152.

153 Vere’s Intelligence (13 September, 1745), SPS.54/26/20; P45 (i), p. 232.

154 JDB query on occupation and age relationship.

155 Patrick Crichton, *Woodhouselee MS* (Edinburgh and London, 1907, p. 27. Crichton reports that in the lead-up to Prestonpans the Jacobite army consisted of over half ‘good for nothing old men, shepherds, and boys’, p. 33.

156 Reprinted in Jarvis, *Collected Papers* (ii), p. 299. Jarvis explains that this estimate might have been the result of observing servant lads carrying the weapons of their masters.

157 Declaration of Dougall Campbell (11 July, 1746), NLS GD.220/6/1661/1.

thirty prisoners transferred from Carlisle to Chester Castle for engaging in treason or treasonable practices, thirteen were young children between the ages of three and fifteen. The oldest was the servant of a lieutenant in Lochiel's regiment, but the great majority were left behind by their fathers after decamping from Carlisle, including 12-year-old Clementine McDonald, whose father was later held at Lincoln Castle.<sup>158</sup>

On the extremes of the ages involved, we see a significant number of prisoners being recommended to mercy due to their youth and also similar cases of invalids and the elderly. Alexander Davidson, a venerable shoemaker in the Canongate of Edinburgh, was set to be executed on 15 November 1746. In his petition, Davidson described that his extreme poverty had caused him to apply for enlistment in the Scots Greys, but he was denied on account of his age, and therefore joined the rebels out of necessity. Other certificates corroborated his plight, and his sentence was reduced to transportation in March 1747.<sup>159</sup> Robert Forbes, a boy of eighteen who was 'seduced' into the rebellion, was petitioned for by members of the Synod of Aberdeen to reduce his sentence of death. Despite Forbes serving for some time as a captain in Lord Lewis Gordon's regiment, the minister in Aberdeen urged that they had 'good Ground to think That if this poor Boys Life were spared He will never again Relapse into such a wicked and hainous crime'.<sup>160</sup> Eighteen prisoners under the age of twenty who were sentenced to death at York begged for mercy on account of their 'folly and giddiness of Youth'. Their petition described that only those traits could have 'Enduced them to give Ear to the crafty and delusive Sollicitations of those by whom they were Seduced from their duty and Allegiance'.<sup>161</sup> Royal clemency was apparently invoked, as it appears that most of the boys, some as young as fifteen, were pardoned on the condition that they subsequently enlisted into British regiments abroad. At least three had their sentences lessened to transportation, and the nineteen-year-old sergeant Benjamin Mason was executed in November 1746, proving that Jacobite officers

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158 List of Persons in Chester Castle (31 January, 1747), SPD.36/93/129. It had apparently been Charles Edward's intention to return to Carlisle after a rendezvous with the Jacobites under John Drummond in the north-east of Scotland, Reid, *1745*, p. 78. See also *P45* (i), p. 214. Seton and Arnot suggest that it might have been thought too difficult to navigate the untrained camp followers across the then-swollen Esk.

159 Petition of Alexander Davidson, etc. (11 October, 1746), SPD.36/88/193-195; Petition of Gavin Hamilton (1 November, 1746), SPS.54/34/14; Account of the Prisoners Condemned at Carlisle (10 October, 1746), SPD.36/88/58.

160 Petition of Synod of Aberdeen (8 October, 1746), SPD.36/88/64; *P45* (ii), pp. 200-201.

161 SPS.54/26/187. See also Jarvis, *Collected Papers* (ii), pp. 297-299.

were more likely to be capitally punished for their crimes, no matter their age.<sup>162</sup> Crown solicitor Philip Carteret Webb recommended six prisoners at Carlisle for mercy, all on account of their youth. Some of these were subsequently found guilty, but the records suggest that most were dismissed, even with the absence of formal petitions.<sup>163</sup> Everard Fawkener himself meekly sought clemency for two young men from the Manchester Regiment on account of his close and long friendship with a mutual acquaintance, but was ultimately unsuccessful in doing so, as one was executed and the other transported.<sup>164</sup> It appears that the majority of the young children held in Chester Castle for the treasonous activities of their parents were all released due to lack of evidence against them.<sup>165</sup>

## GENDER

It is not surprising that the large majority of Jacobite support in the mid-eighteenth century was men in arms, but the numerous roles that women contributed to the effort deserve their own overview. Keen scholarship focussed on women in the Forty-five has recently been undertaken in works from the robustly academic (Carine Martin, Nicola Cowmeadow) to the unreferenced and popular (Maggie Craig), though even contemporarily attempts were made to cover some of the more famous female characters involved the rising, however satirically.<sup>166</sup> With the exception of a brief lull during the reign of Anne Stuart, Whig treatises throughout the Jacobite era were particularly harsh on women demonstrating any connection to Jacobitism. The misogynistic propaganda furthered by these sources denounced the cause as an affair so desperate that it drew support from a sex seen as

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162 P45 (i), pp. 198-200.

163 Webb's List of Prisoners (6 October, 1746), SPD.36/88/29-33; Account of the Condemned at Carlisle (10 October, 1746), SPD.36/88/58.

164 Fawkener to Andrew Stone (14 July, 1746), SPS.54/32/45a; Fawkener to Newcastle (16 July, 1746), SPS.54/32/50.

165 P45 (i), p. 214; (ii), pp. 286-287; Jarvis, *Collected Papers* (ii), pp. 297-300. See also SPD.36/88/47.

166 Carine Martin, "'Female Rebels': The Female Figure in Anti-Jacobite Propaganda' in Macinnes, et al., *Living with Jacobitism*, pp. 85-98; Nicola Cowmeadow, 'Simply a Jacobite Heroine? The Life Experience of Margaret, Lady Nairne (1673-1747) in Macinnes, et al., *Jacobitism, Enlightenment and Empire*, pp. 29-41; Maggie Craig, *Damn' Rebel Bitches: The Women of the '45* (Edinburgh and London, 1997); *Female Rebels: Being Some Remarkable Incidents of the Lives, Characters, and Families...* (Edinburgh, 1747). See also Susan Broomhall, 'Renovating Affections: Reconstructing the Atholl Family in the Mid-Eighteenth Century' in Susan Broomhall, ed., *Spaces for Feeling: Emotions and Sociabilities in Britain 1650-1850* (London and New York, 2015), pp. 52-78; Anita R. Fairney's forthcoming PhD thesis 'Jacobite Scotswomen's Roles, Identities and Agency in Scottish Politics, 1688-1788' (University of Western Australia).

patently unsuited to political activity.<sup>167</sup> As these tracts went, not only were women generally incapable of contributing to proper political discourse, some who were exceptionally burlesque chose to offer their ‘Petticoat Patronage’ to the contemporary equivalent of a terrorist organisation.<sup>168</sup> The point of this propaganda, of course, was to delegitimise and debase Jacobitism by associating it with the lewd and bawdy, not unlike the inflammatory disinformation used to pillory the sins of popery and non-juring confessional principles.<sup>169</sup> Carine Martin argues that limited scholarship has been undertaken demonstrating women had a legitimate role in the ‘transmission of Jacobite values’ due to the fact that only Hanoverian-biased sources currently survive in print. Rachel Carnell, however, cites a number of pro-Jacobite printings that inverse the rhetoric by calling out such misogyny through the use of hyperbolic wit.<sup>170</sup>

Not all attempts to identify sympathetic Jacobite women were specifically intended to debase. Earlier in the century, anti-Jacobite propaganda set the British lady and the sanctity of her family as innocent but ‘naturally dependent’ victims menaced by Stuart whims.<sup>171</sup> By 1745, though, the throngs of otherwise loyalist women who flocked to gaze upon Charles Edward in the High Street of Edinburgh could not be explained away but by describing their ‘irrational zeal’ and passion over reason.<sup>172</sup> Shortly after things had quieted down, a list was written up quantifying many of the ladies of higher status in the capital and whether their allegiances were to the Whig government or to the ‘Jacobite Partie’. The intention of this well-perused document was clearly to save face in light of the public perception that female sympathies in Edinburgh leaned toward rebel ideals. The roll’s subtitle bears this out, stating that it was

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167 Rachel Carnell, *Partisan Politics, Narrative Realism, and the Rise of the British Novel* (New York, 2006), pp. 34-36; *The Female Rebels*, pp. 5-6. Pittock notes that due to their ‘perceived lack of political capacity’, women were often much freer to display overt symbols of Jacobite sentiment with less concern for consequence, *Material Culture and Sedition*, p. 16 and *Myth*, p. 127.

168 See Dunton’s satirical dichotomy in *The Night-Walker: or, Evening Rambles in Search After Lewd Women*, 18 (October 1696) within Elizabeth Kubek, “‘All Whores are Jacobites’: Terror, Book, and Body in the Writings of John Dunton” in *The Eighteenth Century*, 51:4 (Winter 2010), pp. 453-456; *The Female Rebels*, p. 6; Carnell, *Partisan Politics*, p. 36. See also Sankey and Szechi, ‘Elite Culture’, pp. 119-120; Pittock, *Material Culture and Sedition*, pp. 16-17.

169 Martin, ‘Female Rebels’, pp. 86, 90-98; Battigelli and Stevens, ‘Women and English Catholicism’, pp. 9-10. See Chapters II: Motivation and V: Consequences for more on propaganda versus the dissenting churches.

170 Martin, ‘Female Rebels’, pp. 85, 229 (note #3); Carnell, *Partisan Politics*, pp. 36-37; Perry, ‘The Finest Ballads’, pp. 89-90. See Whatley’s examination of female commitment to eighteenth-century protest in *Scottish Society*, pp. 197-200.

171 Carnell, *Partisan Politics*, pp. 34-35.

172 Martin, ‘Female Rebels’, p. 94; Gibson, *Edinburgh in the ‘45*, pp. 21-22, 60-61; Blaikie, ‘Edinburgh at the Time of the Occupation’, p. 5; *A copy of a letter from a young lady in the country, to a lady in Edinburgh* (1745).

Taken in hand Merely to show that the common Acusation and Slander, Rashly Thrown on The Female Sex As To Their being all Jacobites is False and Groundless As upon A Calculation the Whigs are Far Superior in Number and Not inferior either in Rank Beauty or Sollidity.<sup>173</sup>

The great majority of the 134 women outed as Jacobites, if they indeed were so, apparently did nothing of consequence to further the cause in a practical manner. Their alleged zeal for the Stuarts likely was expressed socially, but we now know that the venture required more.

Conversely, Seton and Arnot find eighteen elite women ‘who took a prominent part’ in the affair, which they define as either being active in raising troops or having some other treasonable interactions with the Jacobite leadership.<sup>174</sup> The biographical details of many of these persons have been well-covered, and it is safe to say that a few of these elite women were nothing less than instrumental in contributing to the Jacobite war effort, especially when it was in defiance of their husbands who were the chiefs of their clans. In addition to the famously dogged recruiting efforts of Anne Mackintosh and Charlotte Robertson of Lude, there is evidence that other prominent Jacobite ladies were involved in whipping up sentiment on their estates. Duncan Cameron, for example, swore that he was forced into joining up by Lady Glenmoriston shortly after Prestonpans.<sup>175</sup> She subsequently was instructed by her husband to punish their tenants who had deserted the army by doubling their rents and to ‘Lay all stress and Inconveniencies possible on such as have gone home and Left me to make for my Self’.<sup>176</sup>

Narrowing down on the plebeians, however, provides a much larger pool of cases to observe. To the fifty-six ‘regimental’ women identified in *The Prisoners of the '45*, at least twelve others can be added who were taken up with or near the Jacobite army while on campaign.<sup>177</sup> An observer in Edinburgh spied the Jacobite baggage train in the Braid Hills a few days before the Battle of Prestonpans, and noted that ‘all of the Highland wives’ were accompanying it.<sup>178</sup> Notwithstanding the ‘weak Heads and warm Hearts’ ascribed to females of the period, Martin makes the excellent point that while high society women might be officers’ wives, the lower

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173 ‘An Impartial and Genuine List of the Ladys on the Whig or Jacobite Partie’ (1747), SLE MS.293.

174 P45 (i), pp. 212-213. At least four additional elites have been identified using JDB queries.

175 SPS.54/26/152.

176 Patrick Grant to Lady Glenmoriston (3 November, 1745), SPS.54/26/122/7.

177 P45 (i), pp. 212-213; SPD.36/81/73-75, 78-81; 36/93/129; HL LP Box 4/LO 10882; Taylers, *Jacobites of Aberdeenshire and Banffshire*, pp. 447-448, passim.

178 *Woodhouselee MS*, p. 23.

classes featured the wives of the common soldiers who undertook a wide variety of essential tasks for the army while on the march.<sup>179</sup> As well, letters written to wives, mothers, and sisters from men on campaign reveal that 'Jacobite' women on the home front carried on day-to-day work while the men were away. Anne Cameron in Fort Augustus, for example, was lauded upon the news that the family's 'small affairs at home is on good footing', and was further instructed to keep her husband's papers in order and not to disperse any further funds for work on their home. Elspeth Grant in Livicie was promised by her husband that any work she could not undertake herself could be hired out, and another Grant of the same name in Bhlairaidh was asked to handle the sale of a neighbour's cow. Mrs Rattray of Wester Ennoch likewise received some gentle encouragement to 'do the best ye can wt all our business and provide your self in a servant'.<sup>180</sup>

It is not unusual that a train of non-combatants would follow their husbands and fathers on the march, though orders disallowing the presence of unmarried women during the invasion of England make appearances in rebel orderly books.<sup>181</sup> Repeated directives from Charles Edward to the officers of Lord Ogilvy's regiment between October 1745 and January 1746 explicitly forbade the unwed from following, holding the colonels accountable if any were found within the units which they commanded.<sup>182</sup> It is assumed that some still followed, and the Chester list proves that the decision was made to leave at least eighteen wives, nieces, and sisters behind at Carlisle upon the retreat from England.<sup>183</sup> Other than abandonment, Rupert Jarvis illustrates that pregnancy was likely most common cause of separation of women from the army's main body, both Jacobite and government, citing the baptism at Lancaster on 8 September 1746 of one Mary

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179 *Female Rebels*, p. 5. Martin rightfully states that the term 'camp followers' likely does not do them justice, 'Female Rebels', p. 91.

180 Various letters from Jacobite soldiers (30 October to 6 November, 1745), SPS.54/26/122/12, 19-21, 48, 54-55, 57. See also Forbes of Pitsligo to his wife, UAL MS.2848/2.

181 McLynn, *The Jacobite Army in England*, p. 31; Jarvis, *Collected Papers* (i), pp. 253, 273; (ii), p. 299; Bruce Gordon Seton, ed., *The Orderly Book of Lord Ogilvy's Regiment in the Army of Prince Charles Edward Stuart* (Heaton Mersey, 1923), pp. 17-18; The British army likewise implemented rules to distance itself from camp followers while in Scotland, see 'Orderly Book of Cholmondeley's 34th Regiment of Foot' (entry for 11 March, 1746), NWMS 355.486.242.34; NLS MS.2960 f. 80.

182 'The Orderly Book of Lord Ogilvy's Regiment', NWMS M.1933.259, *passim*. The order for 5 November 1745 enigmatically states that 'H.R.H. orders that no Woman only those that Came from the Highlands should follow'.

183 SPD.36/93/129; John Sharpe to Anon. (31 January, 1746), SPD.36/93/123-124. See also TNA TS. 20/62/3-4; TS.20/78/2; TS.20/97/2.

Macpherson, daughter of her rebel father John.<sup>184</sup> This may go some way in explaining the disinclination by the Jacobite command to allow unmarried women along with the army.

Despite reports that upwards of 150 women were seen in arms, there is no convincing evidence that this occurred at any points of battle during the campaign.<sup>185</sup> A curious letter, ostensibly written by Oliphant of Gask to his sister, however, takes on this myth in a compelling manner. Printed in France for distribution through Europe to raise the hopes of Jacobite sympathisers outwith Britain, this missive offers a detailed account of the army's progress in Scotland and boasts the unwavering loyalty of the country people.<sup>186</sup> The core of the letter is taken up by the description of a combat-ready unit of women that amassed for the Prince, outwardly espousing all the explicit virtues of the Jacobite agenda:

The women of this part of Scotland [Inverness-shire], who dress so like men one can hardly distinguish them, have formed a company of 112 women, of whom the eldest is not over forty. This troop of modern Amazons is led by a girl between 27 and 30, who has plenty of spirit and sufficient beauty to attract an honest man.<sup>187</sup>

This is followed by a grandiose description of their uniforms and weaponry, and a fanciful tale of the first meeting between Charles Edward and the company's leader. The heroine commander is educated and sharp of wit, and takes the Hanoverian polemicists to task by inverting their position of loyalty and shaming their marginalisation of women:

The whole of my company declare they will never forsake you, but defend you under the greatest dangers, and shame those men who, born your subjects, serve against you [...] for ourselves, illustrious Prince, we have no engagement other than to serve you. Men are nothing to us; we are free and at your service from this moment [...] our wishes will be more than accomplished if we can show by their effects how deeply we are attached to you.<sup>188</sup>

The purpose of this tale is likely designed to highlight the contributions made by infamous Jacobite women like Anne Mackintosh and Jenny Cameron, however inflated and embellished the examples have been made. At the same time, it

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184 *Lancaster Parish Register Soc.*, 81:200 as cited in Jarvis, *Collected Papers* (i), p. 253. Again, this was also a concern for the British army, whose impregnated followers were usually left behind, 'officially destitute' and 'therefore chargeable upon the parish or county', *ibid.*, p. 253.

185 *Penny London Post or the Morning Advertiser* (15-18 November, 1745), p. 3.

186 'Letter from Lord H- to his sister, Lady -' (March, 1746) reprinted in Charles Fraser-Mackintosh, ed., *Letters from Two Centuries* (Inverness, 1890), pp. 223-228.

187 *Ibid.*, p. 225.

188 *Ibid.*, p. 226.

provides a formidable narrative that attempts to counter the typical anti-Jacobite propaganda. Like so many internal reports of French assistance being just a few days away, the Prince is assured by these martial matrons that ‘all the Scottish ladies were determined to follow their example, and that many of the English were not far from doing likewise’.<sup>189</sup> It is a message of hope written at a particularly desperate point in the campaign, and the adherence and duty of the Jacobite valkyrie is the harbinger of victory.<sup>190</sup>

## DEMOGRAPHIC ANALYSIS

While there will never be enough evidence to present an accurate sociological study of Jacobite demographics across all parishes of Scotland and beyond, this chapter demonstrates that feasible, large-scale samples of the popular Jacobite constituency from existing records is certainly possible. This will only become more informative as more effective systems of collation are utilised in lieu of poor and outdated transcriptions of secondary sources and otherwise specious anecdotal evidence. Few shocking revelations here have been unearthed that contradict the mores of recent, high-quality Jacobite scholarship. But the number of records and manner in which they are tested contribute to the social history of the Forty-five by weighing their veracity using a qualitative prosopographical methodology hitherto unexplored within the field of Jacobite studies.

In measuring the popular constituency, it is vital to consider the dichotomy of Jacobitism in the way it was expressed both publicly and privately, just as we consider the confluence (and sometimes conflict) of ideological and practical expression. While the truly effective sector of Jacobitism by 1745 was the military, large numbers of civilians contributed to the effort through a variety of ways. As well, loyal civilians were caught up in the environment of suspicion, fattening lists of the accused in the early days of the rising before government justices could confirm that no evidence stood against them. Though measures of the army have been universally accepted as presenting a near parity between Highland and Lowland support in Scotland, the civilian population in the north-eastern Lowlands had a decisively larger role in the affair, underscoring the importance of that region to the Jacobite cause.

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<sup>189</sup> *Ibid.*, p. 227.

<sup>190</sup> Martin, ‘Female Rebels’, p. 87.

It would follow, then, that the religious constituency of the north-east and the largely-Episcopalian Highlands should inform a parallel turnout in what is known of participants from those areas. Initial evidence, however, shows a considerable Presbyterian contingent of Jacobite support, even in the traditional regions of non-juring activity. As attested by its absence in current scholarly assessments of the movement, exploring confessional lines of adherence at the grass-roots level should be a priority for continuing studies. Similarly, existing economic surveys of non-elites are distinctly lacking, and the brief mentions of occupations within the middling and lower classes seem to rely upon the presumption that lists of 'Jacobite' prisoners are all captured soldiers. While there is now sufficient feedback to derail the Whiggish assertion that there was no mercantile contribution within the Jacobite constituency, more can still be done to describe the participation of those commercial classes – and what they risked by sticking with the rebels. Likewise, there is little scholarship available on plebeian Jacobite women, of which several dozens were taken up and incarcerated alongside the men. Though correspondence from the rebel home front is scarce, surviving letters show a distinct transfer of responsibility for the welfare of farms and estates, handed over to wives, mothers, and sisters once the men had marched off with the army. In the case of those that never came back, the implications of how estate management was carried on are enticing and also warrant further study.

Bruce Lenman states that 'the '15 was a broad-based national rising, while the '45 was an attempted coup d'état by a small minority'.<sup>191</sup> This study of the popular Jacobite constituency has shown that the Forty-five was in fact a broad-based national rising with international contributions, both segments of which were a very small minority of the total population of their respective countries. This minority was further divided by the lines of elite and plebeian, public and private, ideological and practical, civilian and martial. The many facets of this Jacobite prism would cast shadows of difficulty upon the integration and uniformity of cause and would likewise hamper recruitment into the military during a time when Charles Edward Stuart needed it most.

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<sup>191</sup> Lenman, *Jacobite Clans of the Great Glen*, p. 157.

# CHAPTER IV: RECRUITMENT

## CHARACTER OF THE ARMY

As shown in the previous chapters, those in allegiance with the Jacobites were motivated by a variety of causes and represented a diverse constituency. This body of dissidents represented only part of the greater zeitgeist of disaffection in Britain during the Forty-five. Yet the army proved to be the only really effective measure of anti-governmental expression and equated to the sole meter of Jacobite success or failure throughout the conflict for the crown. Despite the covert embedding of anti-Hanoverian elites within positions of political power through the inter-rising years, and notwithstanding the sanguine networks and secretive allegiances schemed by the few of those patricians with great ideological stakes, it was always going to be boots on the ground that really mattered.<sup>1</sup>

By 1745, the hopes of the Stuart court under exile in Rome and of those tangibly supporting their aims in Britain all hinged on the efficacy of the Jacobite army to undertake a military coup and establish a provisional government, first in Edinburgh and later in London. This was certainly Charles Edward's ultimate goal, and he could not consider the possibility of doing so without an effective combat force that would outfight and outmanoeuvre the trained, regular soldiers sent to defend the government of George II.<sup>2</sup> To manage this successfully, the Prince would have to attempt to fashion a regular army out of an irregular collection of would-be supporters, including those from many disparate areas and across numerous societal and economic backgrounds – from the landed Lowland elite accompanied by their stables of house servants, to the cottars and farm tenants of the Highland peasantry. His soldiers would be comprised of all ages, from eight to eighty and beyond, and they would represent numerous specific motivational factors that were fluid through the trials of the campaign.<sup>3</sup> Aside from the small

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1 Macinnes, 'Union, Empire and Global Adventuring', pp. 123-139; Daniel Szechi, 'Jamie the Soldier and the Jacobite Military Threat, 1706-27' in Macinnes, et al., *Jacobitism, Enlightenment and Empire*, pp. 13-28.

2 Charles Edward to Louis XV (6 August, 1745) reprinted in Robert Fitzroy Bell, ed., *Memorials of John Murray of Broughton, Sometime Secretary to Prince Charles Edward 1740-1747* (Edinburgh, 1898), pp. 507-508; Stephen, 'Scottish Nationalism and Stuart Unionism', p. 47.

3 These themes are reviewed in Chapter II: Motivation and Chapter III: Constituency.

units of French and Irish regulars, there was no consistent experience of military training amongst the Jacobite regiments, and their weapons were as varied a collection of arms as of those who held them. Supplies were a constant, nagging problem and the army's welfare depended largely on the 'charity' of the localities upon which they were billeted.<sup>4</sup> With all of these things considered, it appears that getting as far as they did was a remarkable accomplishment.

In spite of the largely unconventional composition of the Jacobite army during the Forty-five, it is important to underline the fact that it was initially treated by its officers as a professional military force of both liberation and occupation in varying degrees. Evidence shows that it was operated and administered with many of the systems and characteristics of most eighteenth-century armies, including order books, duty rosters, pay grades, and military courts-martial.<sup>5</sup> This was likely owing to the fact that numerous regiments were commanded by former officers with previous military experience, but also due to a rigorous scheme devised by Charles Edward and his commanders to infuse some measure of uniformity into such a varied base of adherents.<sup>6</sup> Accordingly, great pains were devised to keep discipline in check and to work against the stereotypical prejudices heaped upon the Prince's followers, even today often misrepresented as a thieving mob of Highland bandits, sorely out-of-touch with anything happening within civilised society.<sup>7</sup> This presents some interesting paradoxes regarding the issues of recruitment and the varying degrees of success and failure that Jacobite officers faced. The steps that were taken to maintain the army in a professional manner, however, were not sustained and ultimately did not hold when applied to a majority of constituents with either no military experience whatsoever, ambivalence or even reluctance to remain in arms, or a mixture of both of these qualities.<sup>8</sup> Comprehensive works have been written on the military prowess of the Jacobites during the Forty-five, and we learn from these that the army's eventual collapse and failure does not necessarily deprecate its tactical successes or overall threat to the

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4 As will be seen throughout this chapter.

5 Duffy, *The '45*, p. 100; Lenman, *Jacobite Clans of the Great Glen*, p. 26; Pittock, *Myth*, pp. 58, 93. See *Orderly Book of the Appin Stewart Regiment*, NWMS M.1933.259, (1745-6); Seton, *Ogilvy's Orderly Book*, passim; Duncan Forbes to John Cope (24 August, 1745) reprinted in *Culloden Papers*, p. 384.

6 Lenman, *Jacobite Clans of the Great Glen*, p. 26; Duffy, *The '45*, p. 105; Reid, *1745*, p. 4; Murray Pittock, *A New History of Scotland* (Sutton, 2003), pp. 211-212.

7 Steve Murdoch makes the point that it is absurd to assume that Jacobite soldiers were ignorant of their place in the struggle or upon what premises the gears of rebellion turned, *Network North*, p. 343. The question remains, however, of just how 'in touch' they actually were – and how much they collectively cared about the outcome.

8 Margulies, *The Battle of Prestonpans*, p. 69. See later in this chapter, pp. 163-166.

British state.<sup>9</sup> All the more, it highlights both the unpreparedness of the Hanoverian government to militarily contend with an explosive, internal rising and the remarkable ability of Jacobite commanders to take advantage of that lack of preparation whether on the field or on the march.<sup>10</sup>

This chapter in part describes the differing categories of recruitment within the Jacobite army, helping to reiterate the broad-based but ultimately limited support of the rising while examining the degrees of the willingness or zeal of that support to remain in arms. The motivations of individual soldiers, as presented in detail within Chapter II, were often directly affected by the recruitment practices employed to draw them into service, and in some instances obscured personal motives in the escalation to establish the strategic ones espoused by their leaders. As such, the interplay between motivation and recruitment is essential and the two should be considered inextricable. Once identifiable categories of recruitment are described and generalised types of recruits are surveyed, locational patterns of where these practices played out will briefly be discussed to provide an empirical scheme of which respective parts of Britain contributed accordingly to the army.

Competent studies of Jacobite military recruitment have previously been undertaken, so this chapter is careful to explore those areas which have been either underutilised or left without proper treatment.<sup>11</sup> Specifically, while methods and patterns of recruitment have been mentioned in these works and though estimates are liberally scattered within many others, only McCann approaches the topic with some quantitative substance.<sup>12</sup> Pittock devotes a few pages to recruitment without much qualitative analysis in *The Myth of the Jacobite Clans*, but his focus is much more on attempting to refute the marginalisation of Jacobite participation than to chart the distinct levying practices across different areas of Britain.<sup>13</sup> No scholar has put the emphasis on impressment that a discriminating and comprehensive study of

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9 Most of these have been cited throughout this study. The best of them are Duffy, *The '45*; Reid, *1745*; Jeremy Black, *Culloden and the '45* (London, 1990); and Katharine Tomasson and Francis Buist, *Battles of the '45* (New York, 1962).

10 Reid, *Like Hungry Wolves*, p. 44; Duffy, *The '45*, pp. 102-111, 116-120, 240-241; German, 'Jacobitism in the North-East', p. 168; Szechi, 'Jamie the Soldier', p. 28; Lenman, *Jacobite Risings in Britain*, pp. 287-288.

11 McCann, 'Organisation'; Pittock, *Myth*, pp. 123-125; Reid, *Like Hungry Wolves*, pp. 40-48. See also Chapter 3 of Ian McKenzie's *The Jacobite Army of the '45* (s.l., 2009), pp. 75-97.

12 McCann uses some excellent archival material but ignores many of the most vital sources, including the Treasury Board Papers at Kew and precognition or trial accounts in a variety of different holdings. Her dependence on the memoirs of Jacobite officers and clan histories is also somewhat discouraging. Stuart Reid cursorily addresses methods of recruitment, but tends to repeat the same information across his many contributions to Jacobite military canon: *Like Hungry Wolves, 1745, The Scottish Jacobite Army*, etc.

13 Pittock, *Myth*, pp. 80-81, 91-93, 123-124.

the subject deserves, and none make more than little mention of foreign units or how they came to join the army. Likewise, few of these sources discuss British army deserters in any detail, with only Seton and Arnot addressing their presence with some measure of scrutiny.<sup>14</sup>

Brief mention must also be made of the behaviour of the army, which was in itself a vital and unsung non-combat tactic. Jacobite leaders tried desperately to stir support within the areas that the army occupied and those through which it marched. As noted above, the Jacobite's 'second war' was against that of public perception, which was in part crafted detrimentally by Hanoverian propaganda. This campaign of opinion was of course designed to stimulate the public into resisting insurgency by branding all Jacobites as 'a horde of savages or bandits' in order to 'mobilize racial prejudice and frighten social conservatism on behalf of the status quo'.<sup>15</sup> In other words, the government attempted to portray all Jacobites as Highlanders, hoping the foreign quality of both would cyclically perpetuate fear and keep British citizens loyally inclined.<sup>16</sup> Whether this was actually believed by either the government or its citizens is open to speculation, but both the national and international political aspects of the rising were also acknowledged during the event itself.<sup>17</sup> Bob Harris states that clanship was essentially seen by many 'as a structure of oppression' plagued by poverty and fuelled by violence, wholly unindustrialised and unmotivated by progressive commerce.<sup>18</sup> This is obviously a propagandised view, but it was nonetheless effective in forming prejudices in those with no personal experience of distant localities. It thus ultimately fell upon Charles Edward to decide how to work with what he had, and his landing in the West Highlands was calculated to attract the support of sympathetic clan chiefs who would bring their many tenants into battle. Though their initial response was lukewarm at best, the Jacobite army's identification with the Highlands – and, inversely, government propaganda portraying the Highlands as entirely rebellious – would be enduring.<sup>19</sup>

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14 P45 (i), pp. 283-288.

15 Lenman in the Introduction to *NQG*, pp. xix-xx.

16 The same might also be said of English popular opinion of all Scots as Jacobites, see George Innes' copy of the *Newcastle Journal* (2 November, 1745), NRS GD.113/3/1006/14.

17 Plank, *Rebellion and Savagery*, p. 4-9.

18 Bob Harris, *Politics and the Nation*, (Oxford, 2002), pp. 172-173; Some Thoughts Concerning the State of the Highlands in Scotland (3 Oct, 1746), SPS.54/34/4g; Fletcher to Newcastle (15 Nov, 1746) SPS.54/34/22a.

19 Macinnes, *Clanship*, p. 169.

## CATEGORIES OF RECRUITS

There are six identifiable categories of soldiers within the Jacobite army of 1745-6, for the purposes of this study divided by lines representing a combination of both recruitment method and military status. In brief, these classes are volunteers, those under feudal jurisdiction, fencibles or 'purchased' soldiers, foreign regulars, deserters from the British army, and those who were forced or pressed into service by Jacobite recruiters. Once again, the lines can sometimes be blurred but these categories are nonetheless presented to describe most efficiently the prevalence of particular recruitment methods and their relative efficacy. Most, if not all, of the following types of recruiting occurred variably throughout different regions of Scotland and during different phases of the campaign. With few exceptions, all are representative of varied demographic recruitment patterns for line officers and common soldiers which include tenants and farmers, local societal administrators such as bailies and factors, and middle-class tradesmen and professionals both in urban and rural areas. The higher ranked officers and regimental leaders are exempt from this categorisation because they usually were the agents who carried out the recruiting, or at least who appointed subsidiaries to do so. Their reasons for joining the army are manifold and are better suited to examination in a more focussed study of political, dynastic, and economic motivation as it pertains to Jacobite leadership and elites. Their active role in encouraging or enforcing recruitment, however, is vital to the context of this thesis.

It is worthy of note that other scholars in the field are at most willing to concede only three or four general categories of Jacobite recruits. Seton and Arnot choose to separate feudal levies and tenants under heritable jurisdictions from those raised within the clan system when in fact they are virtually identical, though generally coming from different geographical areas. Their discussion of forced men as well as those who were hired out in lieu of others is ultimately unsatisfying and far too brief, though a bit more work has been done on the latter of these groups by Stuart Reid.<sup>20</sup> Ultimately it is not as important to pigeon-hole specific types of recruits as it is to identify how they were brought into the army, but both angles can indeed be helpful to the overall survey.

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<sup>20</sup> P45 (i), pp. 269-274; Reid, *Like Hungry Wolves*, pp. 40-42; Reid, 1745, pp. 199-211.

## VOLUNTEERS

As the Forty-five kicked off and spread across Scotland in a very short span of time, Hanoverian officials scrambled to gather intelligence about what parts of the country were more or less inclined to rise based upon traditional affections or obstinance toward government policies.<sup>21</sup> So, too, did the Prince and his chiefs and officers who landed with him, hoping that the pledges they had received reflected the actual support of those ready to join the venture.<sup>22</sup> While extensive, their Jacobite contacts in Britain were shadowy, under constant scrutiny from the government, and invariably unreliable. In October 1743 Charles was sent a list of 260 sympathetic peers and gentry in Northern England, who were waiting hopefully for another opportunity to challenge the Hanoverian regime, as well as affirmations of Jacobite support in Wales under Sir Watkin Williams Wynn. None of these volunteers in fact turned out when Charles was south of the Esk in late 1745.<sup>23</sup> A bold proposal from north-western Scotland in 1741 was still on the Prince's mind that had promised 20,000 loyal Highlanders who 'will without fail keep their engagements'.<sup>24</sup> Such numbers, according to General Wade's report on potential Highland recruits tallied in 1724, would have included nearly every man north of the Grampians, half of whom he reckoned were then well-inclined toward the government.<sup>25</sup> Far from being met with thousands of ready troops, there were only hundreds present during the first few weeks of the campaign. This would of course change as the word spread that a Stuart once again stood on British soil.

Willing volunteers are expected to have made up the large majority of recruits in any eighteenth-century army, and this is typically thought to have been no different for the Jacobites.<sup>26</sup> These numbers fluctuated depending on the stage of the campaign, especially just after battles and during the harvest, but they likely

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21 Craigie to Tweeddale (2 August, 1745), SPS.54/25/41a; 54/26/67, 72b, 111; Cope to Tweeddale (31 August, 1745), SPS.54/25/106a.

22 Lenman and Gibson, *The Jacobite Threat*, pp. 199-200. See, for example, Lord Sempill to James (28 June 1745), reprinted in *ibid.*, pp. 202-203.

23 Letters from Whitehall (May-June 1739), reprinted in *ibid.*, pp. 182-184; Leo Gooch, *The Desperate Faction?* p. 158. Gooch points out that only twenty-four of these promised adherents were Roman Catholics. Even as late as December of 1745, Wynn's devotion to the cause was still being mentioned, Moor to Gager (14 December, 1745), SPS.54/26/125.

24 Jacobite 'Concert' to Cardinal Fleury, reprinted in Blaikie, *Origins*, pp. xxxiv-xxxix and Lenman and Gibson, *The Jacobite Threat*, pp. 188-189; Petition of Sir Hector Maclean from Stuart MSS. vol. 260 f. 88, reprinted in Susan Maclean Kybett, *Bonnie Prince Charlie* (London, 1988), pp. 104-105.

25 Wade's 1724 report reprinted in Allardyce, *Historical Papers* (i), pp. 131-149.

26 Duffy, *The Military Experience in the Age of Reason*, p. 89.

provided a solid core of dedicated support for the army and allowed it to enjoy appreciable success.<sup>27</sup> Despite the incredulous reaction of many to the Prince's arrival without substantial numbers, there were considerable pockets of those in Scotland who earnestly believed in indefeasible hereditary succession, or who were otherwise opposed to the oppressive tactics of the Hanoverian regime. Others held firm convictions of faith that were incompatible with that of the Presbyterian ascendancy, leading them to favour the Jacobite cause as an agent of change and perceived toleration.<sup>28</sup> Some were 'gentleman' soldiers choosing to support regimental leaders or political figures of considerable local influence; many within the Jacobite army's five cavalry units, including Pitsligo's, and nearly the whole of the Manchester Regiment, for example, were known to be voluntary recruits.<sup>29</sup> Regardless of specific motivations, what these soldiers all had in common was their willingness to risk their own lives and fortunes (and, in some cases, the safety of their families) to join the military effort.

It makes sense that within the context of such upheaval, a rising with so broad a scope of cause would draw a large percentage of enthusiastic recruits. Despite narratives that depict the great majority of common soldiers seeing themselves as volunteers who were 'freeing the country people from the eternal dread', however, it is extremely difficult to verify the authenticity of enthusiasm from the bulk of Jacobite numbers captured during and after the campaign.<sup>30</sup> The main difficulty in identifying volunteers from existing muster rolls and lists of prisoners lies in the government's tendency to consider many feudal levies and clansmen under the command of their superiors as willing and voluntary soldiers. While many of those in question are listed as 'volunteers' upon cursory examination, they cannot be regarded as showing the consent or proactivity of true army volunteers, as many simply had little choice in the matter.<sup>31</sup> Furthermore, there is simply not enough information contained within the published lists to establish anything resembling an accurate framework of voluntary support. A little over 200 alleged Jacobites in Rosebery's List, for example, are explicitly noted as

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27 Mackillop, *More Fruitful Than the Soil*, p. 8.

28 See, for example, McNally, 'Missionaries or Soldiers for the Jacobite Cause?', p. 57; Alexander Emsley Nimmo, 'Liturgy, The Sacramental Soul of Jacobitism' in MacInnes, et al., *Living with Jacobitism*, pp. 39-53.

29 Reid, *Like Hungry Wolves*, pp. 40-41; McLynn, *The Jacobite Army in England*, pp. 19, 21-23; *P45* (i), 274. Pitsligo wrote of his principled support for insurrection. See Pittock, 'The Political Thought of Lord Forbes of Pitsligo', pp. 73-86.

30 Quoted in Blaikie, *Origins*, p. 122.

31 Reid, *1745*, pp. 200-201; *P45* (i), p. 269.

being volunteers, though undoubtedly the actual number was higher. *The Prisoners of the '45* identifies only a fifth of that number, and *No Quarter Given* cites fifty-one persons with 'volunteer' bafflingly appearing as their collective rank. To glean more information, cross-referencing of contextual evidence exhibited in the statements of prisoners and in the depositions of witnesses should be carried out. This is possible at present with the implementation of case studies, but the large-scale application of such a methodology is still waiting to be undertaken.

For example, the Manchester Regiment is said by numerous sources to be mostly formed on a volunteer basis.<sup>32</sup> Accordingly, and also surely because they were the only Jacobite regiment almost entirely composed of Englishmen, this unit was punished terribly after the rising, with most of the officer corps being executed between July and November of 1746.<sup>33</sup> Of the 167 names recorded as being in the Manchester Regiment, *No Quarter Given* lists nine who gave evidence against others in the unit. When exploring the depositions of these men with more scrutiny, however, many others had actually come out with information refuting that they had participated in anything akin to voluntary enlistment. In fact, fourteen others from the regiment also gave evidence against their former comrades, as did at least six additional witnesses from other regiments or not involved in the rebellion.<sup>34</sup> Evidence was lodged against sixteen of the officers (from ensign to colonel), mostly by servants, common soldiers and a few low-ranking non-commissioned officers. Many of them provide exacting details of harassment or 'inveigling' as opposed to voluntarily enlisting.

Monod calls out similar depositions of this kind as 'full of fabrications about the examinants' motives', instead choosing to focus more on the 'patriot ideals' of the officers.<sup>35</sup> While it makes sense that some of these prisoners would have made up stories to save their own skins, a number of the depositions corroborate each other, suggesting that some of the narratives are more than just fancy. As well, nearly half of those who gave themselves in as witnesses were still either executed or transported despite their explicative information, which proves that providing evidence – whether truthful or not – was no sure exoneration from punishment.

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32 Ibid., pp. 324-325; *NQG*, p. 205; Duffy, *The '45*, p. 574; William Harrison Ainsworth, *The Manchester Rebels of the Fatal '45* (London, 1880), pp. 99-101, 110, 118-119, 141.

33 *P45* (i), pp. 98-100. For a masterful and detailed analysis of the Manchester Regiment, see Monod, *Jacobitism and the English People*, pp. 330-341.

34 State of the Evidence with Regard to the Rebel Prisoners in Newgate, TNA TS.11/760/2363.

35 Monod, *Jacobitism and the English People*, p. 338. He does admit, however, that 'many of the stories told by the prisoners seem at least partly factual'.

Sergeant James Dawson was heard by Samuel Maddock to have promised that any volunteers no longer wishing to serve would be granted full discharges. Testimony by Maddock against the colonel of the Manchester Regiment, however, states that Francis Townley had ordered the gates of the town shut and had posted guards there to prevent recruits from escaping, threatening them with hanging if they were to try.<sup>36</sup> Townley's servant, John Burne, claimed he had no idea what regiment his master commanded, but only that he followed along with him carrying a fowling piece like he had done so many times before when shooting for sport.<sup>37</sup> Some of the witnesses made no attempt to dispute that numerous officers willingly joined up shortly after the Jacobites first arrived in Manchester, and Monod's expert analysis of the regiment's leaders supports this by revealing a deep genetic vein of ideologically-passionate Jacobitism in their structures of belief. But the general consensus of the officers was that the recruitment parties of which they were at the head did not enjoy long lines of volunteers seeking to enlist. The small size of the regiment bears this out, especially in a booming town of 20,000 where 'the power of Westminster was not much felt'.<sup>38</sup> Lord Elcho recalled he was 'astonished' that the arrival of the Jacobite army in Manchester did not attract more recruits, despite the warm reception given by the inhabitants. Likewise, Townley was in fact relieved when Dawson and others showed up with less than two hundred men, noted as saying 'I was almost in despair, not being able to find fifty volunteers myself'.<sup>39</sup>

In contrast to the difficulty of obtaining volunteers even in a politically-charged bastion of Jacobite tradition like Manchester, an unnamed government agent observed that 'the Gentlemen and Commons' of 260 soldiers from the Appin Regiment under Charles Stewart of Ardshiel 'rose almost to a man with a very uncommon zeal'.<sup>40</sup> This seems to be corroborated by the evidence regarding most Appin prisoners, though many of them did apparently not join up until after the Battle of Falkirk, presumably as replacements for those who deserted or were casualties. Only a limited few claim that they were compelled to fight, although Lord Glenorchy noted in October 1745 that some of them were forced by Menzies

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36 Testimonies of Samuel Maddock, TNA TS.11/760/2363 p. 4, 62.

37 Testimony of John Burne, TNA TS.11/760/2363 p. 6.

38 Duffy claims that no more than 250 in total made up the Manchester Regiment's numbers which is probably accurate, *The '45*, p. 574; McLynn, *The Jacobite Army in England*, pp. 98-99; Monod, *Jacobitism and the English People*, pp. 332, 335.

39 Ainsworth, *The Manchester Rebels*, p. 141; Elcho, *Affairs of Scotland*, p. 331.

40 Andrew Lang, *The Highlands of Scotland in 1750* (Edinburgh and London, 1898), p. 77.

of Shian ‘much against their will’.<sup>41</sup> Dougal Stewart, the laird of Appin, might very well have been playing to both sides by claiming that his tenants involved themselves in the rising against his wishes, but the Appin men would not be the only ones who disobeyed orders from their clan chief if that were true.<sup>42</sup> Several men from Urquhart and Glenmoriston joined Evan McDonald in attending the army out of a sense of duty; McDonald wrote to his wife that ‘this times Invites all honest men to act what they can’.<sup>43</sup> At least 200 recruits in and around Aberdeen joined up voluntarily with James Moir of Stoneywood, the town and region being long-established reservoirs of Jacobite sentiment.<sup>44</sup> McCann also notes that a large proportion of tradesmen from the central belt of Scotland felt little economic or hereditary pressure, and therefore likely contributed voluntarily.<sup>45</sup>

To counter the uneven successes in drawing willing recruits early in the campaign, Jacobite commanders despatched groups of men specifically to search for volunteers in the towns and villages through which they passed. A resident of Prestonpans watched an English Jacobite officer ‘with a white Cocade upon his hatt beating up by drum for Volunteers for the Pretender in the puplick streets of Edinburgh’.<sup>46</sup> Elcho was impressed with crowds of people there filling the air ‘with their Acclamations of joy’, but he later fretted that not one of ‘the Mob’ voluntarily joined the Prince’s cause.<sup>47</sup> A local paper recorded that recruiting parties were sent out looking for volunteers while the Jacobites were at Derby ‘but met with very little Success; only two or three Fellows entertained, who served their new Master but a short Time’.<sup>48</sup> The volunteers that did enlist, however, proved their zeal to the Jacobite leadership. The commander of the Farquharsons noted in the hours before Culloden that it was specifically the volunteers who ‘were all very keen to

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41 See, for example, the entry for Dougal Stewart, a shoemaker in Edinburgh, *P45* (iii), pp. 340-341. Glenorchy to Campbell of Carcaldine (25 October, 1745), NRS GD.87/1/9.

42 Angus Stewart, ‘The Last Chief: Dougal Stewart of Appin’ in *SHR*, 76:202 (October 1997), p. 207; NRS GD. 14/116; McCann, ‘Organisation’, p. xix. Other examples of this will be shown later in the chapter.

43 SPD.36/99/122/19, 23.

44 Blaikie, *Origins*, p. 122, 130.

45 McCann, ‘Organisation’, p. 96.

46 Robert Bowey to Newcastle via Cuthbert Smith, Mayor of Newcastle (4 October, 1745), SPS.54/26/54.

47 Lord Elcho, *Affairs of Scotland*, p. 261. In fact, John Roy Stuart would go on to recruit soldiers for his Edinburgh regiment after Prestonpans, but the numbers were slight and had to be supplemented by men from other Jacobite units. Some of Stuart’s recruits were captured British soldiers from Cope’s army, and many of these soon deserted.

48 ‘A Plain, general, and authentic account of the Conduct and Proceedings of the Rebels, during their stay at Derby’ in Allardyce, *Historical Papers* (i), p. 290. See also the list of volunteers in John Hamilton’s papers, TNA TS. 20/126/5.

march' on Cumberland's camp at Auldearn, to which he wrote that 'this opinion showed abundance of courage, for these Gentlemen would have been in the first ranks had their been any attack'.<sup>49</sup>

Finding specific instances and names of volunteers amidst the middling and lower classes in the Jacobite army is possible, and there is a measure of defiant honesty in some of their examinations that are a welcome break from the often-fabricated stories of innocence by those attempting simply to cover their tracks. Alexander Barclay from Coupar Angus plainly told Alexander Buchan that he was an unpaid volunteer in the rebel army.<sup>50</sup> David Row of Anstruther candidly declared that he 'as a Volunteer Joined the Rebel Army at Perth', marching with Glengarry's men and receiving his pay of one shilling per day before being taken prisoner at Penrith.<sup>51</sup> John Masson and John Duncan, both of them Footdee fishermen in Aberdeen, acknowledged under oath that they 'inlisted themselves as Soldiers in the Rebellion with Crichton of Achingoul'.<sup>52</sup> Henry Cheap was known by four witnesses in Perth to have been paid twelve crowns for freely joining, some of which he used to purchase 'a Highland habit' as part of his uniform.<sup>53</sup> James Lindsey, an ensign in Strathallan's cavalry, is specifically noted as being a volunteer in numerous documents connected with his capture and processing, providing a consistency of information which seems to be the exception rather than the rule.<sup>54</sup>

Being considered a volunteer could also be imposed on others in contentious situations. The steward at Cullen House received a missive from William Tayler describing how sixty of Lord Lewis Gordon's men had quartered upon them at Keith in December 1745. Gordon of Avochie had demanded from Keith sixteen men for service in the rebel army, which was negotiated down to 'Eight men fully mounted volunteers & it was to great Difficulty we gott him to accept of that number'.<sup>55</sup> Ironically, the rest of the demanded quota of 'volunteers' was still expected by Avochie, lest they be carried off as prisoners for service.<sup>56</sup> A list of

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49 Francis Farquharson's 'Account of the Battle of Culloden', NRS GD.1/53/81/1. This scene was directly corroborated by Lord George Murray in a later letter to William Hamilton (5 August, 1749), NRS GD.1/53/77/7.

50 Examination of Alexander Buchan, TNA TS.11/760/2361, p. 12. Lenman makes the assumption that volunteers in the army went unpaid throughout the entire venture, *Jacobite Risings in Britain*, p. 261.

51 List of the Rebel Prisoners that Pleaded Guilty [...] at York (24 October, 1746), SPD.36/88/116.

52 Examinations of John Duncan and John Masson (17 April, 1746), ACA L/I/5.

53 Examination against Henry Cheap, TNA TS.11/760/2361 p. 39.

54 Examination of Edward Gibson (6 October, 1746), SPD.36/88/48; Sharpe to Newcastle (28 October, 1746), SPD.36/88/135; SPS.54/34/60.

55 William Tayler to Alexander Grant (10 December, 1745), NRS GD.248/48/2/43.

56 See attachment in *ibid.*, Alexander Grant to Findlater.

rebels from Fraserburgh specifically distinguishes those who were thought to be recruits versus others who freely volunteered.<sup>57</sup> The language used both by government officials and by the prisoners themselves is integral to understanding the identities of Jacobite adherents of the Forty-five, as it brings into focus the systems of belief and of duty that the term ‘volunteer’ conveys. What is sure is that this term was used in many ways to communicate a wealth of meanings as befitted both the institution and the individual, and this is demonstrated in the evidence that remains.

## FEUS AND JURISDICTIONS

The first and most common source of early Jacobite support was attributed to those Highland tenants sent out by their clan chiefs or landlords. Because the Forty-five was launched from the Western Highlands, it gained its initial momentum from the feudalistic clan structure so prevalent in that part of the country. A large portion of the Jacobite army before its arrival in Edinburgh on 17 September was made up of regiments led by a hereditary chief who expected his tenants to gather and fight as part of their contract of landholding and subsistence.<sup>58</sup> Part of the reason for Charles Edward’s decision to first set foot in the Macdonald lands was in assumption of the traditional strains of Jacobitism and firm Catholicism running through that region of the Highlands. He would likely have been aware of the meaningful authority over great numbers of men that clan chiefs sympathetic to his cause could exercise.<sup>59</sup> While the size of the forces mobilised in this manner and their terms of service fluctuated and were not always reliable, this had been a familiar channel of Scottish military strength for hundreds of years before the Prince’s landing.<sup>60</sup> The effectiveness of this method in mobilising Jacobite numbers in 1715 and again in 1745, which was simultaneously seen as

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57 NLS MS.17522 f. 55. See Appendix XI: List of Jacobites in Fraserburgh, fig. 1.

58 Home, *History of the Rebellion*, pp. 19-20; Macinnes, *Clanship*, p. 166.

59 Roberts, ‘Roman Catholicism in the Highlands’, pp. 82-83.

60 Roger B. Manning, *An Apprenticeship in Arms: The Origins of the British Army 1585-1702* (Oxford, 2006), p. 45; Macinnes, *Clanship*, pp. 14-24, 89-104; Furgol, *Covenanting Armies*, pp. 5-6; Furgol, ‘The Civil Wars in Scotland’, pp. 41-72; Furgol, ‘Scotland Turned Sweden’, pp. 139-144; Mackillop, *More Fruitful Than the Soil*, pp. 13-40, 68-69.

atavistic but also thoroughly potent, is reflected within government measures after Culloden to terminate the legal hereditary control of clan chiefs in the Highlands.<sup>61</sup>

As described in Chapter II: Motivation, the decisions of particular chiefs to either support or reject the rising was predicated on numerous specific factors and formed a complex web of alliances that is extremely difficult to iron out. This is especially the case due to the frequency with which some clan leaders vacillated depending upon the fortunes of the army and also upon the overall progress of the Jacobite campaign. Speaking to the importance of personal loyalty in matters of Highland recruiting, Lenman describes the key event of Ewan Macpherson the Younger of Cluny's renouncing of his government commission and throwing in his lot with the Jacobites. Though at the beginning of September Cluny was commanding a volunteer company loyal to King George, by mid-October of 1745 he was able bring around 350 men to the field for the rebels. Lenman attributes Cluny's shift of allegiance to 'tapping a potent vein of Jacobitism and anti-Unionism in his clan, which helped recruit his regiment'.<sup>62</sup> Despite the Macpherson men attempting to further recruit in Glenlyon, however, Menzies of Cudares's tenants 'refused it unless their Master went with him'.<sup>63</sup> In the case of Cameron of Lochiel, gaining the loyalty of one man brought Charles nearly 500 more, as did the allegiance of young Glengarry and later Keppoch to a lesser degree. Herein lay the power of Highland jurisdictions and their importance to Jacobite martial strategy.<sup>64</sup>

Also fathoming the power of clan chiefs, government authorities were convinced that large numbers of Highland rebels would quickly flock to the Prince's standard: 'They think it a most Sublime Virtue to pay a Servile and Abject Obedience to the Commands of their Chieftans, altho' in opposition to their Sovereign and the Laws of the Kingdom'.<sup>65</sup> In a report on the 'chieftenries and dependences' in the Highlands, government agents calculated a register of the

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61 Heritable Jurisdiction Act, 20 Geo II c. 43. See Gervase Phillips, 'In the Shadow of Flodden: Tactics, Technology, and Scottish Military Effectiveness, 1513-1550', *SHR*, 77 (1998), pp. 162-164; Aonghas MacCoinnich, '"His Spirit was Given Only to Warre": Conflict and Identity in the Scottish Gàidhealtachd c.1580-c.1630' in Murdoch and Mackillop, eds., *Fighting for Identity*, pp. 133-161; and Mackillop, 'Motive & Identity', pp. 187-189 for more on earlier iterations of national service.

62 Lenman, *The Jacobite Clans of the Great Glen*, p. 156. Lenman appears to think that Cluny was at Prestonpans with 600 men, but all military accounts refute both that number and his presence, including Lochgarry's, see note #66. See also Alan Gibson Macpherson, *A Day's March to Ruin: The Badenoch Men in the 'Forty-Five* (Inverness, 1996), pp. 38-57.

63 NRS GD.87/1/9.

64 For earlier recruiting precedents regarding the Camerons, see Murdoch, *Network North*, pp. 343-344.

65 Wade's 1724 report reprinted in Allardyce, *Historical Papers* (i), p. 132.

principal clans and the prognosticated numbers of men that each could raise. The conclusion reached by this report affirmed a total of 4900 that would potentially follow their clan chiefs 'as Iron Claps to the Loadstone'.<sup>66</sup> By early September, however, intelligence had deduced that Jacobite numbers under the command of Highland gentry actually stood at no more than 1795, which is quite close to reports from within the rebel force itself.<sup>67</sup>

Despite governmental mocking of the Highlanders' 'slavish' dispositions, the authority of the chiefs was not always absolute. Though loyalty was generally deemed to be 'the master principle' under common law and though that notion generated an implicit deferential respect for hereditary leaders, Duffy makes the point that the clan system would not have been so long-lived had it been entirely tyrannical.<sup>68</sup> Some heritors attempted to enforce their right to either send out or reign in their men by using strong measures against those who chose to eschew the obedience so firmly expected of Highland tenants.<sup>69</sup> Sometimes this was effective, and other times countermeasures were taken to circumvent those wishes. Aeneas Mackintosh, the head of the Mackintoshes of Clan Chattan, balked at Charles Edward's summons and instead held on to his comfortable commission in one of King George's Independent companies. This prompted his wife Anne to instead take command of the clan and march out to join the Jacobite army.<sup>70</sup> There are numerous recorded instances of clansmen disobeying their chiefs in Cromarty, Airlie, Findo Gask, and Atholl, which caused considerable frustration to those heritors who expected unquestioned support during the rising.<sup>71</sup> Murray of Broughton likewise recalled that many of the Catholic Macdonalds of Keppoch went home after coming into conflict with their chief, allegedly a devout Protestant, regarding the presence of a priest accompanying them on campaign.

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66 'Memoriall Anent the True State of the Highlands' reprinted in *ibid.*, pp. 166-176.

67 Number of the Rebels as Billested (10 September, 1745), SPS.54/26/16b; Donald MacDonell of Lochgarry recorded that Highland numbers stood at 1920 on 20 September, 'Lochgarry's Narrative' reprinted in Walter B. Blaikie, ed., *Itinerary of Prince Charles Edward Stuart From His Landing in Scotland July 1745 to His Departure in September 1746* (Edinburgh, 1897), p. 115.

68 Youngson, *The Prince and the Pretender*, pp. 168-169; Duffy, *The '45*, pp. 89, 105.

69 James Hunter, *Culloden and the Last Clansman* (Edinburgh, 2001), pp. 36-37; McCann, 'Organisation', p. xviii; Sankey and Szechi, 'Elite Culture', p. 101. Also see Lovat as a tyrant (in 1745) in Lenman, *Jacobite Clans of the Great Glen*, p. 167 and (in 1715) Macinnes, *Clanship*, p. 166.

70 Lenman, *Jacobite Clans of the Great Glen*, pp. 126-127; Blaikie, *Origins*, p. 101; NQG, p. 182; Loudoun to Lord Advocate (16 November, 1761) reprinted in *More Culloden Papers* (iv), p. 78. Anne Mackintosh is also referenced in Chapter II: Motivation, p. 57.

71 SPS.54/34/35; Deposition of John Kempie (2 May, 1746), PKA B59.30/72/2; Macinnes, *Clanship*, pp. 171-172; Lenman, *Living in Atholl*, pp. 219-236; Sankey and Szechi, 'Elite Culture', p. 101

According to Broughton, they left 'not from any reluctance they had to the undertaking, but on account of a private quarrel they had with their Cheif'.<sup>72</sup>

Andrew Mackillop reminds us of the fact that common clansmen in the Highlands were in reality self-actuated souls as opposed to nothing more than feudal slaves:

Far from being unthinking cannon-fodder who through visceral loyalty to their chiefs enthusiastically considered armed service as natural or even desirable, Gaels had a whole series of complicated reasons for either accepting or refusing to become soldiers.<sup>73</sup>

In fact, the elder Macdonell of Glengarry's reports after Culloden describe an interesting reversal when his own tenants threatened to kidnap their chief unless he joined the Jacobites. This motivated Glengarry to send his son out as a proxy leader, while he himself sought succour under the duke of Atholl and allegedly feigned loyalty to the Hanoverian state. It most likely was a tactic to keep the Lord President Duncan Forbes and the government off his back, but this scenario nevertheless shows the conflict that is possible between clan members and their hereditary leaders.<sup>74</sup> Seven Macdonell sub-chiefs and tacksmen subsequently sent a signed plea to the Earl of Albemarle describing how their laird Glengarry

oblidged us our Tennents dependers and all others of his Estate at our own expense to raise March and support ourselves untill we join'd the Chevalier's Son's Standard [...] Now we humbly beg our Cause be heard being oblidged by the Superiority over us to rise in arms and if allowed will prove what we represent.<sup>75</sup>

The tacksmen, as noted by Macinnes and others, were perhaps even more influential figures amidst clan hierarchy than the chiefs themselves, at least when it came to the raising of men for war.<sup>76</sup> Lord George Murray knew this when he wrote to his brother, the Duke of Atholl, that he should 'let every Taxman in Atholl know that if they do not come out at your order, their Tacts are brok, besides

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72 Broughton's *Memorials*, p. 175. Blaikie refutes that Keppoch was a Protestant, having it on good authority that the quarrel must have been about something else, *Itinerary*, p. 10. There are no clergy evident in Keppoch's regiment in either *NQG* (pp. 168-173) or within a search of JDB1745.

73 Mackillop, 'Motive & Identity', p. 191.

74 Macdonald, *The Clan Donald* (ii), pp. 464-465; MacDonald, *The Clan Ranald of Knoydart & Glengarry*, p. 86.

75 Lenman, *Jacobite Clans of the Great Glen*, p. 172-174; Oaths of Macdonells against Glengarry, written to Albemarle (16 July, 1746), SPS.54/33/6d. One of the signatories was Coll Macdonell of Barisdale, who might have taken part in this memorial because he wanted control of the Glengarry men, himself. See Macdonell of Barisdale to Alexander Mackenzie (20 March, 1744), NLS MS.7078 f. 1.

76 Macinnes, *Clanship*, pp. 14-23; Sankey and Szechi, 'Elite Culture', pp. 93-97; Annette M. Smith, *Jacobite Estates of the Forty-Five* (Edinburgh, 1982), pp. 26-27; Arthur Geddes, 'Conjoint-Tenants and Tacksmen in the Isle of Lewis, 1715-26' in *The Economic History Review*, 1:1 (1948), pp. 54-60; A. McKerral, 'The Tacksman and His Holding in the South-West Highlands', *SHR*, 26:101 (1947), pp. 10-25; McCann, 'Organisation', pp. 55-56.

destroying all they have'.<sup>77</sup> These scenarios exemplify the Forty-five as having the essential qualities of a civil war, played out in a local context.

Though the power of heritors to affect the behaviour of their tenants in Scotland was a key government concern for decades before the Forty-five, it was handled incongruously as a defence for sedition. In court, having been ordered into arms by feudal superiors was generally not considered sufficient cause for leniency. Citing multiple occurrences of loyal chiefs with rebellious clans, though, officials were convinced of the impossibility of punishing heritors for the disobedience of their clansmen.<sup>78</sup> Yet they concurrently sought to and did legislate away the potential for such influence, despite the fact that personal authority rather than institutional mandate was at the root of jurisdictions.<sup>79</sup> Rather than this legislation, however, it would be the reluctance of heritors to engage with their authority for fear of 'commercial regression' mixed with pressure from debts of mercy after the Forty-five that would contribute most to the demise of the clan system.<sup>80</sup>

## FENCIBLES AND PURCHASED MEN

Similar to the previous source of recruits, but appropriately distinct, were levies demanded by the Jacobites from the localities in which they operated. These were mostly raised in the north-east and Lowlands by an enforced contract of service or based upon the value of local landholders' estates and their tenants' terms of land tenure – a system that had been used in Scotland since the Covenanting period.<sup>81</sup> While Stuart Reid awkwardly relegates these troops to the status of fencibles and militia, both of his terms are technically correct but semantically inaccurate when compared to the character of defensive militia that loyal towns

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<sup>77</sup> Murray to Duke of Atholl (21 January, 1746) reprinted in *Atholl Correspondence*, pp. 149-150.

<sup>78</sup> Anon., *The Rise of the Present Unnatural Rebellion Discover'd [...]* (London, 1745), NLS Abs.1.86.46; NLS GD.220/6/1662/3; Fawkener to Newcastle (14 July, 1746), SPS 54/33/4; Plank, *Rebellion and Savagery*, p. 50. This was not always the case in Scotland, as chiefs in the sixteenth and seventeenth centuries were most certainly answerable for the actions of their tenants. See Glozier, *Scottish Soldiers in France*, pp. 17-18.

<sup>79</sup> Macinnes, *Clanship*, pp. 215-216; Macbeth Forbes, *Jacobite Gleanings*, p. 40; NLS MS 17527 f. 58; SPS. 54/34/4g; TNA TS.20/131/14.

<sup>80</sup> Sankey and Szechi, 'Elite Culture', pp. 111-114; Macinnes, *Clanship*, pp. 215-216. Lenman notes that heritable jurisdictions had been in decline since the Union, *Jacobite Risings in Britain*, pp. 275-282.

<sup>81</sup> Furgol, 'Scotland Turned Sweden', pp. 138-143. Furgol cites that Scotland's chosen system of recruitment was directly drawn from that of seventeenth-century Sweden.

attempted to raise soon after the rising was underway.<sup>82</sup> While a more flexible and accurate nomenclature might simply be ‘contracted levy’, the term ‘fencible’ was indeed used on numerous occasions within Jacobite documents of the period.<sup>83</sup>

Although there was some regional variance according to the affluence of the targeted estates, the general convention for estimating appropriate levy numbers in Scotland was usually one man for every £100 (Scots) of their valued rent as calculated from existing tax records.<sup>84</sup> Interestingly, the value of some estates was traditionally measured by the number of men who could be raised in its environs, which would then be demanded as a quota for use in the army.<sup>85</sup> Alternatively, in lieu of levies, it was sometimes acceptable to turn in £5 sterling per man or equivalent amounts of oats or straw for the Jacobite army’s forage, though this practice was often looked down upon by recruiters who achieved a low turnout of men.<sup>86</sup> Due to Jacobite needs for funding and their common practice of sending out collectors of the cess in areas of active recruiting, it has been argued that the ‘buying off’ of men was more valuable than the actual levies.<sup>87</sup> Evidence belies this, however, as communications prove that offers of redemption pay were sometimes refused for want of able bodies. Take, for example, the case of Charles Gordon, Younger of Binhall, who was only seventeen in 1745 and was allegedly taken against his will by Glenbucket. At his trial, the defence claimed that his father tried to offer redemption pay to keep him at home, but Glenbucket said ‘he wanted men and not money, and damned him’.<sup>88</sup> Walter Mitchell, also seventeen, left his classes at the University of Aberdeen to hide in Buchan with his parents for fear of being taken by Jacobite recruiters. Pitsligo’s men found him anyway and refused the twenty guineas offered by Mitchell’s mother to release him, stating they would rather have

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82 Reid, *Like Hungry Wolves*, p. 40; Reid, *1745*, p. 200; Gibson, *Edinburgh in the '45*, pp. 9-10; McCann, ‘Organisation’, pp. 1, 55.

83 See, for example, SPS.54/26/13; 54/33/6; HL Box 43/LO 9394.

84 This was also a practice long held by armies previously raised in Scotland. See, for example, Smyth to Tarvat (24 October, 1715), NLS MS.3044 f. 121; Levying instructions by Lord Lewis Gordon (12 December, 1745), ACA Parcel L/B/4.

85 Misc Papers of George Innes (2 October, 1745), NRS GD.113/3/1006/26; Lewis Gordon to Hary Milne (6 December, 1745), NLS MS.298 f. 5; John Anderson to the same (11 March, 1746), NLS MS.298 f. 7; Lewis Gordon’s demands to Aberdeen (12 December, 1745) reprinted in Allardyce, *Historical Papers* (i), p. 210; *ibid.*, p. xxxvii; Home, *History of the Rebellion*, p. 20; Blaikie, *Origins*, pp. 133-134.

86 Orders issued by Lord Pitsligo reprinted in Alistair and Henrietta Tayler, eds., *Jacobite Letters to Lord Pitsligo* (Aberdeen, 1930), pp. 69-70; Order from Col John Roy Stuart, NLS MS.298 f. 7; Donald Nicholas, ed., *Intercepted Post: August to December 1745* (London, 1956), pp. 66-67; McCann, ‘Organisation’, pp. 69, 77-78; Reid, *Like Hungry Wolves*, p. 40; Account of the Affair of Blackstoun, NLS MS.2960 f. 110.

87 So says a well-affected minister from Aberdeenshire, reprinted in Blaikie, *Origins*, p. 133.

88 Allardyce, *Historical Papers* (ii), pp. 391; *Gordons Under Arms*, p. 512; *P45* (i), p. 273.

the soldier. Walter Mitchell was taken away on horseback ‘with his feet tyed under the horses belly, and carried away a Prisoner, notwithstanding the offer his mother made them’.<sup>89</sup>

The Lord Lieutenant of Aberdeenshire and Banffshire Lewis Gordon and his ‘prime minister of oppression’, John Gordon of Avochie, spent much of the rising summoning recruits from those north-eastern counties.<sup>90</sup> Sending a barrage of letters to the landed gentry in a dozen different parishes, he spelled out the terms of what was expected. Lord Lewis was totally convinced of the efficacy in extracting quotas of levies from sufficiently valued estates in this manner, petitioning the most active of his recruiters:

I intreat you will go vigourslie on with the levies of men, in the districk apointed you. I find it is the oppinion of every bodie that hase tryed the recruiting in that way, that there is no receding from demands, or giveing the least concessions; and I doubt not but you will find it the best way to threatne a great deall, and even do some strong things to those who are most refractory.<sup>91</sup>

Though Gordon was confident of these tactics and, if the mass of contentions made against him are any indication, extremely busy through the end of 1745, it took nearly three months for him to gather just 300 troops in the Strathbogie district.<sup>92</sup> A loyalist witness to Lord Lewis’ practices commented on the meagre numbers, noting to Ludovick Grant that most of these levies were herds and common labourers who had no experience using arms, and that most ‘want but an excuse to get away’.<sup>93</sup> The laird of Pittodrie futilely tried to convince James Moir of Stoneywood, the latter of whom was actively recruiting around environs of Aberdeen, that these methods amounted to punishment for the people of the country:

As for raising of men, I see such a backwardness, it will be the greatest force that will bring them out; and as for my self, I am wors sitevate that waye then any of my neighbours. I have more widow wimen that hase tacks in my interest then in severale perishes round me; and if I should, or any els, force out the men that holds ther pleughs, the tack must ly unlaboured, and I fancie yow will easelie

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89 Petition of Walter Mitchell, SPD.36/88/66.

90 Thomas Grant of Achainany to Ludovick Grant (11 December, 1745) reprinted in William Fraser, ed., *The Chiefs of Grant* (ii, Edinburgh, 1883), pp. 190-191. Both Lord Lewis and Avochie stayed in the area to raise recruits while the bulk of the Jacobite Army went to Edinburgh and then on to England. Notably, they were not present at Prestonpans with their men.

91 Lewis Gordon to James Moir of Stoneywood (26th November, 1745) reprinted in *Spalding Miscellany* (i), pp. 407-408. See also same to same (25 October, 1745) reprinted in *ibid.*, pp. 401-402.

92 Elcho, *Affairs of Scotland*, p. 319; McCann, ‘Organisation’, pp. 69-71; Blaikie, *Origins*, pp. lxi-lxii; 129-130, Nicholas, *Intercepted Post*, pp. 66-67.

93 Thomas Grant to Ludovick Grant (11 December, 1745) reprinted in Fraser, *The Chiefs of Grant* (ii), pp. 190-191.

belive I cannot support my famelie without rent.<sup>94</sup>

Pittodrie nonetheless understood the consequences of not coming up with his due quota, and somewhat passive-aggressively signed off with: 'But I shal be weel pleased to scrimpe my self to give monie to raise my proportione of men volenteers, and from forsed men they will be of no use'.<sup>95</sup>

The resistance to being pulled into military service with which Gordon and Moir were met even in such a traditional hotbed of Jacobite activity was reflected in other parts of the country. In the Western Highlands, when the Macdonell tacksmen complained to Albemarle that Glengarry had expected them to raise their tenants at their own expense, they also described that their chief had received a sum of money (likely from Charles Edward) 'to bestow upon the Raising of us and all the other persons fensable men within his Estate'. Instead, however, Glengarry 'kept that sum to himself'.<sup>96</sup> Their missive was clearly intended to be a vote of loyalty to the government in the months after Culloden (just as Glengarry himself had done earlier), and the tacksmen explicitly ask for 'respite or pardon' within. Presumably there might have been a different outcome if Glengarry had actually given them the money. Examples of this kind, mixed with the logistical pressures of constant desertion and supply, caused rebel patience to dissolve and, as will be explored later in this chapter, harsher recruitment tactics to be implemented.

In addition to enforced quotas, the Lowlands provided a substantial number of hired mercenaries or other replacements who were substituted for local tenant recruits.<sup>97</sup> Sometimes this was amicable to both parties, but more commonly it was a case of simply being swapped in by an employer or someone with authority over the surrogate. Charles Mather and John Millar, both subsistence workers drafted into Lord Ogilvy's regiment, were hired out by the Forfarshire farmers under whom they toiled.<sup>98</sup> Eleven Glenesk men were taken prisoner at Brechin shortly after Culloden, whereupon they informed government officials that over two dozen others from their area had joined Ogilvy in this manner. Some of these substitutes, they claimed, ran off before ever billeting with the Jacobite army where it lay in

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94 Thomas Erskine to James Moir of Stoneywood (7 November, 1745) reprinted in *Spalding Miscellany* (i), pp. 413-414.

95 *Ibid.*, p. 414. In a similar letter, Erskine of Pittodrie prognosticates that demanding both men and redemption money will only 'influence the countrie against yow', same to same, (15 December, 1745) reprinted in *ibid.*, pp. 415-417. Note the usage of the term 'volunteers' in Erskine's response.

96 SPS.54/33/6d.

97 Reid, 1745, p. 200; *P45* (i), pp. 273-274.

98 Rosebery's *List*, p. 222.

Perth.<sup>99</sup> Rosebery's List likewise features 130 men, mostly from Angus, Banffshire, and the Montrose area, to have been 'hired out by the country' or otherwise appointed by a particular person. Of these substitutes whose stations are known, nearly 70% were either common labourers, subtenants, or servants of some kind.

Conversely, John Watson of Turin was brought up on charges of treason because he was caught attempting to pay his servant to join the army in his stead.<sup>100</sup> Three alleged Jacobites from Perthshire testified that in mid-October 1745, Thomas Drummond of Logiealmond had ordered every third tenant on his property to 'use in Arms in Support of the Present Rebellion'.<sup>101</sup> In order to gather the eligible recruits all in one place, one of Drummond's captains drove the community's horses and cattle away to Clashigar, where he waited for his tenants to come and recover their beasts of subsistence. Those that were late were made to pay a shilling for each horse and six pence for every head of black cattle that were 'borrowed'. According to the deponents, the men of Logiealmond were then made to stand in groups of three while the officers chose the most desirable candidates from each group to join the Prince's army. They were given three days to either prepare themselves for deployment or to find 'a Sufficient man in the Room of each Person who refused', it being the responsibility of each group of three to pay around one hundred marks Scots to that replacement. The tenants who agreed to join had 'Two third Parts of 100 Marks paid him by the other Two Tenants in his Class'. After all of this, the officers chose to exercise the right of refusal on some of the replacements who were raised, preferring the original choices and insisting they attend the army instead.<sup>102</sup> This curious situation in Logiealmond demonstrates a blending of numerous recruitment tactics and outcomes all in one unquestionably tragic example during the Forty-five.

Lastly, there were numerous instances of certain privileged gentlemen specifically hiring servants to assist them while on campaign. Some of these retainers were previously employed long before hostilities broke, as in the case of Townley's charge, John Burne.<sup>103</sup> Others claimed to be brought in only as the army took shape in order to fulfil certain tasks required of their masters. Archibald

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99 A List of the Inhabitants of Glenesque made Prisoners at Brechin (26 May, 1746), NLS MS.3730 f. 4-5.

100 *P45* (iii), pp. 392-393.

101 TNA TS.11/760/2361, p. 41.

102 Testimonies of Donald McEwen, John Paton, and Thomas Allan against Thomas Creighton, TNA TS. 11/760/2361, pp. 41-43; Testimonies of Thomas Richardson, et al. against Thomas Drummond, TNA TS. 11/760/2361, pp. 62-63; Accusations vs. Thomas Drummond of Logie Almond, PKA B59.30/73.

103 TNA TS.11/760/2363 p. 6. See Chapter III: Constituency, pp. 105-107 for more on servants.

Kennedy had already worked as a servant to the Edinburgh silversmith James Carr, but he claimed to be moonlighting for the colonel of the Jacobite artillery train on its way to Carlisle. Daniel Ross was hired by Captain Finlayson (probably John, also of the artillery) to assist him in the same manner.<sup>104</sup> Hugh McDonald came to Edinburgh with his master, the drover John McLachlan, and would have marched with the Jacobites had he not fallen ill and gotten left behind just outside of town.<sup>105</sup> A servant to Lord Kilmarnock from St Andrews named James Davidson was jailed at Falkland and prosecuted even though he bore no arms. Apparently this defence was held up and Davidson was discharged while his master was executed in London with much pageantry.<sup>106</sup> Not all servants were hired, of course. In Perth, Miss Christian Pearson witnessed a rebel officer of the Hussars who was quartered in her master's house seize the son of a local weaver 'by violence' and use him as a servant during the winter of 1745-6. She swore that this officer would regularly beat and starve young David Morison to keep the boy reliant upon him, and Pearson 'was often obliged to Give him Meat and Drink to prevent his Starving'.<sup>107</sup>

Obtaining levies according to a regional quota had long been an effective recruitment process in Scotland, but what worked well one-hundred years earlier was patently not as efficacious in 1745. A considerable part of the reason for this is that the Army of the Covenant generally had the institutional and operational advantages that the Jacobites did not. Between burgh councils serving as recruitment agencies, widespread support from landowners and church ministers, and the willingness and ability to establish localised and national governmental apparatuses, the intrinsic strategy of the Covenanting movement clearly outshone that of the Jacobites in the middle of the eighteenth century.<sup>108</sup> Part of this can be explained by the fact that the Forty-five was a more 'modern' and less-popular episode with fragmented leadership and a weaker central organisation. It is also informed, however, by the lack of committed plebeian incentive as well as pressing

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104 Testimony of Archibald Kennedy against John Burnett, TNA TS.11/760/2363, p. 20; Testimony of Daniel Ross against the same, *ibid.*, p. 16.

105 *P45* (iii), pp. 62-63.

106 Rosebery's *List*, pp. 64-65; W. Wilkinson, *A Compleat History of the Trials of the Rebel Lords in Westminster-Hall* (London, 1747), pp. 62-67.

107 Precognition of Christian Pearson (29 July, 1746), PKA B59.30/72/5, 11.

108 Furgol, 'Scotland Turned Sweden', pp. 137-141. Furgol notes that recruiting yields of the Covenanters, in turn, were even more impressive than their model in Sweden, as leaders of the Covenanters worked with considerably less foreign support and domestic wealth, p. 140. See also Pittock, *Myth*, pp. 65-67.

concerns of subsistence that were incompatible with extended time spent on campaign.<sup>109</sup>

## **PRESSED AND FORCED**

When reviewing the above tactics and examples of Jacobite recruitment, a common thread amongst many of them is the presence of numerous forms of compulsion. While not necessarily a distinct category by itself, notice should be taken of the widespread usage of forced men, compelled into joining by physical threats, bribery, or blackmail. To isolate this method of recruitment from the others would be imprudent, as instances of coercion were frequent during many other types of levying across all areas of the country. Rather, impressment is more of a superimposition projected upon the aforementioned categories and indicative of two qualities: one, a measure of the failure of other recruiting methods to be sufficiently effective; and two, a gauge of the unwillingness of local populations to risk joining the Jacobite banner for fear of consequence or lack of incentive. Put very simply, if the Forty-five had been regarded with great optimism and popularity in Scotland and this was reflected by the commitment of sufficient numbers of voluntary recruits, the need for these tactics would not have been necessary. As with military conscription in any time of conflict, however, the reluctance of citizens to actually pick up arms does not necessarily accurately reflect the depth of support for the cause or policy in question. What it does show is that, regardless of legitimacy, optimism, or passion, the decision to involve themselves in the harsh realities of war is not something that many commoners took lightly.

Some measure of compulsion as well as the presence of 'press gangs' were common features of regular British army and navy recruiting during much of the eighteenth century. Notably, their presence does not necessarily indicate lack of regard or support for British interests within the populace of the nation.<sup>110</sup> Forcing was also not uncommon thirty years before in the Great Rebellion, and the

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109 Similar issues arose in 1715, Szechi, *1715*, pp. 124-125. See the following section and 'Identity, Resistance, and Desertion' later in this chapter, pp. 162-166.

110 Pittock, *Myth*, p. 57; McLynn, *The Jacobite Army in England*, p. 25; Hunter, *Culloden and the Last Clansman*, p. 37. Nicholas Rogers comments that Walpole himself admitted to the unpopularity and 'dubious legality' of the naval press in 1740, *The Press Gang: Naval Impressment and its Opponents in Georgian Britain* (London, 2007), p. 19.

government was well aware of this fact.<sup>111</sup> What makes the Scottish situation in 1745 so distinctive is that it was launched by a consortium of ideologues and military officers professedly interested in releasing a country (Scotland), as well as people of all the British kingdoms, from the dominance of a foreign administration that was deemed by them as being uninvited and unwelcome by its inhabitants. The relative frequency of Jacobite impressment and the severity of threats used during that eight-month period were arguably greater than those of traditional methods used by any other eighteenth-century European army.<sup>112</sup> Similarly draconian measures were imposed upon the public in both England and Scotland to obtain income and supplies the army needed in order to function. While contentions can be made that forced recruitment had been commonplace in Britain for centuries, this was mostly utilised for the stocking of units relegated to foreign service, and employed as a way of removing vagrants and other undesirables from the realm.<sup>113</sup> Precisely the opposite was needed for the Jacobite army, whose unwavering goal was to secure the kingdom using a temporary army of opportunity rather than one destined for permanent exile or emigration.

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111 Commissary Bisset's Remarks of Forcing in 1715 (19 August, 1745), SPS.54/25/83e; 'Proof of Several Persons Being Forced to the Rebellion 1715 by the Earl of Mar' in Allardyce, *Historical Papers* (i), pp. 55-58; Szechi, *1715*, pp. 123-125.

112 Duffy, *The Military Experience in the Age of Reason*, pp. 92-94. Roger Manning shows that sixteenth- and early-seventeenth-century recruiting in England was extremely reliant on impressment, which was often quite brutal. However, in Scotland, the Privy Council and presbytery courts of the Kirk worked together to encourage 'unemployed soldiers and vagrants' to enlist in foreign service, *An Apprenticeship in Arms*, pp. 47-48, 62-93 and Houlding, *Fit for Service*, p. 118. Soldiers recruited into the British army were supposed to have been confirmed as voluntarily enlisted by justice officials, Rogers, *Press Gang*, p. 4. Rogers also describes a level of perceived 'legality' within the naval press as opposed to being considered 'a violation of English freedom', pp. 17-21. See also Rogers' *Mayhem: Post-War Crime and Violence in Britain 1748-53* (New Haven, 2012), p. 19, wherein he recounts a 1744 statute that made legal impressment difficult without the consent of justices for each case, as well as fines against officers for instances of illegal impressments. The legality of coercion is refuted by Manning, who claims that English impressment was widely regarded as illegal in the sixteenth century, however desirable for the state and even honourable a station, *An Apprenticeship in Arms*, pp. 43-45, 61 (note #59). Steve Murdoch likewise mentions that the naval press was prohibited in Scotland pre-Union, however still used illegally, *The Terror of the Seas? Scottish Maritime Warfare, 1513-1713* (Leiden and Boston, 2013), p. 239.

113 Manning, *An Apprenticeship in Arms*, pp. 7, 46, 50, 61-62; Houlding, *Fit for Service*, p. 118. Arthur Gilbert demonstrates that during the War of Spanish Succession, the British Parliament's press bills were specifically focussed on vagrants with no employment or 'visible means for their maintenance livelihood'. He also claims in 1704 it was illegal to impress farm workers, Arthur N. Gilbert, 'Army Impressment During the War of Spanish Succession' in *The Historian*, 38 (1976), p. 690. Note that it was not until the mobilisation of recruits for the Seven Years' War that naval impressment was officially extended by the state, Rogers, *Mayhem*, p. 185. See also D.A. Brunsmann, 'Men of War: British Sailors and the Impressment Paradox' in *Journal of Early Modern History*, 14 (2010), pp. 9-44 and 'The Knowles Atlantic Impressment Riots of the 1740s' in *Early American Studies*, 5:2 (Fall 2007), pp. 324-366. Compare with John R. Maass, "'Too Grievous for a People to Bear": Impressment and Conscription in Revolutionary North Carolina' in *Journal of Military History*, 73 (October 2009), pp. 1091-1115 and Murdoch and Grosjean's discussion of mandatory wapinschaws under James VI for all men of fighting age, *Alexander Leslie*, pp. 19-20.

The most mythologised of the Prince's loyal clans, the Camerons under Donald Cameron of Lochiel, was virtually the first to deploy upon Charles Edward's arrival in Scotland. 'Gentle' Lochiel was renowned by some as the most civilised of chiefs, 'by far the Gentleman of greatest Honour and Sense of natural Justice', and he was active before the rising in attempting to shatter prejudice against Highlanders by 'taming' his lands through a combination of agricultural improvements and social discipline.<sup>114</sup> While McCann claims that hereditary loyalty to clan chiefs was more than enough to produce willing numbers in the Western Highlands, Allan Cameron of Callart made it clear during his trial that 'great pressure' was brought to bear on Cameron tenants who refused to follow their leaders. In mid-August a party of twenty-four Cameron tacksmen had entered Rannoch to rouse a hundred men under peril of burning homes and slaying cattle, ostensibly given permission to do so by Lochiel himself.<sup>115</sup> The chief's own brother, the nobly-regarded Dr Archibald Cameron, was also blamed in November for inducing 500 men from the Cameron lands to serve with threats of the destruction of their property and even personal harm. Such practices go some way in possibly explaining why Lochiel was able to raise more men than his father did in 1715.<sup>116</sup>

There were numerous degrees of severity within impressment tactics carried out against potential Jacobite conscripts, all of which were dependent on both the recruiting officers and the men being targeted. Being 'forced' or 'pressed' were terms used to describe any type of coercion that was applied to unwilling soldiers, ranging from veiled warnings to extreme physical depredations.<sup>117</sup> One of the most common of these were threats of 'military execution', which seemed to have a variable meaning but often was used as a language of menace describing the destruction of property and sometimes threatening personal harm.<sup>118</sup> Little

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114 *The Rise of the Present Unnatural Rebellion Discover'd*, NLS Abs.1.86.46, p. 17; Lenman, *Jacobite Risings in Britain*, p. 246; John Stewart, *The Camerons: A History of Clan Cameron* (Stirling, 1974), pp. 94-95; Mackenzie, *History of the Camerons*, pp. 243-244.

115 Allardyce, *Historical Papers* (ii), pp. xxiii-xxiv; Information from John McDonald of Dalchosnie (17 August, 1745), SPS.54/25/83d (reprinted in *P45* (i), 270-271).

116 SPS.54/26/152; Lenman, *Jacobite Clans of the Great Glen*, p. 159; McCann, 'Organisation', pp. 6-7, 30-31; Stewart, *The Camerons*, p. 104; John Sibbald Gibson, *Lochiel of the '45: The Jacobite Chief and the Prince* (Edinburgh, 1994), pp. 74-75; Hunter, *Culloden and the Last Clansman*, p. 37; Szechi, *1715*, p. 111.

117 There are limited instances of loyalists also using the term 'forcing' when raising unwilling troops, but they do exist, Blaikie, *Origins*, p. 139, for example. Therein lies the a problem with the historiographical marginalisation of Jacobite impressment. Semantic context notwithstanding, the fact that it was common and loosely-defined does not nullify its significance.

118 See, for example, SPS.54/26/123; NLS MS.17526 ff. 72-75; NRS GD.248/168/8/3; NRS GD. 248/168/48/3/63; Plank, *Rebellion and Savagery*, pp. 32, 61-73. Most of these are signed by Murray of Broughton, directed by Charles Edward.

evidence has been found that proves actual capital execution ever took place against targeted levies; logic suggests it would have undermined Jacobite needs by eliminating potential manpower.<sup>119</sup> Such severe punishment, however, might have convinced some to keep their resistance to a minimum, or at the very least it might deprive the Hanoverians of prospective allies. Charles Edward did indeed order and carry out a couple of hangings while in Edinburgh, but these were implemented to publicly punish Jacobite soldiers for looting in a town that exhibited great sensitivity to the behaviour of an occupying army which badly needed recruits.<sup>120</sup> Accordingly, the great majority of forceful recruiting took place in rural locales.

Beyond commonplace threats of military execution, there were many more detailed promises of plunder and destruction, some of which were carried out to great effect throughout the country. The use of burning to stimulate recruitment in the Highlands was implemented with two practices: the liberal use of commissions of 'Fire and Sword' and 'the *Crosstarie* order', an ancient tradition of displaying a burning wooden cross to communicate the need for clan mobilisation. Commissions that bore Charles Edward's signature were considered general passes for using whatever methods were required to gather men, and they show the Prince's willingness (or need) to engage with Highland tradition in order to obtain support there.<sup>121</sup> John Erskine collected the cess during Jacobite operations in Ross and Cromarty, and was also there accused by two merchants in Dingwall of threatening to burn houses 'in order to force the possessors to go with him to the Rebel Service'.<sup>122</sup> Glengarry's son threatened 'all his father's tenants to burn their

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119 Rumours were circulating between Dumfries and Carlisle that the Duke of Perth had 'shot three of his tenants who refused to take arms', with similar concerns about Tullibardine, John Goldie to John Waugh (15 October, 1745) reprinted in George Gill Mounsey, ed., *Carlisle in 1745: Authentic Account of the Occupation of Carlisle in 1745 by Prince Charles Edward Stuart* (London and Carlisle, 1846), pp. 15-16.

120 These are documented by James Stuart of Inchbreck as being Robert Monro and Daniel Smith, entries for 16-18 October 1745 in Seton, *Ogilvy's Orderly Book*, p. 5. Blaikie also describes that other plunderers, either actual Jacobite soldiers or simply posing as them, were 'tried by court-martial and shot on Leith Links', Blaikie, 'Edinburgh At the Time of the Occupation', p. 38. This was the typical martial punishment for looting since the late-sixteenth century, and was in fact written into Leslie's *Articles of War* by 1641. While generally curtailed by commanders enforcing discipline and seeking the enemy's goodwill, a certain amount of plunder was considered acceptable in some circumstances. Note also that raids and theft of property were commonplace in much of the Highlands even into the eighteenth century. Manning, *An Apprenticeship in Arms*, pp. 206-210; Murdoch and Grosjean, *Alexander Leslie*, p. 115; Macinnes, *Clanship*, pp. 32-46.

121 Duffy, *The '45*, p. 89; Macinnes, 'Scottish Jacobitism', p. 72; McCann, 'Organisation', p. 45; Duke of Atholl to Gregor Murray (7 February, 1745) reprinted in MacGregor, *History of the Clan Gregor* (ii), pp. 384-385. See Charles Edward's Commission of Fire and Sword for Cluny (3 February, 1746) reprinted in W. Cheyne-Macpherson, *The Chiefs of Clan Macpherson* (Edinburgh, 1947), pp. 50, 101-102; Lenman, *Jacobite Clans of the Great Glen*, pp. 156-157. MacCoinnich comments on the precedent of these commissions for pro-government clans during James I's reign, 'Given Only to Warre', p. 161.

122 Rosebery's *List*, pp. 72-73; 328-329.

houses and hang them' if they turned down the demand for troops.<sup>123</sup> Lord Lewis Gordon, as noted earlier, favoured the use of this method when his initial summons for men in Strathbogie failed to yield sufficient numbers:

he soon took to a more expeditious way, threatening to burn the houses and farmyards of such as stood out. This soon had the desired effect, for the burning a single house or farm stack in a Parish terrified the whole, so that they would quickly send in their proportion, and by this means, with the few that joined as volunteers, he raised near 300 men called the Strathbogy Battalion in the country thereabouts.<sup>124</sup>

Indeed, the Lord Advocate Robert Craigie characterised the early reluctance to rise in Breadalbane as being 'Resolved Rather to be burnt out of their Very houses than take up Arms'.<sup>125</sup>

Numerous loyal tenants on the Duke of Montrose's Stirlingshire estate were first threatened to be burnt out by rebel officers pressing for recruits before actually having their homes set alight by government troops riding through Buchanan.<sup>126</sup> One of Glengyle's officers repeatedly menaced the tenants of that parish with threats that he would 'build up the doors of their houses with stones' and set them alight unless they threw in their lot with the Jacobites. Most of these tenants had multiple witnesses who testified to their staying clear of treasonous activity, but reprisals were nonetheless meted out by the King's dragoons in the summer of 1746.<sup>127</sup> Similar threats were widely reported throughout Scotland and fears from losing property in this way were expressed in Hamilton, Urquhart, Aberdeen, Assynt, and Elgin.<sup>128</sup> Perhaps the most storied of these incidents was the Jacobite attack on Cullen House, instigated by Lord Findlater's refusal to pay the Jacobite quota of levy money on his lands. Findlater was repeatedly warned by the Duke of Perth to make good on his imposed debt 'under Pain of Burning and Plundering', and after effectively daring the Jacobites to do their worst, he saw his ancestral

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123 Allardyce, *Historical Papers* (ii), pp. xxiv-xxv; SPS.54/33/6d. See also Angus McDonald to John Grant of Ballintom (30 September, 1745) reprinted in Macdonald, *The Clan Donald* (ii), p. 466.

124 'Memoirs of the Rebellion' reprinted in Blaikie, *Origins*, p. 129; Taylers, *Jacobites of Aberdeenshire and Banffshire*, pp. 28-32.

125 Anon. to Craigie (7 September, 1745), SPS.54/26/11b.

126 NRS GD.220/6/1660/5, 15; 220/6/1661/6-10; 220/6/1662/1-2, 7-8; Graham of Gorthie to Duke of Montrose (9 June, 1746), SPS.54/32/11a; same to same, SPS.54/32/15; Newcastle to Cumberland (3 July, 1746), SPS.54/32/32.

127 NRS GD.220/6/1661/1-3.

128 A Short Account of the Behaviour of the Rebel Army, while at Hamilton, NLS MS. 488 f. 48; Fraser, *The Chiefs of Grant* (i), p. 409; James Morison to Loudoun (14 December, 1745), HL Box 38/LO 12306; 'Diary of the Rev. John Bisset' in *Spalding Miscellany* (i), pp. 372-373; Michael Hook, 'Sutherland in the '45' in *Scottish Local History*, 36 (Feb 1996), p. 25; Anon., *The Life of Archibald McDonald of Barisdale* (Edinburgh, 1754), pp. 18-21.

home thoroughly sacked.<sup>129</sup> There are scores of further examples to this effect. Although reflective of the government depredations to suspected areas of Jacobite sentiment recorded after Culloden, this type of behaviour was seemingly commonplace by both factions well before the final engagement, and irrefutably not just within the Highlands.

Kidnapping and 'seizing' were as rampant as threats of burning, and numerous accounts of the forceful procurement of arms, horses, and even reluctant supporters bear this out.<sup>130</sup> James Robertson and members of his parish in Lochbroom managed to avoid the recruiting efforts of Macdonell of Barisdale earlier in the campaign, but on 17 March were approached by Keppoch and his men, who

unexpectedly surprised the poor people, snatching some of them out of their beds. Others, who thought their old age would excuse them, were dragged from their ploughs [...] while some were taken off the highways. One I did myself see overtaken by speed of foot, and when he declared he would rather die than be carried to the rebellion, was knock'd to the ground by the butt of a musket and carried away all bleed.<sup>131</sup>

The parish minister of Alvie, William Gordon, similarly attested that of forty-three men there who joined the rising, only three went voluntarily, 'the rest were carried off by the most Arbitrary & violent method Such as burning their houses carrying off their Cattle & breaking their heads'.<sup>132</sup> George Innes wrote of Jacobite activity in the Callander area, where they were 'exacting Contributions without making much distinction of Folks and forcing out the lower Class to join them'.<sup>133</sup> This seems to be corroborated by Duncan McPharrie, who notes that the notorious and violent James Mor MacGregor arrived there 'with forty men from Glengyle and forty-five soldiers that Glengyle apprehended at the roads of Loch Lomondside'.<sup>134</sup> Sometimes individuals were targeted, as shown by Lord Ogilvy's letter to Sir James

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129 Petition of James, Earl Findlater and Seafield to the House of Commons, NRS GD.248/571/7/1; Findlater to Rev. James Lawtie (30 March, 1746), NRS GD.248/571/7/14. Much of NRS GD.248/571/7 deals with the plundering of Cullen House.

130 'Memorial for John Macdonald of Glengarry' reprinted in Macdonald, *The Clan Donald* (ii), pp. 793-796; Bisset in Stuart, *Spalding Miscellany* (i), pp. 377; Rosebery's *List*, p. 245; Trial of Alexander MacGrowther, reprinted in *Howell's State Trials* (xviii, London, 1813), pp. 391-394.

131 Petition of James Robertson (31 May, 1746), SPD.36/94/241 reprinted in *P45* (i), p. 270.

132 List of Forced Men in Alvie Parish (31 May, 1746), SPD.36/83/105-106.

133 George Innes to James Douglas (21 November, 1745), NRS GD.113/3/1006/21.

134 Duncan McPharrie's MS account of James More MacGregor (Drummond), reprinted in MacGregor, *History of the Clan Gregor* (ii), p. 373. Glengyle refers to John (or James) Graham, who used the alias of Gregor Macgregor throughout the Forty-five. Note that the soldiers mentioned were the King's troops who were surprised on the road and taken prisoner at Inversnaid, but James Mor was deeply involved in numerous forcing incidents across Stirlingshire.

Kinloch in November of 1745, instructing him to 'spare no pains to bring gentlemen along with you, and you are authorised by this to bring with you William Shaw and his brother prisoners if they make any excuses'.<sup>135</sup> Correspondence between the Atholl factors repeatedly refers to extraction of rent and manpower 'by way of party', and in fact Andrew Spalding conceded to a fellow rebel doctor that he would much rather see these raised voluntarily if given the choice.<sup>136</sup> Even government officials were aware of these tactics, as demonstrated by the Lord President Duncan Forbes' missive to Fraser of Lovat, wherein he asks after intelligence from Loudoun that suggested 'violence has been used to drag men out of their Beds into the Rebellion; & that by the terror of destroying their cattle & effects, others have been prevail'd on to list'.<sup>137</sup> Lovat of course denied such a thing, contending that it was the first he had heard of it, and if it was done in his country he surely would have known.<sup>138</sup>

A list of twenty Jacobites from the areas of Lowland Perthshire, Stirling, and Dumbarton was presented to Lord Albemarle after Culloden, all of whom were said to have been active by 'taking Black Mail, by Robbing and plundering of houses, or by stealing and away-driving of Cattle in these parts.'<sup>139</sup> The sister of Ludovick Grant wrote to her brother that 'the people of Morange were last night threatened with being plundered if they did not rise and goe immediatly to the Highland army'.<sup>140</sup> It should be noted that some of this behaviour was undoubtedly used to supplement Jacobite forage and materiel rather than to obtain levies, but the threat of further depredations became a useful tool that was employed in rural areas against potential recruits:

William Robertson in Badenoch declares young Cluny came to his house and ordered 20 cows and 6 horses to be taken from him and otherwise threatened him & upon consenting to go they were restored except one cow which was killed.<sup>141</sup>

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135 Lord Ogilvy to Sir James Kinloch reprinted in Mackintosh, *The Muster Roll of Forfarshire*, p. 123.

136 Andrew Spalding of Glenkilrie to George Colville (31 January, 1746) reprinted in *Atholl Correspondence*, pp. 169-170.

137 Forbes to Lovat (11 November, 1745) reprinted in *Culloden Papers*, p. 245.

138 Lovat to Forbes (14 November, 1745) reprinted in *Culloden Papers*, pp. 251-252.

139 A List of Persons in the Western Parts of Perth, Stirling and Dumbarton, NLS MS.3730 ff. 103-104. This list includes both James Mor and Glengyle. See also NRS GD.220/6/1660-1662 for evidence of their threats and the depositions of those they captured.

140 Penuel Grant to Ludovick Grant (5 September 1745) reprinted in Fraser, *The Chiefs of Grant* (ii), pp. 152-153. See also James Grant to Ludovick Grant (21-22 October, 1745), NRS GD.248/168/22-23.

141 Fraser-Mackintosh papers, quoted in *More Culloden Papers* (iv), p. 72. See also Order from John Roy Stuart (14 March, 1746) reprinted in Taylers, *Jacobites of Aberdeenshire and Banffshire*, p. 55.

The prevalence of cattle and horses being used as enticement or bait to garner recruits illustrates the importance of these 'bestiall' upon which so much of Scotland's rural populace relied. In known areas of Jacobite sentiment, the threat of such actions were also used by the government as a way to dissuade recruits from continuing with the army. Indeed, the Secretary of State gave orders to Sir John Cope during the early days of the rising that he should drive off the livestock of known rebels, as 'tis thought many of them would on that account incline to return home'.<sup>142</sup>

Coercion could also take the form of bribes or persuasion without coming to violence, though in practice it often was not enough without some material incentive to supplement verbal patronage. Some lairds promised rent reductions for willing recruits while others were offered other tangible gratuities.<sup>143</sup> Guarantees of substantial reinforcement were sometimes circulated amongst the troops, helping to maintain morale, and fallacious reports about the destruction of the British army in Flanders were spread through Urquhart in order to encourage doubting tenants to enlist.<sup>144</sup> Angus Macdonell, the ill-fated son of Keppoch, sent a letter to Macdonell of Barisdale with the wholly false information that three separate Jacobite standards had been set up in England.<sup>145</sup> Whether Angus was complicit in producing fabricated intelligence or simply passing it along is unknown, but numerous other letters from rebel soldiers show that they were told similar things by commanding officers.<sup>146</sup> Barisdale's own recruiting drive in Sutherland, meanwhile, was supplemented by copious amounts of whisky, which he foisted upon the local populace as an enticing treat for joining up. When the drink was finished, nearly 70% of his inebriated recruits melted off to their homes, and *Colla Ban* had to rely on more forceful measures thereafter. Other captured Jacobites later claimed to

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142 Tweeddale to John Cope (7 September, 1745), NLS MS.7078 f. 29. See also Munro of Culcairn to several (4 August, 1746), HL Box 38/LO 12346.

143 Macinnes, *Clanship*, pp. 167-168.

144 Hunter, *Culloden and the Last Clansman*, p. 37; MacDonald, *The Clan Ranald*, p. 91; John Grant to Ludovick Grant (12 September 1745) reprinted in Fraser, *The Chiefs of Grant* (ii), pp.156-157.

145 Angus Macdonell to Colin MacDonell (10 November 1745) reprinted in Henrietta Tayler, 'Jacobite Rumours' in *SHR*, 30:110 (October 1951), pp. 165-166.

146 SPS.54/26/122/1, 36, 39, 52; McCann, 'Organisation', pp. xiv-xvi;

have also been ‘imposed upon when drunk,’ and were likely to have had quite the shock when clearer heads prevailed.<sup>147</sup>

The search for hard numbers of those who claim or are thought to have been impressed is ultimately deceptive. It is true that the government regarded many such claims upon formal trial with scepticism, but officials were also willing to pardon thousands of plebeian Jacobites upon quitting the army and surrendering their arms, whether forced or voluntary.<sup>148</sup> This paradoxical combination of mistrust and mercy tends to obfuscate specific details, making some accounts extremely difficult to take at face value. There are likewise simply too many instances of missing information in the published compilations of rebel participants to draw a satisfying conclusion, though there is enough there to grasp some relevant themes. Rosebery’s List, for example, contains only about 300 names who are noted as being forced, pressed, or compelled to carry arms. Similarly, only 127 persons are explicitly stated to have pled impressment or seizure within the nearly 3500 names contained in *The Prisoners of the ’45*.<sup>149</sup> It has already been demonstrated that these sources alone are insufficient, however, and this is borne out by just a couple of examples that shed a bit more light on the matter.

A document in Albemarle’s possession attempts to quantify the names of known rebels on the Morvern estate of the Duke of Argyll, and shows that thirty-seven of seventy-two of Argyll’s tenants there were involved in the rising.<sup>150</sup> Of this total (51.4% of the estate), ten were noted as being forced (27%), while nine were killed (24.3%) and eighteen were in hiding or otherwise unknown (48.6%) to the authorities. While it is possible that this means the entirety of captured tenants pleaded impressment, it also does not clarify the conditions of the total majority that are either dead or missing.<sup>151</sup> Furthermore, it demonstrates the occurrence of even loyalist estates being riven by the civil war that the Forty-five precipitated.

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147 Hook, ‘Sutherland in the ‘45’, p. 22; Examination of David Somerville (25 April, 1746), PKA B59.30/72/2; Rosebery’s *List*, p. 127; Information about David Haggart, PKA B59.30/72/11; Deposition of Ormsby McCormack, TNA TS.11/760/2363 p. 62. See James Grant to Ludovick Grant (21-22 October, 1745), NRS GD. 248/168/7/22-23 for Barisdale’s threats to ‘spreath the whole country’. Evidence of this ploy amidst the military in general were apparently common, having been lampooned in popular culture. See Kevin J. Gardner, ‘George Farquhar’s The Recruiting Officer: Warfare, Conscription, and the Disarming of Anxiety’ in *Eighteenth-Century Life*, 25:3 (Fall 2001), pp. 48-49.

148 See Chapter V: Consequences, pp. 186-188, 201-203.

149 See Appendix XII: Jacobite Impressment 1745-6, fig. 1 for a statistical analysis of forcing by region from these sources.

150 The following statistics are taken from the List of Tacksmen or Leases on His Grace the Duke of Argyll’s Property in Morvern, NLS MS.3730 f. 69.

151 Most of these names are absent within published compilations of Jacobite participants.

Returns submitted by the ministers of Urquhart and Glenmoriston offer figures indicating even greater frequencies of force. Of nineteen men who surrendered in the former parish, thirteen were attested by the minister to have been impressed; of sixty-eight in the latter parish, forty-five were noted to have been compelled.<sup>152</sup> A further example of this is the largely well-affected Stirlingshire estate of the Duke of Montrose, which proved to be an unstable vortex of internal conflict caused by the brutal recruitment tactics of Macgregor of Glengyle. Taking inventories of their tenants in the towns and villages of Buchanan parish, Montrose's factors tried to identify at the government's behest those who were reputed to have been involved with the Jacobites. In one document containing the names of twenty-nine tenants, subtenants, and cottars, Graham of Orchill notes that eight (27.5%) joined the rebel army while twelve (41.3%) took no part in the rising. Nine others (31%) were thought not to have joined but decided to submit their arms to the local minister anyway.<sup>153</sup> Another list in the same bundle reveals that of twenty tenants in the Buchanan environs accused of joining the rebel army, all were spoken for by no less than sixteen others who were able to stay clear of intimidating recruiters. Their declarations were made at the local level rather than being summoned to England to give evidence in court, whereupon they collectively corroborated the doggedness of Jacobite officers in threatening folks with physical harm, destruction of property, and forcibly carrying many off to the regiment's encampment at Inversnaid.<sup>154</sup> One of these witnesses went on to join the Argyll militia and another was the local collector of the cess for the established government, and their testimonies are therefore not likely to be simply partisan fabrications.<sup>155</sup>

Reliance alone upon the testimony of witnesses and suspects can sometimes be misleading due to untruths and embellishments, but following threads of evidence sometimes reveals useful corroborating information. Robert Douglas, a shoemaker from Dunkeld, deposed that he was threatened by an armed party of rebels to attend a pro-Jacobite bonfire at the mercat cross in celebration of the

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152 Lists from Castle Grant reprinted in Mackay, *Urquhart and Glenmoriston*, pp. 494-498.

153 NRS GD.220/6/1662/12. See also Declaration of Robert McFarlane, Minister of Buchanan, GD.220/6/1660/13. A similar document for Aberfoyle can be seen at GD.220/6/1660/14.

154 Declarations of Witnesses re: Glenglye's Actions, etc. (16 July, 1746), NRS GD.220/6/1661/1-4. See also the bundle of declarations in favour of individual tenants on Montrose's estate, NRS GD.220/6/1661/11-19.

155 Dougall Campbell of Stuckintibert (likely Stuckd-an-tiobairt) and Donald McQueen of Kinlewood, respectively, *ibid.* Again, only a few of the accused are present in the published lists of alleged Jacobites to which most scholars refer, allowing such documented situations to slip through the cracks when attempting to survey the popular constituency. See Appendix XII: Jacobite Impressment 1745-6, fig. 2 for a comparative analysis of known impressment ratios.

Prince's birthday, lest his home be burned. Upon resisting, he was carried 'with Drawn Swords & Cockt Pistoles forcibly to said Bonefire'.<sup>156</sup> Douglas swore under oath that he saw numerous well-affected friends there whom he knew had also been made to attend, and he witnessed Jacobite soldiers discharging their firelocks at the windows of the loyal inhabitants of Dunkeld. There is no evidence that Douglas was brought up on charges for treason, and his testimony was used to implicate the presence of numerous Jacobite volunteers in Dunkeld during the winter of 1745. It is commonly cited that claims of forcing were invariably disallowed in court, but just a few examples show that this was not always the case.<sup>157</sup> Five men from Strathbrand and Gairntilly in Perthshire were sentenced to death after the rising, but were either pardoned upon enlistment or discharged due to their collective petition claiming excessive violence was used against them.<sup>158</sup> Some two dozen rebels under Lochiel and Glengarry petitioned likewise, citing threats of hanging, burning, and being 'cut in pieces'; it appears that many of these men were ultimately released.<sup>159</sup> Statistics from the two main published lists show that the overwhelming majority of those who claimed forcing either never made it to trial or were shown mercy in court. Despite Lenman's assertion that most who pleaded force were transported, according to these sources nearly three times as many reluctant conscripts were released than were punished by transportation or execution.<sup>160</sup> Though every attempt was made by government officials to indict treasonous subjects whether they were voluntary or impressed, there was no chance that British penal institutions could process, contain, and subsist the massive influx of potential bodies. Some allowances simply had to be made.<sup>161</sup>

The numerous and varied examples described here amount to only just a cursory glimpse of the accounts of impressment during the Forty-five. Though the objective truth of these narratives will always be in question, a more rigorous examination of these and many more is not beyond the ability of historians. In addition to seeking out evidence of Jacobite soldiers who claimed to be compelled, it is equally important to further research those who were brought up on charges of

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156 Testimony of Robert Douglas (23 June, 1746), PKA B59.30/72/3.

157 Lenman, *Jacobite Risings in Britain*, p. 273; *P45* (i), pp. 97, 269-273; *Reid*, 1745, pp. 199-200; Plank, *Rebellion and Savagery*, pp. 49-50.

158 Petition of Many Claiming to be Forced, SPS.54/26/184; *P45* (iii), pp. 276-277, 301-305 340-341.

159 Declarations of Rebel Prisoners (9 November, 1745), SPS.54/26/152; *P45* (ii), pp. 70-71, 80-81, 312-313, 316-317; (iii), 174-177.

160 See Appendix XII: Jacobite Impressment 1745-6, figs. 3-4. Lenman, *Jacobite Risings in Britain*, p. 273.

161 Plank, *Rebellion and Savagery*, pp. 47-48. See Chapter V: Consequences, pp. 179-181.

enacting forceful recruiting, as well as those who were approached but ultimately did not relent. Merging both sides of such information can help bring relevant motivations into perspective, as well as the context of specific tasks related to recruiting during the Forty-five. Furthermore, based on the number of men in these lists who were charged with being ‘very active in raising men for the Rebels’ and with ‘forcing men out of their estates’, it is curious that more soldiers claiming to be impressed are not listed. Certainly their numbers are more widespread and copious than the fragmentary lists of prisoners would indicate, culled only from a limited segment of alleged and captured Jacobites.

## FOREIGN REGULARS

As surveyed in Chapter II, Continental units also took part in the rising, like John Drummond’s Royal Ecosais and the Irish ‘Wild Geese’, both of whom were enlisted in French service. Scottish soldiers had been a regular part of military service in France since the Middle Ages, representing Scotland’s contribution to a loose contract of ‘mutual aid’, and were also prominent in Dutch and Swedish armies during the Thirty Years’ War.<sup>162</sup> Irish regiments had likewise served in France since 1635, but many more thousands of military migrants fled Ireland to seek their fortunes in France after the end of the Irish Jacobite campaigns and the Treaty of Limerick in 1691.<sup>163</sup> The threat of French invasion was indeed the most effective strategic weapon brought to bear upon Britain during the mid-eighteenth century, a menace which ensured that a significant number of British troops remained at home for defence, thereby cutting into their effectiveness in Europe.<sup>164</sup> This incentive naturally reinforced Louis XV’s desire for a cordial relationship between France and the British Jacobites, and goes some way in explaining the

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162 Glozier, *Scottish Soldiers in France*, p. 31; Henshaw, *Scotland and the British Army*, pp. 24-31. See Steve Murdoch, ed., *Scotland and the Thirty Years’ War, 1618-1648* (Leiden, et al., 2001); Steve Murdoch, ‘Scotsmen on the Danish-Norwegian Frontiers c.1580-1680’ in A. Mackillop and Steve Murdoch, eds., *Military Governors and Imperial Frontiers c. 1600-1800: A Study of Scotland and Empires* (Leiden and Boston, 2003), pp. 1-28; Conway, ‘The Scots Brigade’, pp. 30-41; James Ferguson, ed., *Papers Illustrating the History of the Scots Brigade in the Service of the United Netherlands 1572-1782* (3 vols., Edinburgh, 1899). Scots also saw extensive service in Prussia, Italy, Russia, and Germany.

163 Colm Ó Conaill, ‘“Ruddy Cheeks and Strapping Thighs”: An Analysis of the Ordinary Soldiers in the Ranks of the Irish Regiments of Eighteenth-Century France’ in *Irish Sword*, 24:98 (2004-5), pp. 411-412.

164 Houlding, *Fit for Service*, p. 323; Henshaw, *Scotland and the British Army*, pp. 21-22; André Corvisier, et al., *Dictionnaire d’Art et d’Histoire Militaire* (Paris, 1988), p. 295. Corvisier estimates that as much as 20% of the French army of the eighteenth century consisted of foreign troops.

sustained assurances of support through the entire period of Jacobite activity, as well as the loan of troops in 1745.

Scottish and Irish soldiers in early modern France served in an 'absolutist' system of military service that saw monarchical control of the martial administration and attempted to replace a private army with a standing one. This challenged the typical contract-based system of foreign recruitment that had been prevalent in the seventeenth century, as well as the regionalist self-esteem that permeated much of Scottish society.<sup>165</sup> It also challenged Scots' innate sense of 'natural' service to their domestic sovereign, which directly conflicted with that of their foreign-based employers.<sup>166</sup> While debated by scholars, however, concepts of loyalty within military service apparently were less defined by nationality and more by behavioural choices and 'concentric identities', and it is fitting to note that service abroad did not necessarily equate with a lack of interest in affairs back home.<sup>167</sup>

By the eighteenth century, British recruitment into foreign service could be legal or illegal, and the alliances formed during the War of Austrian Succession assured that Scots who joined Louis' army were not regarded favourably by the British government. Restrictions imposed on Irish Catholics and Jacobites from the 1690s and in the aftermath of the Fifteen nonetheless stimulated foreign service as the oppressed fled Britain and Ireland for opportunities of employment.<sup>168</sup> Victoria Henshaw notes that in addition to seeking wealth and stability, Scots were lured into foreign armies by 'less severe methods of punishment' as well as fixed periods of service, which were often seen as more desirable than the lifelong expectations of domestic duty.<sup>169</sup> Of those in French regiments who took part in the Forty-five, most were likely recruited well before the rising started and for other purposes. In the case of the Royal Ecosais, John Drummond had secured a number of troops during a clandestine recruiting drive in the Highlands in 1744, while many of the

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<sup>165</sup> Glozier, *Scottish Soldiers in France*, pp. 1-7, 17-19, 144; John Robertson, *The Scottish Enlightenment and the Militia Issue* (Edinburgh, 1985), pp. 5-6.

<sup>166</sup> *Ibid.*, p. 15.

<sup>167</sup> Glozier, *Scottish Soldiers in France*, pp. 1-2; Henshaw, *Scotland and the British Army*, pp. 30-31, 48-49; Mackillop, *More Fruitful Than the Soil*, p. 204-215; MacCoinnich, 'Given Only to Warre', *passim*; Davit Horsbroch, '"Tae See Oursels as Ithers See Us": Scottish Military Identity From the Covenant to Victoria 1637-1837' in Murdoch and Mackillop, eds., *Fighting for Identity*, *passim*.

<sup>168</sup> Macinnes, 'Catholic Recusancy', pp. 27-63; Henshaw, *Scotland and the British Army*, pp. 25-26, 31-34; Ó Conaill, 'Ruddy Cheeks', pp. 411-414; O'Callaghan, *History of the Irish Brigades*, pp. 393-394; Jarvis, *Collected Papers* (i), pp. 303-325.

<sup>169</sup> Henshaw, *Scotland and the British Army*, p. 27.

soldiers in the Irish Brigades had seen extensive action on the Continent by the time the Forty-five commenced.<sup>170</sup>

Foreign troops potentially risked less upon capture due to their status as prisoners of war, and those who could be proven subjects of Louis XV were later sent back to France in exchange for British prisoners.<sup>171</sup> Contrary to widespread belief, however, British subjects (including Scots and Irish) in French service were not entitled to the benefits of that status.<sup>172</sup> As evidenced by the results of their arraignments, most were nonetheless discharged or returned to France under promise of never again returning to Britain.<sup>173</sup> Many of the soldiers in French service who found themselves sailing to Scotland in the autumn of 1745 were recruited by Scottish and Irish officers with previous experience in the Jacobite wars earlier in the long century.<sup>174</sup> Indeed, a handful of Jacobite veterans of the Fifteen served once again in the Forty-five, though most of these were officers with lifelong commissions rather than fixed contracts.<sup>175</sup> How many common soldiers appeared in both risings is unknown. Government intelligence did figure that a sizeable contingent of these troops in French service were formerly British army soldiers captured at Fontenoy, and in fact there had been a steady stream of deserters who departed Drummond's command once in Scotland to make their way to safety at Stirling.<sup>176</sup> Richard Cook likewise deserted from Howard's regiment in Flanders and joined the Ecossais, while Samuel Diamont left Wolfe's command to sign up with Rooth's Irish. James Lyon, a native of Montrose, absconded from Dutch service and was picked up as a spy and a thief before being committed for treason.<sup>177</sup>

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170 *P45* (i), p. 328. See Chapter II: Motivation, pp. 68-71 for more on potential incentives for foreign recruitment. McLaughlon, *The Wild Geese*, pp. 7-14; O'Callaghan, *History of the Irish Brigades*, pp. 342-367.

171 See Newcastle's Entry Book, SPEB.44/133/103a, 126, 145-146. Thousands of French troops captured in Continental action were held within parole communities in no less than forty-three different English towns, though these were moved to closed confinement upon the outbreak of the Forty-five, Renaud Morieux, 'French Prisoners of War, Conflicts of Honour, and Social Inversions in England, 1744-1783' in *The Historical Journal*, 56:1 (March 2013), p. 64. See also Instructions for Exchanging Prisoners of War, NLS MS.257.

172 Cartel of Frankfort (10 July, 1743), as described in *P45* (i), p. 96; Newcastle to Sinclair (1 March, 1746), SPEB.44/133/84-85.

173 See Appendix XIII: Prisoners in French Service 1745-7, fig. 1.

174 Comte d'Argenson to Comte de FitzJames (28-29 November, 1745), SPS.26/202-204; Newcastle to Dudley Ryder (18 April, 1746), SPEB.44/133/?.

175 Henshaw, *Scotland and the British Army*, p. 27; O'Callaghan, *History of the Irish Brigades*, pp. 396-397.

176 State of Intelligence from Inverary (21 December, 1745), SPS.54/26/207.

177 Alexander Home's List of Scottish Prisoners (22 November, 1746), SPD.36/89/272; Ferguson, ed., *Scots Brigade in Holland* (ii), pp. 220-221.

## BRITISH ARMY DESERTERS

Occurrences of British army regulars choosing to desert and defect to the enemy can generally be explained in one of two ways: either through a crisis of ideological, occupational, or moral principle; or feeling that their capture by the Jacobites offered them little other choice. Apprehended British soldiers choosing to join the Jacobite ranks were quite numerous, however short were some of their tenures, and their reasons for doing so are varied and in need of closer examination.<sup>178</sup> John McKeek and William McVicar were both soldiers of the Independent companies under Campbells of Cruachan and Carvaig, and were taken by Jacobite troops at Kinnachan and Blair, respectively. Both pleaded that they joined the rebels ‘because they were like to be starv’d being only allow’d a pound of Meal each & no more a week except one Shilling.’ In their examinations at Inverary, the two soldiers complained of rough treatment digging in the mines at Fort Augustus in service to the Duke of Perth’s regiment. They also called out a fellow soldier taken from Loudoun’s regiment, Lieutenant Hugh McLane, who enlisted in a Jacobite unit and proceeded to help the rebels to raise troops in the Rannoch area.<sup>179</sup> Elizabeth Rob deposed that her husband, a sergeant in Lascelles’, was taken prisoner after Prestonpans and ‘was perswaded to Enlist with them’ before being hanged at Carlisle after the capitulation of the town to government troops.<sup>180</sup> After a stint of only two months, Niccol Whyte also deserted Lascelles’ regiment in May 1744 and joined the Jacobite hussars in November 1745 when they rode through his home of Kincardine. He then left the Jacobite army and tried to re-enlist with government troops in February 1746, only to be recognised and captured.<sup>181</sup> Including the Independent Highland companies raised in Scotland, over two-hundred British army deserters who went on to join the Jacobites can be identified, though the total number who deserted service altogether was surely much higher.<sup>182</sup>

Cope had complained of desertions amongst his men as early as 20 August, just a day after Charles Edward’s standard was raised at Glenfinnan, and a large

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178 See Appendix XIV: British Army Deserters in Jacobite Service 1745-7, fig. 1.

179 Examinations of John McKeek and William McVicar (16 April, 1746), SPS.54/30/18f. See also Robert Chambers, *Jacobite Memoirs of the Rebellion of 1745* (Edinburgh, 1834), p. 298; Reid, 1745, p. 173.

180 Deposition of Elizabeth Rob against James Gad and James Nicholson, TNA TS.11/760/2363, pp. 37, 49.

181 Information about Nicoll Whyte (13 June, 1746), PKA B59.30/72/2. Instances of double-desertion like Whyte’s were not infrequent.

182 Seton and Arnot had found no more than sixty in their study, *P45* (i), pp. 143-144.

number of prisoners defected from his corps after Prestonpans.<sup>183</sup> Some of these men marched with the rebels into England, and at least four were subsequently lured out of their regiments by government spies before being tried and executed in Carlisle.<sup>184</sup> By the end of November 1745, the Earl of Loudoun, commander of the King's troops in the Inverness area, had embarrassingly lost scores of his men who melted off to their homes. Loudoun wrote to the Earl of Sutherland shortly thereafter that 'tho' by our lawes there crime is desertion and the punishment is death', he would accept them back into the regiment without punishment if they would make their way back to camp.<sup>185</sup>

When punishments for desertion were carried out, they were done so in front of the regiment to serve as examples and deterrence, and varied 'from corporal to capital'.<sup>186</sup> Courts martial were held at Perth, Stirling, Inverness, Edinburgh, and Carlisle in the late summer and autumn of 1746. Though they were intended to be carried out within twenty-four hours of confinement, some deserters in Edinburgh were kept in prison for over a month with no trial.<sup>187</sup> At least forty-eight British soldiers were executed after their recapture (22%), a relatively high proportion compared to punishment for desertion in other British theatres of war.<sup>188</sup> This is likely defined by the severity of charges that come with defection – also considered treason by any other name. Others were pardoned, transported, or even allowed back into their units, like the eleven men of Guise's regiment who were given favourable recommendation by a minister in Inverness.<sup>189</sup>

Desertions from the Scots regiments in the Netherlands were also common, and government intelligence demonstrates concern that those who made it back home would attempt to bolster the Jacobite effort there. To combat this, orders

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183 Cope to Tweeddale (20 August, 1745), SPS.54/25/87a. Cope specifically mentions some of the Macdonalds and Camerons as 'going off the first opportunity'. See also *P45* (i), pp. 143, 274-275, 287; Fleming of Wigtown Papers, NLS MS.20774 ff. 173-174.

184 Information of Robert Lee, SPD.36/79/24.

185 Loudoun to Sutherland (24 November & 19 December, 1745) reprinted in Fraser, *Sutherland Book*, pp. 83-84. This was mandated by the Secretary of War on 7 July 1747, *P45* (i), pp. 37-38.

186 Henshaw, *Scotland and the British Army*, p. 68; Sentences of the Court Martial at Perth (4 September, 1746), NLS MS.3730 f. 31.

187 'Cholmondeley's Orderly Book' (entry for 10 February, 1746); Report of the Edinburgh Guards (19 February-2 April, 1746), NLS MS.17525 ff. 139-171; NLS MS.3142 ff. 94-95, 111, 129-134; SPD.36/79/24; *P45* (i), p. 285.

188 As described above, some of these British deserters had entered French service on the Continent and had come over with Drummond's Ecosais. *NQG*, pp. 227-228; 'Cholmondeley's Orderly Book' (entry for 7-9 April, 1746); *P45* (i), 237, 285-288; Henshaw, *Scotland and the British Army*, p. 68.

189 'Cholmondeley's Orderly Book' (entry for 20 April, 1746). See Appendix XIV: British Army Deserters in Jacobite Service 1745-7, fig. 2.

were issued for the customs officers in Britain to stop and search all soldiers arriving from the Continent.<sup>190</sup> Some still got through. In addition to the cases mentioned in Chapter II, John Ritchie of MacKay's regiment was taken by the French at the siege of Tournay, who 'used him with such Severity' that he was forced to enlist in the Royal Ecosais.<sup>191</sup> An aide-de-camp to one of the Dutch generals was later found plundering Lowther Hall in Westmoreland with a group of Jacobites, where he was captured by the Penrith Volunteers.<sup>192</sup> It is perhaps no surprise that after the rising there was a concerted effort by government officials to keep those who participated in rebellion out of future service in the Dutch Brigades.<sup>193</sup> Albemarle in fact issued a strict directive that required recruiters to swear compliance of this, as well as to provide as much information as possible about any potential troops enlisted for service.<sup>194</sup> Albemarle voiced contention about orders from the Dutch minister that Roman Catholics were also to be passed over, asking for clarification from Newcastle and arguing 'I should be glad to clear this Country of their great numbers'.<sup>195</sup> He was no doubt relieved by the Duke's assertion

that it is not His Majtys Intention, to prevent the Enlisting of Roman Catholicks in the Dutch Regiments, that shall be recruited in Scotland; as It is rather to be wished, that as many of Them, as possible, should engage in That Service.<sup>196</sup>

## PATTERNS OF RECRUITMENT

Jacobite recruitment patterns have been well-treated in Jean McCann's study of army organisation, though it is fitting here to review her findings and also to add some additional salient points. In short, McCann's analysis highlights a lack of connection between 'military successes and reverses' and localised Jacobite recruiting activities. She also shows that the fortunes of the main body of the army had little to do with how successful or unsuccessful recruitment was during the

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190 Newcastle to several (22 November, 1745), SPEB.44/133/12; Petition of Thomas Manner (26 October, 1746), SPD.36/88/45; P45 (i), pp. 285-286; Ferguson, ed., *Scots Brigade in Holland* (ii), pp. 289-290, 308-309, 316, 322-324.

191 Examination of John Ritchie, PKA B59.30/72/2. Other cases are described on pp. 70 and 156 of this thesis.

192 Information about John James Jellens (8 October, 1746), SPD.36/88/42.

193 Ferguson, ed., *Scots Brigade in Holland* (ii), p. 280.

194 Albemarle's Instructions (24 November, 1746), SPS.54/34/30b. This was signed by no less than fifteen recruiting officers.

195 Albemarle to Newcastle (25 November, 1746), SPS.54/34/30a.

196 Newcastle to Albemarle (18 November, 1746), SPS.54/34/25.

entire campaign. Most importantly, McCann notes that adherence could be extremely short-term and often unavailable 'for anything more than local activity'.<sup>197</sup> Her identification of recruitment patterns indicates that less than half (43-46%) of all levies were drawn from the Highlands and Islands, with upwards of 20% coming from Perthshire, a county consisting of both Highland and Lowland areas. The three north-eastern counties of Aberdeenshire, Moray, and Banff account for up to one-fourth of total army strength.<sup>198</sup> That leaves 10% to account for the rest of Britain (McCann does not include foreign troops in her calculations), but she does not accurately represent the significant Jacobite contribution from Angus, some of which can be considered north-eastern and all of which is certainly Lowland. With the exception of Angus (which is included here along with Kincardineshire as part of the North-East), McCann's numbers and the percentages of the Jacobite constituency presented in Chapter III are not terribly disparate. With many more sources added in as well as a prosopographical analysis of the popular data, a facet that McCann did not implement in 1963, we see similar trends, but with even more turnout in the north-east and less in the Highlands. How these regions are classified, however, has much to do with the statistical interpretation.

These respective studies show mixed results when comparing recruitment tactics by region. McCann describes the use of violent force in the Western Highlands as rare, citing that Lochiel had no difficulties gathering support amongst his clan; a fact which is refuted earlier in this chapter.<sup>199</sup> The presence of clan chiefs with the main body of the army did not seem to have any bearing on the use of violence back home, though McCann claims the chiefs did not find it necessary to return to their estates to 'beat up further recruits'.<sup>200</sup> Numerous exceptions to this assertion have been described within this chapter, and it should be stressed that adherence in the Highlands was almost certainly never a case of 'all or none'.<sup>201</sup> The fact that most of the chiefs themselves did not return to continue recruiting does not rule out the instances of subsidiaries (like the all-important tacksmen) doing the dirty work, as well as the presence of cross-clan recruiting – as with the efforts of

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197 McCann, 'Organisation', pp. ix-xiv.

198 Ibid., pp. xvi-xvii.

199 Ibid., pp. 6-7; Chapter IV: Recruitment, pp. 145-146. See also Lenman, *Jacobite Risings in Britain*, pp. 246-247.

200 McCann, 'Organisation', p. 6-7.

201 For instance, Macinnes, *Clanship*, 164-168.

Glengarry, Cluny, and Macdonell of Barisdale. In both Highland and Lowland Perthshire as well as the north-east, McCann offers solid evidence to support the presence of unwilling recruits as a considerable portion of all Jacobite levies in those regions, garnered everywhere from Tullibardine's contemptuous authority in Atholl to Lewis Gordon's brutal tactics in Aberdeenshire.<sup>202</sup> Though there are indications that some elites with considerable local influence were able to bring volunteers to bear in these areas, as well as considering the large pockets of effusive Episcopalian tradition, recruits from much of Perthshire and the north-east can and should be considered largely conscript forces.<sup>203</sup> McCann regards Lowland recruiting as an important means for the Jacobites to have gathered finances as well as soldiers, and describes that both forcing and the hiring out of men were quite common in Angus, with very few occurrences of 'followings, in the Highland sense' either there or in the other Lowland counties.<sup>204</sup>

The most significant misstep that McCann makes in her analysis is to maintain that while Jacobite officers blamed desertion for low numbers of recruits, the totals 'only seemed small' because of misleading and exaggerated intelligence.<sup>205</sup> Rather, a major thrust of this study contends that desertion was indeed the main culprit for the low ceilings on Jacobite units, which is mentioned time and again within correspondence and memoirs from both sides, as well as in examination and trial records during and after the campaign.<sup>206</sup> To this must be added the widespread resistance that Jacobite recruiters faced in all areas of Britain to a cause that provided disjointed incentive and ambiguous goals for the mainstay of the soldiers within the army. Engaging in a variety of recruitment tactics based upon further oppression and force without option appears to have helped make a movement that was already waning in popularity all the less popular.<sup>207</sup>

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202 McCann, 'Organisation', pp. 32-33, 38-45, 48, 64, 77-80.

203 Walter Biggar Blaikie, 'Perthshire in the 'Forty-Five' in Marchioness of Tullibardine, ed., *A Military History of Perthshire 1660-1902* (Perth, 1908), p. 333; Lenman, *Jacobite Risings in Britain*, p. 253.

204 McCann, 'Organisation', pp. 95-100.

205 *Ibid.*, pp. xvi, 41-42, 72-73. Duffy also downplays the extent and significance of Jacobite desertion, *The '45*, pp. 434-435.

206 For example, Anon., *Letter from a Gentleman in Scotland to his Friend in London, Upon the Highland Insurrection* (n.p., 1745), p. 14. See the following section for more on this.

207 Lenman, *Jacobite Risings in Britain*, pp. 257-259.

## IDENTITY, RESISTANCE, AND DESERTION

The wavering depth of military commitment offered by plebeian Jacobite soldiers in 1745 seemingly contradicts earlier precedents and the traditional maxim of an innate ‘martial heritage’ in Scotland, especially amongst the *Gàidhealtachd*.<sup>208</sup> There is no simple explanation for this, but for the purposes of this study it is important to attempt to account for the resistance demonstrated by large sectors of targeted recruits rather than simply labelling the Forty-five as an unpopular venture. Well-supported levying efforts by the Covenanters show that it was entirely possible to raise an army of over 35,000 in Scotland, and, accounting for the turnover of troops, more than 20,000 were likely brought out in rebellion in 1715.<sup>209</sup> Despite the effectiveness of national levies imposed during the reigns of James VI and Charles I, recruiting of the lower classes had proven challenging at times since the 1630s.<sup>210</sup> Resistance to the passing of Lauderdale’s *Militia Act* in 1669 shows that absolutist methods of military recruitment had been not easily welcomed by British politicians and conjured the demons of Stuart mandates earlier in the century.<sup>211</sup> The focus on the ‘daily routine’ of military activity that Aonghas MacCoinnich describes as being vital to the culture of Gaeldom during the seventeenth century appears to have slowly tapered off in the years subsequent to the (grudging) acceptance of Union.<sup>212</sup> The concept of a regular standing army irritated the sensitivities of non-elites in Britain and by the mid-eighteenth century, the general consensus of most Scots was that large bodies of armed troops garrisoned domestically was threatening to their well-being.<sup>213</sup> Whether this contributed to the unwillingness of commoners to support the Jacobites in 1745 is

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208 The subject has been explored in detail in Murdoch and Mackillop, eds., *Fighting for Identity*. Especially relevant are MacCoinnich, ‘Given Only to Warre’; Mackillop, ‘Motive & Identity’; and Horsbroch, ‘Tae See Oursels’.

209 See Chapter III: Constituency, p. 87.

210 MacCoinnich, ‘Given Only to Warre’, p. 154.

211 Glozier, *Scottish Soldiers in France*, p. 144; John Kenyon and Jane Ohlmeyer, ‘The Background to the Civil Wars’ in Kenyon and Ohlmeyer, eds., *The Civil Wars*, pp. 4-5, 17-19; Henshaw, *Scotland and the British Army*, pp. 22, 65; Hew Strachan, ‘Scotland’s Military Identity’ in *SHR*, 85:220 (October 2006), pp. 319-320.

212 MacCoinnich, ‘Given Only to Warre’, p. 155.

213 Robertson, *Militia Issue*, pp. 5-6; Horsbroch, ‘Tae See Oursels’, pp. 17-18; Eliga H. Gould, ‘To Strengthen the King’s Hands: Dynastic Legitimacy, Militia Reform and Ideas of National Unity in England 1745-1760’ in *The Historical Journal*, 32:3 (1991), p. 334; Glozier, *Scottish Soldiers in France*, p. 144; Brumwell, *Redcoats*, p. 55; Henshaw, *Scotland and the British Army*, pp. 20, 35, 130-131, 190.

not clear, but it is certain that resistance to martial service manifested on both sides of the conflict.<sup>214</sup>

The most crucial and delicate times for the Jacobite army were immediately after battles and during the all-important harvest. These were the periods when available numbers were at their lowest due to widespread desertion, which is substantiated by the number of subsistence farmers in the ranks of rebel units.<sup>215</sup> In fact, Andrew Mackillop is confident that military service in the Highlands was essentially predicated upon support for the agricultural sector, with the harvest cycle and the general estate economy being 'the ultimate priorities' for clansmen despite any martial expectations by tacksmen or chief.<sup>216</sup> Advancements in estate organisation continued to further the interest toward local economies and away from the military 'independence' so often associated with early modern Scottish culture, which had also frustrated recruiters thirty years before in the Fifteen.<sup>217</sup> The trend would continue until Highland reintegration with the British army after the rising, where the 'sins' of Jacobitism could be erased by engaging in martial service to the crown, manifesting in a new British patriotism and assisting the eventual demise of clanship.<sup>218</sup>

It should be considered that pervasive desertion within Jacobite ranks, whether temporary or permanent, was effectively just as threatening to the cohesion of the army and its logistical development as any government forces set to oppose it. Though McCann, Pittock, and Duffy somewhat downplay its frequency and impact, desertion was a spectre often mentioned by Jacobite officers and the command was constantly struggling to keep numbers up through the entire

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214 Craigie to Tweeddale (23 August, 1745), SPS.54/25/93. The Lord Advocate expressed his dismay that Cope also had difficulties recruiting men during the early days of the rising, convincing him 'how Delicate a Matter it is to Call out the Militia at Such a Juncture', Cope to Guest (27 August, 1745), SPS.54/25/101b. Cope himself relates that 'my disappointments have been great by not being Joined by one Single man since I set out'. See also Pittock, *Myth*, p. 91.

215 See Chapter III: Constituency, pp. 103-104. See also *Woodhouselee MS*, pp. 37-38, 86-87; McCann, 'Organisation', p. 72. Jeffrey Stephen notes that inactivity while on campaign tended to encourage desertions, and may have been an impetus in Charles Edward's decision to march into England without further international support, 'Scottish Nationalism and Stuart Unionism', pp. 52-53.

216 Mackillop, *More Fruitful Than the Soil*, pp. 8, 106-107, 233; Macinnes, *Clanship*, pp. 165, 170-171.

217 Robertson, *Militia Issue*, pp. 5-6, 40; Szechi, *1715*, p. 124.

218 Macinnes, *Clanship*, p. 160; Harris, *Politics and the Nation*, pp. 149-150; Mackillop, *More Fruitful Than the Soil*, pp. 9-10; Robert Clyde, *From Rebel to Hero: The Image of the Highlander, 1745-1830* (East Linton, 1995), pp. 181-184.

campaign, as well as instituting policies to help restrict soldiers from leaving.<sup>219</sup> The Highlands of Perthshire were especially plagued by desertions, and Duncan Robertson of Drumachine wrote to the Duke of Atholl that

Deserters come now to Atholl in such crowds as I am asham'd of; nor can I take any notice of them, my finall posse being wholly employed in securing those that propose to go farther north, who cannot be brought again to the Army without great loss of time and money.<sup>220</sup>

Similarly, Alexander McGillivray shortly thereafter expressed his great concern to Drumachine:

The desertion is now become so general that all endeavours must be used to prevent it otherwise it must be made of fatale consequence, so that if many of them are not brought back and made Examples of I'm afraid our army will in a short time be too thin.<sup>221</sup>

The government was quite aware of this problem amongst rebel regiments, though Hanoverian intelligence may have inflated reports of Jacobite desertion even further, which sometimes confused some prominent loyalists. Communication between the Duke of Montrose's factors during the early days of the rising related 'as for news there's so many various reports, that in short, wee are [at] a loss what to believe'.<sup>222</sup>

To some staunch English Whigs, disloyalty and the propensity to desert was part of the Highland character. Cumberland threw a nasty jab at Loudoun, who was considered a Highlander by many in Scotland:

I observe a very great inclination in your People to desert & that it would not be in your Power to constrain them to embark, if they should not of themselves be disposed to it.<sup>223</sup>

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219 McCann, 'Organisation', p. xiv; Pittock, *Myth*, pp. 92; Duffy, *The '45*, pp. 434-435. Lord Ogilvy to Sir James Kinloch (November 1745) reprinted in Mackintosh, *Muster Roll of Forfarshire*, p. 123; Deposition of William Robertson against John Camerie, TNA TS.11/760/2363, p. 23; Murray to John Hamilton (21 November, 1745), TNA TS.11/1082/5660; *Appin Stewart Orderly Book*; McLynn, *Jacobite Army in England*, p. 35; Elcho, *Affairs of Scotland*, pp. 278-279, 310; *P45* (i), pp. 283-284.

220 Duncan Robertson to Duke of Atholl (11 January, 1746) reprinted in *Atholl Correspondence*, pp. 135-137.

221 Alexander McGillivray to Duncan Robertson (2 February, 1746) reprinted in Robert McGillivray, *History of the Clan Macgillivray* (Ontario, 1973), p. 27.

222 Andrew Gardner to Mungo Graham of Gorthie (9 October, 1745), NRS GD.220/5/1605/8. See also Dalrymple to Loudoun (15 February, 1746), HL Box 18/LO 11341; Ludovick Grant to Newcastle (8 July, 1746), SPS.54/32/37; William McGhie to John Brown (17 November, 1745), SPS.54/26/150. These reports also confused those of Jacobite persuasion; see Thomas Erskine to James Moir of Stonywood (12 February, 1746) reprinted in *Spalding Miscellany* (i), p. 419; Entries for October, 1 November 1745, and 15-17 February 1746 in 'Diary of the Reverend John Bisset' reprinted in *ibid.*, pp. 350-353.

223 Cumberland to Loudoun (20 March, 1746), HL Box 47/LO 9504. Plank notes that Loudoun did not consider himself a Highlander, nor did many officers within the British army, *Rebellion and Savagery*, p. 10.

As demonstrated by Loudoun's own problems with desertion after being routed by no more than a handful of Jacobite scouts at Moy Hall in February 1746, Cumberland's hyperbole might not have been that far removed from reality. Duffy reckons that Loudoun himself lost over 200 men to desertion after the embarrassing action there, and an inspection of various sources shows that at least seventeen from that regiment went on to enlist with the Jacobites at some time during the campaign.<sup>224</sup> Similarly, John Cope complained that of the few soldiers from Highland companies joining him in early defence of the Corrieyairack Pass, many of them had broken ranks and absconded.<sup>225</sup> The tendency for desertion by Highland troops on both sides can perhaps be partly explained by an interpretation of the intrinsic Gaelic view of military service. Mackillop interprets that such service was most often looked upon in similar terms as that of contractual farming, and therefore many Gaels justified their desertion with belief that terms of their military contract had been broken or otherwise dissolved.<sup>226</sup>

While large-scale desertions remained a concern for British army commanders of the Independent companies and fears were raised that those men would take their arms and defect to the rebel ranks, it was much more of a problem for Jacobite units and therefore for the eventual success of Charles Edward's army.<sup>227</sup> Indeed, it would prove to be a significant factor that would influence the need for other methods of Jacobite recruitment during the whole affair. In Strathbogie, where forcing is known to have been particularly common and brutal, Ludovick Grant wrote that Lord Lewis Gordon and others

were bringing them in by twos and threes, but they were takeing opportunities to desert in half dozens, after who partys and gentlemen were sent, and extream severe threats were used to deter them from desertion and bring them back.<sup>228</sup>

After Falkirk, many of the levies from Lord George's ancestral estate in Atholl had either been funnelled off to Bannockburn with Charles Edward or had disappeared

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224 Return of Loudoun's Regiment (21 May, 1746), SPS.54/31/24f; Loudoun to Sutherland (24 November, 1745) and same to same (19 December, 1745), reprinted in Fraser, *Sutherland Book* (ii), pp 83-84; Elcho, *Affairs of Scotland*, pp. 390-392; Duffy, *The '45*, pp. 442-448. The names of deserters from Loudoun's were taken from P45, NQG, and various documents in TNA SPS. No doubt others can be added.

225 Cope to Tweeddale (29 August, 1745), SPS.54/25/100.

226 Mackillop, 'Motive & Identity', pp. 186-187, 205. Compare this with the known reliance of Highland troops abroad, Steve Murdoch, *Britain, Denmark-Norway and the House of Stuart 1603-1660* (East Linton, 2000), pp. 210-215.

227 Youngson, *The Prince and the Pretender*, p. 200. The Factor of Urquhart comments extensively on the desertion numbers in prominent Jacobite units, John Grant to Ludovick Grant (20 December, 1745) reprinted in Fraser, *The Chiefs of Grant* (ii), pp. 201-202.

228 Ludovick Grant to Fawkenner (16 February, 1746) reprinted in Fraser, *The Chiefs of Grant* (ii), p. 237.

completely after the battle, which left Murray 'quite dispirited' and he entreated his brother 'for God sake make examples or we shall be undone.'<sup>229</sup> Tullibardine responded with as much sanguinity as possible given his intense rheumatism, congratulating Lord George on the victory, but making it clear that though his factors in Atholl were able to uplift the rents as per usual, his tenants 'did not take any step or pains towards rendering me the least Service'.<sup>230</sup> Not only was the decrease in able numbers noticeable after Falkirk, during which time the Jacobite army was already on the retreat from its offensive into England, most of Charles Edward's council of war had signed a document that explicitly advised further retreat northward. Citing the high rate of desertion and expressing doubt the army was able to carry on so impinged, the chiefs recommended a major regrouping in the Highlands:

We are certain that a vast number of the soldiers of your Royal Highness's army are gone home since the battle of Falkirk; and notwithstanding all the endeavours of the commanders of the different corps, they find that this evil is encreasing hourly, and not in their power to prevent [...] we can foresee nothing but utter destruction to the few that will remain, considering the inequality of our numbers to that of the enemy.<sup>231</sup>

To say the Prince was irritated by this is an understatement, notwithstanding the assertion of his council that another 10,000 men could be raised from the safety of the northern mountains.<sup>232</sup> The Jacobite command never had the opportunity to bring that confidence to bear, however, as the army instead split into smaller groups to engage with numerous sieges along its paths of withdrawal.<sup>233</sup> Urgent calls to replenish the troops were entreated, but the core of the army never saw its pre-Falkirk numbers, and in fact as much as a third of the total Jacobite army was still on the march when the first cannons were fired at Culloden.<sup>234</sup>

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229 Bailey, *Falkirk or Paradise!*, p. 174; Lord George Murray to Duke of Atholl (27 January, 1746) reprinted in *Atholl Correspondence*, pp. 160-161.

230 Duke of Atholl to Lord George Murray (27 January, 1746) reprinted in *ibid.*, pp. 161-162.

231 Address from the Chiefs to Charles Edward Stuart (29 January, 1746) reprinted in Home, *History of the Rebellion*, pp. 352-354.

232 *Ibid.*, p. 353. Five days later, Charles in fact issued a commission to punish deserters 'by Death or Otherwise', reprinted in McGillivray, *History of the Clan Macgillivray*, pp. 101-102. As described earlier in this chapter, no evidence has been found that proves this happened with any frequency.

233 Blaikie, *Itinerary*, pp. 36-40.

234 Duffy, *The '45*, pp. 502, 510-511; Black, *Culloden and the '45*, p. 168; Macinnes, *Clanship*, p. 163; Zimmerman, *The Jacobite Movement in Scotland and in Exile*, p. 24.

## ANALYSIS AND IRONY

How successful the differing Jacobite recruitment methods ultimately were in gathering numbers of participants is difficult to quantify. It is unclear precisely what percentages made up each noted category and even what the exact number of total participants was, despite McCann's reasonable estimates. Therefore, we have no standard measurement but the examples set forth within a wealth of conflicting information recorded by partisan witnesses both loyalist and rebel. One feature can be identified with little room for doubt: Jacobite officers were greatly disappointed by the inadequate turnout of support after their arrival upon British soil, especially after what prognostications were reported by sympathisers in England and Wales before the rising fired off. Already suffering from inadequate manpower to comfortably occupy and defend the territories they had captured, Jacobite recruiters arguably further weakened the cohesion of the army by leaving it to find soldiers.<sup>235</sup> They were also persistently vexed by widespread desertions that threatened the very structure of the army, and therefore the Jacobite task at hand in Britain. To make up for this dearth of soldiery, progressively harsher tactics had to be employed to draw troops into the army, and preventative measures and false assurances were established to keep them in the ranks.

It was not that these men were inherently undisciplined or incapable. On the contrary, their brilliant marches both into and back from England kept the British army bewildered, and the successes at Prestonpans and Falkirk, not to mention Highbridge, Clifton, Inverurie, and Moy, more than proved the military capacity of Jacobite men-at-arms once they were upon the field of battle. Acknowledging the frustration and desperation within Jacobite leadership regarding their difficulties in raising supportive troops does not necessarily paint a 'Whiggish' interpretation of history.<sup>236</sup> Nor does the assertion that the breadth of causes that later Jacobitism espoused failed to take firm hold upon its would-be constituents. The simple fact is that plebeians in the mid-eighteenth century were reluctant to pick up arms for

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235 A Presbyterian minister commented that the absence of certain officers that 'were sent to different countries to cover the rising of some and to prevent that of others' weakened the army's coherence, *Lyon in Mourning* (i), p. 84; Lenman, *Jacobite Risings in Britain*, p. 256.

236 Compare with an account of the rebellion that attributes the need for violence and compulsion to 'men offering themselves promiscuously from all quarters; men, who engaged not so much from disaffection as a love of novelty; many indeed from the desperate state of their private affairs, the very dregs and refuse of mankind, of which every country unloads itself annually into whatever armies levy recruits in it; not to mention the crowds of giddy and thoughtless people, who, without inquiring into the justice of the cause, are ever ready to flock round a victorious standard', *Reasons for Extending the Militia Acts to the Disarmed Counties of Scotland* (Edinburgh, 1760), p. 6.

either side.<sup>237</sup> Take, for example, Lord Glenorchy of Breadalbane who could not raise his men to join Cope at the outset of the rising, ‘they all with one voice declined goeing and threatened, if he insisted, they would joyn the other side’.<sup>238</sup> Even on the Duke of Argyll’s estates, where recruiting for the government militia was focussed initially, many tenants disregarded summons to gather for the levy or violently reacted against it, having ‘constantly been upon the flutter’.<sup>239</sup>

Despite the insistence by many scholars of Jacobitism that impressment within the army was overstated and ultimately marginal, the sheer proliferation of sources on both sides of the conflict, as well as by neutral parties, states otherwise. The most common of these arguments are threefold: one, that the pleas of forcing made by captured rebels were simply ploys to save their own lives; two, that impressment was a regular occurrence in all armies of the eighteenth century; and three, that force through authority was always a factor in the feudalistic lifestyle of rural Scots and did not represent anything remarkable. Each of these can and should be briefly addressed by the summation of evidence presented in this chapter. First, while there were no doubt many scores of prisoners who falsified claims of being coerced in order to appeal to the sympathies of crown solicitors, the number of eye-witness accounts corroborating some of these incidents are undeniably valid and must be factored into the larger story. It would be lazy scholarship to only rely upon the frantic defence of condemned rebels, and equally remiss to take the government’s verdicts as rote. Both sides had a pressing agenda, to say the least. Instead, individual incidents should be carefully tracked and organised to identify and reveal common threads within. This methodology can be applied to the lineage of the entire judicial process as it relates to individual prisoners, their witnesses in defence and prosecution, and the greater context of each trial rather than only the verdict alone.<sup>240</sup>

Second, while there has been no scholarly comparison of impressment tactics and frequencies between prominent military forces of the eighteenth century, the very nature of that enquiry is missing the mark. The Jacobite army was

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237 See earlier in this chapter, ‘Identity, Resistance, and Desertion’, p. 162.

238 Bisset to Duke of Perth (1 September, 1745) reprinted in John Stewart-Murray, ed. *Chronicles of the Atholl and Tullibardine Families* (iii, Edinburgh, 1908), pp. 14-15.

239 Memorial for the Duke of Argyll, NLS MS.17526 f. 143. Argyll’s factor on Tiree was accosted by his tenants: ‘They did not observe the appointment, in place thereof a number of them assembled in the Island & threatened to Sacrifice the Factor, in such manner that he had reason to make the best of his Way from thence, none of them have joind the Militia, and there are but few of them gone to the Rebellion’. See also Pittock, *Myth*, p. 91.

240 Seton and Arnot provide a good start for this, but there is much more room for growth.

not by any means a regular military force. Rather, it was an army of necessity erratically drawn from the civilian middle class and subsistence labourers on rural estates, many of whom had no other options and enjoyed minimal training if any at all.<sup>241</sup> The only professional soldiery outside of a limited few within the Jacobite officer corps and deserters from the British army lay in the army's foreign supplements, the Royal Ecosais and Irish Brigades lent in service to France. Most of those foreign troops were captured before arriving in Scotland, and the tens of thousands of additional men and loads of materiel expected by optimistic commanders never came, but were consistently promised to be on the way. Providing the large majority of Jacobite soldiers with proper weapons and even sufficient clothing was a very real challenge, and collections officers had to be deployed in order to raise funds and supplies from the communities upon which they were billeted using violent threats.<sup>242</sup> There was no centralised government set up in the wake of the army's victories as there was during the Covenanting period, and it appears that the rising was never popular enough within the major burghs to allow this to happen without facing great resistance.<sup>243</sup> Just as critically, these locales also did not provide sufficient numbers of troops to give the Jacobite effort the momentum it needed to thrive, and the rural landowning class in Scotland was less committed than it had been in earlier risings, Jacobite and otherwise.<sup>244</sup> The army's very purpose was to overthrow an established government defended by a trained, regular force predominately composed of volunteers. All of these characteristics suggest that it is problematic to compare both the nature and the fortunes of the Jacobite army with that of any regular military host of the period in Europe, or even with earlier ones in Scotland.

Third, the prevalence of force as a recurring theme during the Forty-five is not only explicated by Jacobite recruitment efforts, but of a much larger tableau that helped associate the movement with an enduring perception of desperation and reluctance. Only to some degree may these characteristics be blamed exclusively on

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241 Compare with the Covenanters, who received extensive training from Scottish veterans of the wars on the Continent, Furgol, *Covenanting Armies*, p. 2. It is worth noting that the professionalism and competence of the Jacobite army likely increased as the campaign wore on, but this could have been counteracted by declining morale and widespread desertion.

242 See Chapter V: Consequences, pp. 212-214.

243 See Chapter II: Motivation, pp. 66-67 for Edinburgh; Chapter V: Consequences, p. 209 for Glasgow; German, 'Jacobitism in the North-East', pp. 151-152, 159-168 for Aberdeen; Patrick, 'Dundee in the '45', pp. 102-104; Blaikie, 'Perthshire in the 'Forty-Five', p. 332; Lenman, *Jacobite Risings in Britain*, p. 257. For comparisons with the Covenanters, see Furgol, 'Scotland Turned Sweden', pp. 147-148; Furgol, *Covenanting Armies*, pp. 3-4; Furgol, 'Civil Wars in Scotland', pp. 42-44.

244 Ibid, p. 44; Furgol, *Covenanting Armies*, p. 4; Sankey and Szechi, 'Elite Culture', passim.

Jacobite actions rather than Whig propaganda, but the extensive use of impressment crucially impacted that perception by both loyalists and unwilling rebel participants alike. Although there were plenty of examples of progressive Highland estates and rural Lowland communities well on the way to agricultural and social improvement by the commencement of the Forty-five, an atavistic miasma lingered behind in some areas to hamper their integration with urban centres in rest of the country.<sup>245</sup> This was pronounced within the traditional hierarchy of feudal relations in many areas of the Highlands, as well as incontestable dominance of land-owning influence on various estates of Lowland Perthshire and the north-east.<sup>246</sup> The reliance on this authority played out formidably but ultimately ineffectively in the recruitment methods employed by Jacobite elites, and the letters penned and depositions sworn by the recruits and the recruiters themselves only perpetuate that notion. Despite the strategic attention to implementing superficial uniformity upon the army, the divergent breadth of both constituent and cause throughout numerous heterogenous localities – many of them exhibiting disparate traditions and values – counteracted any real cohesion attempted by Jacobite command.<sup>247</sup> What is left behind from a sweeping analysis of the evidence on both sides is that voluntary support for the Jacobite cause during the final rising may have been broadly representative, but it was also paper-thin.

Identifying the way in which Charles Edward's soldiers were brought into the army naturally leads to larger and more relevant concerns about the nature of Jacobitism and the Forty-five, in particular. At the foremost of these is the irony of Jacobitism's legacy in popular memory as a 'good' cause of dedicated patriots versus the 'evil' and despotic Hanoverian government. Aligned with this pervasive myth – one of many established by the legacy of the movement and its subsequent literature – is the popular misconception that the Forty-five was masquerading as the last significant attempt to liberate Scotland from the clutches of oppression. If we may qualify a movement by its constituents, the precedent would then state that

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245 John Stuart Shaw, *The Management of Scottish Society 1707-1764: Power, Nobles, Lawyers, Edinburgh Agents and English Influences* (Edinburgh, 1983), pp. 118-146; Henry Hamilton, ed., *Life and Labour on an Aberdeenshire Estate 1735-1750* (Aberdeen, 1946), passim; Mackillop, *More Fruitful Than the Soil*, pp. 78-79.

246 Plank, *Rebellion and Savagery*, p. 12; Macinnes, *Clanship*, pp. 142-148; E. Dunbar Dunbar, *Social Life in Former Days: Chiefly in the Province of Moray* (Edinburgh, 1865), pp. 80-86, 297-304; Sankey and Szechi, 'Elite Culture', pp. 94-95; Lenman, *Jacobite Risings in Britain*, p. 247.

247 While most armies consist of troops with heterogeneous backgrounds and motivations, these factors constituted an insurmountable challenge for Jacobite commanders during the Forty-five for the reasons described in the preceding chapters.

a significant proportion of the Jacobite army was made of willing patriots.<sup>248</sup> This claim is subverted by proof of the prevalent use of force in order to recruit Jacobite support in all areas of Scotland during the entire eight-month tenure of the last rising, as well as the widespread resistance or marked ambivalence to joining the affair by a significant number of its rank-and-file.

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248 See Strachan, 'Scotland's Military Identity', p. 321. An enduring feature of ideological Jacobitism is that it is indeed *not* qualified by the mass of its popular constituents, but rather by the elite few. Arguments can be made whether or not this is the typical case with revolutionary movements through history.

## CHAPTER V: CONSEQUENCES

### FITTING THE CRIME

In a sense, the engagement at Culloden was only the beginning of government measures to quell Jacobite-generated disloyalty within Britain.<sup>1</sup> Seeking out participants who were in arms was a simple task at that point, as many hundreds were killed on the moor or captured shortly thereafter in the flight from Drumossie. Marked by their very presence on the field, most of the fallen Jacobite combatants were spared the trouble of arrest and trial, instead being killed where they lay or hunted down in the hours and days after the battle. The acts of brutality committed by the British army under Cumberland's command are poignant and enduring, and they cast a dark film over attempts at government-imposed societal reconstruction before they even commenced. Perhaps as calamitous to the victims of civil war both Jacobite and ambivalent were the violent depredations subsequently committed by the Hanoverian regime throughout Scotland in retaliation for rebellion, a design which Allan Macinnes has controversially labeled as blatantly genocidal in origin and intent.<sup>2</sup> What is certain is that 16 April 1746 was a potent historical fulcrum that would underscore the lines between sectors of both Britain and Scotland that were already fractious.

The latter years of active Jacobitism succeeded in further pulling apart an already fragmented and delicate Scottish society, which was concurrently trying to settle into and break away from what was considered by many an imperfect Union. The 'fault lines' which this rifting exposed ran through all areas of Scotland and beyond: within as well as amongst the clans; between Lowland and Highland; and across the lines of religious doctrine throughout Britain.<sup>3</sup> In this way, part of Jacobitism's legacy was to unwittingly speed the evolution of British (and especially

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1 Pittock, *A New History of Scotland*, p. 211; Macinnes, 'Scottish Gaeldom and the Aftermath of the '45: The Creation of Silence?', in Lynch, ed., *Jacobitism and the '45'*, p. 71.

2 Macinnes, 'The Aftermath of the '45' in Robert Woosnam-Savage, ed., *1745: Charles Edward Stuart and the Jacobites* (Edinburgh, 1995), p. 103 and 'Jacobitism in Scotland', p. 252 (footnote 80). See also *Clanship*, p. 217 for the term 'state-sponsored terrorism'.

3 While scholars, including this study, have definitively shown that Jacobitism by 1745 did not follow divisions between Highland/Lowland, Presbyterian/Episcopalian, and Scottish/English, resentment on both sides of the conflict after Culloden furthered the fractiousness of each of these sectors. See Harris, *Politics of the Nation*, p. 159; Macinnes, 'Scottish Gaeldom and the Aftermath of the '45', p. 74 for brief examples.

Scottish) society by ushering in a transformative campaign of government-sponsored regulations and modernisations.<sup>4</sup> The Forty-five was the fourth armed insurrection or invasion in just over half a century by those whose leaders donned the mantle of Jacobitism. By examining the measures taken by George II and the British government to authoritatively punish transgressors and prevent such rebellion in that name from happening yet again, a gauge of the scope and severity of the Jacobite threat is revealed.

There can be little argument that the government's anti-Jacobite suppression after Culloden was brutal and effective. Assessments of such barbarity, however, should be held against the tradition of the British state in punishing internal unrest and its precedents during the aftermath of preceding rebellions. During the rising of 1715, the broad appeal of Jacobite ideologies and rawer Scottish hostility to the Union restricted the then fledgling Hanoverian government in its reaction to that particular Jacobite threat.<sup>5</sup> By 1746, the government was not so inhibited, and the depth of Jacobite commitment to a variety of causes, as has been shown, was not as tightly laced through plebeian society. To some extent, this must have made it easier for government officials to help identify 'the hostile other' and definitively draw the line between rebel and patriot in no uncertain terms for elites and commoners alike.<sup>6</sup> Tracking down the disaffected in the years after Culloden, however, would require extensive collaboration with loyalist informants, intricate networks of judicial and parochial logistics, and a significant outlay of financial resources, all three components which have not yet been critically measured with any relevancy by modern historians. While numerous scholarly publications have explored the government's response post-Culloden in broad terms of *polity*, only a few have touched upon the specific, grass-roots acts of *policy* implemented to punish those responsible for fomenting

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4 In addition to Harris, John Brewer's *The Sinews of Power: War, Money and the English State 1688-1783* (Cambridge, MA, 1988); Tom Devine's *Clearance and Improvement: Land, Power and People in Scotland 1700-1900* (Edinburgh, 2006); and A.J. Youngson's *After the Forty-Five: The Economic Impact on the Scottish Highlands* (Edinburgh, 1973) are useful primers.

5 Margaret Sankey notes that these factors in 1715 'effectively made the treatment of the rebels in [that rising's] aftermath the true test of the dynasty's legitimacy and stability', *Jacobite Prisoners of the 1715 Rebellion*, p. ix.

6 Colley, *Britons*, pp. 5, 74.

rebellion.<sup>7</sup> These themes should be considered no less influential in contributing to the social history of popular Jacobitism than the acts of rebellion themselves, and therefore shall be given appropriate treatment in the following chapter.

While an extensive survey of Jacobite prisoners and an overview of the judicial process regarding them is explained satisfactorily in Seton and Arnot's *The Prisoners of the '45*, there is room for elaboration. In addition to the relevancy of the themes noted above, there are a number of valuable resources which were not used during its writing in 1928, including some collections in Scotland that should be considered vital. Of these, two stand out as particularly apposite. First, the records at Perth & Kinross Archives concerning precognitions of witnesses and depositions of prisoners held in Perth Tolbooth illustrate the minutiae of evidence presented to the government and how that evidence influenced their cases. These documents also shed some light on how prisoners were prepared for further processing, and on the many who were released before being sent to England for trial, as well as the types of evidence that conferred that freedom upon them. The second resource is the collection of correspondence, intelligence, and receipts from the office of Andrew Fletcher of Saltoun, Lord Justice Clerk in Edinburgh. This rich repository of information concerning prisoners, process, and policy helps to outline the consequences of the Forty-five by measuring the response of the administration as well as its role in determining the fortunes of the common people involved on both sides of the affair.

Nor has enough work been done on the effectiveness of Scottish Presbyterian clergy as loyal watchdogs for the government during and after the Forty-five. The scholarship that does exist is mainly focussed on either the rhetoric of anti-Jacobite sermons or specific individuals of note who resisted the ideological pressure brought to bear by a nation in revolt – divided both by political loyalties

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<sup>7</sup> The most extensive of these with original analysis is vol. i of *P45*, though it excludes numerous vital primary resources and has aged without revision. William Speck's *The Butcher* is likewise salient. Also important but with somewhat less analysis are the reprinted documents in Rupert Jarvis' *Collected Papers on the Jacobite Risings* (2 vols.) and Allardyce's *Historical Papers* (2 vols.). The published collections of Terry's *Albemarle Papers* (2 vols.), Duff's *Culloden Papers*, and Warrand's *More Culloden Papers* (vol. iv, specifically) are also valuable. There is not yet a modern work on the judicial administration of the Forty-five as useful as Sankey's *Jacobite Prisoners of the 1715 Rebellion*.

and by faith.<sup>8</sup> Doctrinally, the clergy's collective motivation can generally be distilled into two themes: one, the fear of popery and the return of absolute monarchy, and two, a terrible rift in the 'moral disposition of the nation'.<sup>9</sup> While these are revelatory concepts that accurately reflect the intrinsic nature of earlier ideological anti-Jacobitism, there is still a place for the review of tactical measures involved in leveraging ministers against later Jacobite strategies, as well as the level of success these operations incurred. The Presbyterian clergy were primary players in the administration's efforts to identify and cause the submission of rebels, and formed the very backbone of its intelligence networks during the affair. Often times it was the word or witness of a rebel prisoner's parish minister that meant the difference between freedom or transportation. Though ministerial service was employed by the state in other conflicts like the French wars of religion and in England during the Wars of the Three Kingdoms, Presbyterian clergy were not leveraged as systemically in previous Jacobite affairs.<sup>10</sup> This becomes especially poignant when considering that the Church of Scotland was the Hanoverian government's greatest organised domestic ally in the mid-eighteenth century.

Examining the monetary costs of fighting a rebellion helpfully frames the impact of the event upon government financial reserves, and is equally as important as the fiscal outlay of the Jacobite army.<sup>11</sup> It is for that reason that the information discussed herein focuses less on the specific needs of the rebels while on campaign, and more on how the effects of that campaign influenced the economic welfare of the British state. While calculating the total sum that was expended to resist and subsequently suppress the rebellion is impossible, copious receipts and correspondence relating to these expenditures highlight the fact that the Forty-five

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8 See Christopher Whatley, "'Zealous in the Defence of the Protestant Religion and Liberty": The Making of Whig Scotland, c. 1688-c. 1746' in MacInnes, et al., *Living with Jacobitism*, pp. 55-69; Whatley, 'Reformed Religion, Regime Change, Scottish Whigs and the Struggle for the 'Soul' of Scotland, c. 1688-c. 1788' in *SHR*, 92:233 (April 2013), pp. 66-99; D. Naphthine and W.A. Speck, 'Clergymen and Conflict 1660-1763' in *The Church and War (SCH 20, 1983)*, pp. 231-251; Deconinck-Brossard, 'The Churches and the '45', pp. 253-262; Alasdair Raffe, 'Presbyterians and Episcopalians: The Formation of Confessional Cultures in Scotland, 1660-1715' in *EHR* 125:514 (June 2010), pp. 570-598; Jeffrey Stephen, *Scottish Presbyterians and the Act of Union 1707* (Edinburgh, 2007). See also Jeffrey Stephen, *Defending the Revolution: The Church of Scotland, 1689-1716* (Farnham, 2013). See Jeffrey Stephen's 'Hymns to Hanover: Presbyterians, the Pretender and the Failure of the '45' in *RSCHS*, 40 (2010), pp. 70-114 for a critical look at Presbyterian involvement in suppression of the Forty-five.

9 Naphthine and Speck, 'Clergymen and Conflict', p. 246; Plank, *Rebellion and Savagery*, pp. 81-82.

10 Presbyterian ministers 'readily co-operated with civil authorities' in raising Scottish Covenanting troops in 1640, but it does not appear to have been as systemic a network as during the Forty-five, Furgol, 'Beating the Odds', p. 41; 'Scotland Turned Sweden', pp. 138-139; *Covenanting Armies*, p. 4. No mention is made of the clergy in Paul S. Fritz's assessment of Walpole's anti-Jacobite intelligence networks, *The English Ministers and Jacobitism Between the Rebellions of 1715 and 1745* (Toronto and Buffalo, 1975), pp. 109-125.

11 McCann's Chapter VII: The Financial Resources of the Jacobite Army is a helpful overview of this subject, broken down into six specific categories of asset, 'Organisation', pp. 150-195.

created as much financial as political and social risk for the Hanoverian regime.<sup>12</sup> Between the crippling of trade and commerce due to the fear of impending occupation, and creating a backlog of debt occasioned by the colossal administrative process of capture, subsistence, trial, and sentencing, Britain felt the pecuniary waves produced by the Jacobite tide for many years after the actual fighting had ceased. While seemingly not directly connected with the popular constituency of Jacobitism, it is indeed a relevant gauge that inversely measures the influence of that constituency and to what extent the government was able to deal with the thousands of individuals who were crammed into the British penal system.

The chaos and uncertainty of widespread political and societal unrest also provided a fertile breeding ground for divisiveness of which could be taken advantage by unscrupulous or overreactive whistle-blowers. While the networks of loyalist informants were essential to the government's clean-up effort both during and after open hostilities in the field, there are numerous examples of flagrant paranoia and compensatory inculpation, mostly carried out within populated urban areas where social and economic competition was greatest. The misfortune of these small-scale scandals is largely neglected amidst the better-known tragedies of Jacobite elites, but the instances of ruin or defamation borne by the plebeians and middling classes caught in the fray were not uncommon occurrences. From instances of personal revenge and vendetta to larger conspiracies with significant financial stakes, an accusatory mania lingered in the British public sphere during and after the Forty-five. The deliberate or fetishised misapplication of treasonous charges is a fitting coda to the theme of the final chapter, which provides yet another ironic twist to the last Jacobite conflict. Though the government's judicial process of punishing alleged rebels was more conspicuous and systematic than not, it was sometimes loyal citizens who caused the greatest social consternation to bubble up. In its attempts to quell the internal conflict fomented by Jacobite-branded disaffection, British society would create more work for itself due to the innate destabilising force and fractiousness of civil war. Paradoxically, however, a persisting legacy left over from the suppression of the Forty-five was the increase of the British military's prominence and prestige, as well as its ability to support the government's empire abroad.<sup>13</sup>

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12 Saltoun Papers, NLS MS.17529-31.

13 Plank, *Rebellion and Savagery*, p. 5; Clyde, *From Rebel to Hero*, p. 17; Mackillop, *More Fruitful Than the Soil*, pp. 39-40; Strachan, 'Scotland's Military Identity', pp. 321-322.

## CAPTURE AND CONDITIONS

Stopping the spread of open disaffection was the obvious agenda that shaped Hanoverian disciplinary policy from the outset of the Forty-five. Based on the aggressive measures taken to bring suspected rebels into custody, this was from the start meant to be the last time an insurrection in the guise of Jacobitism would affect Britain from within; if the aftermath of the Fifteen was handled too lightly, it would not be so again. To assist with capture and the legality of holding potential enemies of the government without immediate trial, some 'exceptional measures' were authorised. Numerous Acts of Parliament were passed, including the suspension of habeas corpus on 18 October 1745, which eased the conditions for unlawful imprisonment, and others which allowed British justices to try those accused of high treason in a county of the King's choosing.<sup>14</sup> Soon after the dispersion of the Jacobite army at Culloden and the capture of those who could be found streaming from the moor, the pursuit of the thousands still thought to be hiding began.<sup>15</sup> Systematic search and seizures were made within any property thought to be harbouring enemies of the state. Sheriffs and magistrates were required to submit lists of those thought to be connected with the rebellion, and the officers of customs and excise were instructed to do the same, given their proximity to the ports.<sup>16</sup> Warrants granted by the Lord Justice Clerk set officers of the law upon numerous households in Kincardine, Edinburgh, and Leith that were precipitated by incriminating knowledge, and a blank warrant of the same nature reveals that this was likely a widespread practice.<sup>17</sup> Fletcher specifically directed the sheriff-deputy of Moray to be secretive and firmly vigilant when searching for rebels and not to only look in the usual suspected places 'because it is not impossible that in some of his Majesty's subjects, not disaffected, an ill-judged tenderness may have got the better of their duty to their king and country'.<sup>18</sup>

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14 Habeas Corpus: 19 Geo. II cap. 1; Jurors (Scotland): 19 Geo. II cap. 9; Sheriffs (Scotland): 21 Geo. II cap. 19; see *P45* (i), pp. 50-52 for more detail on these Acts. Note that Habeas Corpus was also suspended after 1715, Baynes, *The Jacobite Rising of 1715*, pp. 31, 187. See also Fletcher to Newcastle (15 March, 1746), SPS. 54/29/18 for the differences in the respective policies.

15 See Cumberland's Second Proclamation (1 May, 1746), SPS.54/31/31b; *P45* (i), p. 2.

16 NLS MS.17522 ff. 1-3, *passim*; 17523 ff. 3-4; Accompt of Hugh Fraser, NLS MS.17530 f. 180; Fletcher to Newcastle (7 August, 1746) reprinted in *Albemarle Papers* (ii), pp. 401-404; same to same (9 April, 1747) reprinted in *ibid.*, pp. 439-443.

17 Saltoun Papers NLS MS.17527 ff. 74-77, 103-104. See f. 105 for the blank warrant. Prominent Jacobites were specifically targeted with search and seizure notices even before the rising began, see the warrant for Glengyle in Craigue to Murray of Ochertyre (21 June, 1745), NLS MS.17526 ff. 3-4).

18 Fletcher to Earl of Moray (17 October, 1747) reprinted in Dunbar, *Social Life in Former Days*, pp. 382-384.

Detachments of the King's troops patrolled Highland roads and rode deep into difficult territory looking for anybody who might have taken part in the rising or had been known to express Jacobite sentiments. Fifty men under Lord Glenorchy were sent to Rannoch and Glenlyon 'to apprehend what Rebels the army drove' that way.<sup>19</sup> The same number were despatched under Loudoun's orders to the Western Isles to find sequestered rebels, materials of war, and boats that could be used to transport them.<sup>20</sup> Areas reporting the surrender of plebeian Jacobites or the submission of their arms were targeted to find any remaining recalcitrants, as was done with some success in Moidart, Arisaig, Morar, and Eigg.<sup>21</sup> In some cases, brazen schemes were drafted to draw out those in hiding. Alexander Robertson employed the assistance of a Presbyterian minister in 'planting Some trusty Highland Souldiers' in Braemar and ordering them to 'pretend they are Rebels Lurking there till they find their Oportunity'.<sup>22</sup>

No expense would be spared, as this would not be allowed to happen again during the reign of any Hanoverian monarch.<sup>23</sup> All northern ports were kept closed for months after the hostilities ended to ensure straggling rebels would not escape under the government's nose.<sup>24</sup> Though this extended the obstruction of trade in Scotland and was met with pleading and frustration by magistrates and burgesses in port towns like Aberdeen, Cumberland's main priority was to 'pursue & hunt out these Vermin amongst their lurking holes'.<sup>25</sup> In England, Catholic schools for children were searched on a tip that behind their walls were hiding hundreds of arms for would-be rebels.<sup>26</sup> To understand the scale of the effort and what was undertaken, it helps to compare government response following the Forty-five to that after 1715. In both risings, anti-Jacobite processes were implemented which relied on gathering intelligence, capturing known rebels, and disarming 'Papists,

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19 Glenorchy to Argyll (3 July, 1746), SPS.54/32/35b.

20 Loudoun to Campbell of Ensay (7 April, 1746) HL Box 10/LO 11829.

21 Intelligence from Tobermory (10 June, 1746), SPS.54/32/13; Albemarle to Loudoun (24 July, 1746) HL Box 32/LO 7142.

22 Report of Alexander Robertson (4 December, 1746), SPS.54/34/35.

23 The sheriff-deputy of Perth knew the costs associated with such an endeavour, including the search and apprehension of Jacobite rebels, would be considerable, asking Fletcher from which fund the expenses would be drawn, *Queries* by George Miller and Thomas Bissett (20 May, 1746), NLS MS.17526 f. 204.

24 Allardyce, *Historical Papers* (i), pp. xl-xli.

25 Governours of Aberdeen to Fawkenor (25 April, 1746) reprinted in *ibid.*, (i), p. 246; James Morison to Anon. (5 May, 1746) reprinted in *ibid.*, pp. 250-251; Cumberland to Newcastle (30 April, 1746), SPS.54/30/30a.

26 Instructions for Searching Three Catholic Schools in Hammersmith, SPD.36/79/20.

Non-jurors, and other Persons dangerous to [the] Government'.<sup>27</sup> But it is important to reiterate that only certain policies resulting from the two affairs were similar, emphasising that prevailing attitudes were far more critical (and the hunt for justice much more stringent) in 1746 than after the Great Rebellion. In effect, the coming of the Forty-five was seen as a consequence of the inadequate handling of punitive procedures in the aftermath of the Fifteen.<sup>28</sup> Therefore the severity of response in 1746 was naturally greater, and promulgated the objective of effectively snuffing out disaffection by any means necessary.

The respective programmes of incarcerations in both risings were significantly different and do not scale to reflect the numbers of likely participation. Of an estimated 20,000 active Jacobites out in 1715, records show that only about 1300 were taken into custody.<sup>29</sup> Conversely, a conservative estimate of the numbers of prisoners taken from at least 12,000 involved in 1745-1747 is generally considered to be near 3500, though this number is significantly off by many hundreds who were actually imprisoned.<sup>30</sup> Even in the aftermath of the Fifteen, jails throughout Scotland were filled to bursting; so much the case that it became a serious problem for both the prisoners and the authorities who held them. Conditions were beyond cramped and illness ran rampant through the communities of inmates. The prisons were simply not prepared for the amount of usage they received, and the government raced to make room for the most notorious Jacobites by implementing representative punishments and a radical programme of transportations to remove them from the beleaguered judicial system.<sup>31</sup> Evidence shows it was at least as bad after the Forty-five, with over twice the number of prisoners and about the same number of facilities with which to hold them.<sup>32</sup> In addition to a renewed commitment to quashing the possibility of a future rebellion,

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27 Duke of Argyll's Instructions for Suppressing Insurrection (8 September, 1715), SPS.54/26/13.

28 Mitchison, 'The Government and the Highlands', p. 30; Plank, *Rebellion and Savagery*, 17-18; Daniel Szechi, 'Jacobite Activists of the 1745 Rising (act. 1745-1746)', *ODNB* online ed., accessed 19 November 2014.

29 Of these, only 74 were tried, with thirty-three actually executed and 638 transported to the American colonies, Sankey, *Jacobite Prisoners of the 1715 Rebellion*, p. 56. Szechi figures up to 2000 were taken prisoner with seventeen executed, *1715*, pp. 5, 206.

30 There are 3471 records within *P45*, which is the figure most often cited by scholars. See Duffy, *The '45*, p. 536; Pittock, *Myth*, p. 73; Lenman, *Jacobite Risings in Britain*, p. 271. As shown in Chapter III: Constituency, hundreds of additional prisoners are found within numerous sources not used by Seton and Arnot, and hundreds of prisoners used in their study are most certainly civilians. An excellent source for prisoners in Scotland is NLS MS. 288.

31 Sankey, *Jacobite Prisoners of the 1715 Rebellion*, pp. 48-50; Szechi, *1715*, p. 207.

32 Seton and Arnot reckon that around 1000 detainees were kept in the twenty-one Scottish prisons at any particular time, *P45* (i), p. 66. Again, the actual number is likely significantly higher.

part of this increase in number of detainees can be explained by the propensity of the government to hold prisoners on suspicion alone as well as under proof of treasonable activities.<sup>33</sup> In being that much more assiduous with locking up potential enemies in 1745, the government strained its penal institutions to the point of breaking.

Though space was remarkably scarce, the real problem that plagued the prison system was the government's failure to provide financial support to them in a timely manner. Shortly after Falkirk, the Sick and Wounded Office received numerous petitions seeking assistance for subsisting Perth's and Edinburgh's untenable loads of inmates. It was under the Board's purview to care for prisoners of war, but early on there was neither a fund set up to provide for them nor the proper agents with which to facilitate such assistance.<sup>34</sup> In theory, a crown-appointed agent would be able to either provide the funding for the prisoners' sustenance or the credit with which to borrow it. Without such a resource, keepers of the jails in Scotland had to provide out of their own pockets, and many were none too happy about it. In mid-February 1746, the keepers of the three primary jails in Edinburgh conceded that while William Forbes had been appointed to subsist their prisoners at 3d per day, their dependents had 'Swelled to a very great Number', and Forbes had not actually been given the money to pay for such aliments. Finding that very few of the prisoners had any ability to sustain themselves and expecting many more to arrive in the coming days, the keepers petitioned Andrew Fletcher 'in hopes of being relieved of the Heavy Burden that Lys upon us'.<sup>35</sup> James Rob, the warden of Edinburgh's tolbooth, described that due to the 'winter colds and feavors' he was obliged to provide blankets to the ill with his personal expenses, and many of these were already 'quite wore to raggs or will be so wore out afore any goal delivery can happen'.<sup>36</sup> In Aberdeen, the magistrates described how their tolbooth jail was already overcrowded with captured rebels before taking up a dozen more in late April 1746, asking after their subsistence and

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33 Forbes, *Jacobite Gleanings*, p. 33; Fletcher? to Commissioners of Sick and Wounded Seamen (19 February, 1746), NLS MS.17526 f. 136.

34 Ibid. Fletcher estimates the number of prisoners in Edinburgh alone at between 200-300. See also NLS MS. 17529 ff. 69, 94; NLS MS.288 f. 57. This had also been the case in Edinburgh and Glasgow during the Fifteen, *Szechy, 1715*, p.133.

35 Memorial for the Keepers (18 February, 1746), NLS MS.17526 f. 134. The keepers tally that in mid-February 1746, there were no less than forty prisoners in the Edinburgh Tolbooth, twenty in Canongate, thirty-five in Leith, and fifty who had recently been brought down from the Castle.

36 Memorial for James Rob, NLS MS.288 f. 57. Rob claimed that he had purchased twenty-five pairs of blankets at 5s per pair.

noting 'they are all poor people'.<sup>37</sup> James Wells, the constable at Moffat, sought repayment for thirty days of care for a sick Jacobite prisoner at 6d per day, including 'my own and my wife's Trouble in Attendance upon him until he turned better'.<sup>38</sup> Even the magistrates of Annan in Dumfries-shire requested they send a lingering Jacobite prisoner to Edinburgh, having been maintained at the expense of the town and asking for reimbursement.<sup>39</sup>

Conditions in England were no better. As there was no castle supporting the British army garrison at Berwick, the 156 prisoners sent there in April 1746 had to be lodged in the barracks and guard rooms. The commander at the garrison appealed to Newcastle: 'as I have no Money belonging to the Government in my Hands, I must beg your Graces Directions, as soon as possible in what manner they are to be Supplied'.<sup>40</sup> General Pulteney likewise confided to the Duke of Newcastle in February 1746 that the town of Hull was 'under some Embarassment' from not being able to safely lodge 153 rebels within anything more than 'a rotten Prison'. Apparently a conflict between whether the county or town should pay for its repairs had been going on for some time before the rising began.<sup>41</sup> The mayor of Rochester confronted Newcastle with a similar issue, stating that his jail was too small for the prisoners recently committed for treason, and requested that the Duke give orders to remove the mundane debtors and petty criminals in order to make room.<sup>42</sup>

Repeated mentions are made of the general destitution of Jacobite prisoners, and their inability to subsist themselves while incarcerated. Before being moved to Carlisle for trial, the prisoners in the Canongate tolbooth had been regularly visited by 'Idle persons' who would pass them alcohol through the bars. This became problem enough that Fletcher gave strict orders to place sentinels at the gates of the prison to keep sympathetic citizens away.<sup>43</sup> The few 'better Sort of folk' that had money upon capture were able to use it without appealing to the constables for help, but this was soon used up, and they 'haveing no friends at hand to help them

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37 Magistrates of Aberdeen to David Bruce (23 April, 1746) reprinted in Allardyce, *Historical Papers* (i), pp. 244-246.

38 Account of James Wells for James Souter, NLS MS.17530 f. 45.

39 Bryce Blair to Fletcher, NLS MS.17527 ff. 134-135.

40 John Price to Newcastle? (13 April, 1746), SPD.36/83/44; List of Rebels on the Sheerness (7 April, 1746), SPS. 54/30/61.

41 Pulteney to Newcastle (1 February, 1746), SPEB.44/133 f. 60.

42 James Hulkes to Newcastle (4 August, 1746), SPD.36/86/17.

43 Fletcher to Officer at Canongate Tolbooth (11 August, 1746), NLS MS.17527 f. 59.

are reduced to same Condition with the poorest Creatures'.<sup>44</sup> In contrast, imprisoned elites like Lord Lovat were sometimes allowed to receive the rents of their estates for their own subsistence, at least until those estates were taken by the crown.<sup>45</sup>

The cost of caring for prisoners varied, but is usually quoted at the 3d per day mentioned above.<sup>46</sup> Accounts of cash disbursed from differing institutions offer snapshots of numbers detained and, therefore, the costs to each facility. At Inveraray, thirty-four Jacobites were kept for much of October 1746 at a cost of £12.4.3. Between the dates of 8 September 1745 and 18 November 1746 at Dumbarton Castle, £39.12.3 was paid out for the welfare of thirty-one prisoners under varying sentences.<sup>47</sup> By the middle of 1746 there were likewise ninety-nine detained in Inverness, thirty-five in Aberdeen, twenty-six in Arbroath, forty-four in Glasgow, forty-three in Montrose, 148 in Perth, and fifty-nine in Sterling goal, with another thirty-three held in the castle there.<sup>48</sup> Hundreds more would be admitted in the following months. This crisis of supporting extensive numbers of captured rebels in Scotland was eventually somewhat alleviated by the transfer of many hundreds to England for trial, but the need for reimbursement was still pressed by keepers and solicitors until early July 1746. It was not until then that crown assets started to flow back to the officials who advanced sizeable funds for subsistence.

A memorial from two of the most prevalent of these agents demonstrates the difficulties faced on all sides of the system by this lengthy delay in attention. George Fraser and James Finlayson were first appointed in March 1746 to oversee the accounts of Scottish prisons 'where there were any Considerable Number' of Jacobites being held. Payment for their services was set at 2s 6d per day. Vexed by the complex and intensely frustrating process of effective communication between the jailers and the Sick and Wounded Office, as well as 'getting the Goalkeepers to understand & follow the Instructions sent' regarding accounts for the prisoners, they were apparently overwhelmed from the start. By mid-April, Finlayson was sending notices of arrears to the Office trying to collect the £246.5.2 owed to him,

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44 NLS MS.17526 f. 134.

45 SPS.54/34/51a.

46 Sankey notes that subsistence per person was 4d in 1715, *Jacobite Prisoners of the 1715 Rebellion*, p. 52.

47 NLS MS.17530 ff. 25-26, 58; NLS MS.3730 f. 61.

48 SPS.54/32/49d; NLS MS.17530 f. 112. This is not an exhaustive tally of Jacobite inmates in Scottish prisons. More information can be found in *P45* (i), pp. 66-73.

and he resigned shortly thereafter, 'having excused himself from the Trouble of that Business'.<sup>49</sup> William Gray soon took his place, but he and Fraser were not given a pledge of payment from the Commissioners of the Treasury until 1 July. The two solicitors were still complaining about the workload – including miscalculated accounts and extensive travel – in April of 1748. Hoping for some compensatory recognition, they then appealed to the Sick and Wounded Office on the 7th of that month to extend their rates to that of two agents each, which they assured the Commissioners was still an excellent value. It took until 10 November 1749 for the Lord Justice Clerk to sign off on final payment to the agents in charge of subsisting the Jacobite prisoners in Scotland, which cost the crown £3688.5.3 sterling in total.<sup>50</sup> Judging by the many notices of arrears sent by both Fraser and Gray during the tenure of their service, they did not have an easy time of it.<sup>51</sup>

## THE ROLE OF THE CLERGY

Though the involvement of Presbyterian rebels has been shown to be greater than hitherto expected, Jacobitism was considered a corrupt and distinctively 'popish' enterprise to both the Church of Scotland and Hanoverian state. This umbrella of polemic included the majority of subversive non-juring constituents who came out in the Forty-five as well as legacy of Catholicism espoused by the House of Stuart and its adherents, mostly superimposed upon particular regions of the Scottish Highlands.<sup>52</sup> On 24 February 1746, Cumberland had issued a proclamation appealing for the surrender of any rebels who had returned home from the Jacobite army but still possessed their arms. The terms of surrender stated that 'all ordinary common People' must deliver up any weapons to either the local magistrate or minister of the Church of Scotland, upon which time they must also provide their name and place of habitation before submitting themselves 'entirely to the King's Mercy'.<sup>53</sup> This was intended to address governmental intelligence attesting to the rampant Jacobite desertions and to help

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49 NLS MS.17530 ff. 112, 140-141; 17529 f. 94.

50 NLS MS.17530 ff. 126, 146-147. Gray carried on correspondence with the Sick and Wounded Office until the end of August 1752, when it appears that the last payments of subsistence were made, see Rosebery's *List*, pp. 397-399.

51 Bills from William Gray, et al., NLS MS.17530 ff. 22, 54, 71, 78, 94-95, 107, 122, 119, 121, 123, 140-142.

52 Macinnes notes that much of this was polemical, granting the Church 'access to government funding to combat Jacobitism', *Clanship*, p. 175.

53 Cumberland's First Proclamation (24 February, 1746), SPS.54/29/3c.

drive out those beyond the reach of informants in the field, as well as to mark known rebels for later attention. Noting the language, it also draws a distinction between plebeian combatants and those with some rank or station in the army, which would prove relevant when levying charges of treason. A further proclamation was printed on 1 May, specifically aimed at civil authorities and church ministers, ordering them to round up the large numbers of dispersed rebels that were returning home after Culloden. Of specific note in this later directive was a clause that

the Officers of the Law above-mentioned are to take Informations from the Ministers of the Gospel of the established Church of Scotland, touching the Behaviour of the Inhabitants within their respective Parishes.<sup>54</sup>

Cumberland's proclamations were presented and read to the General Assembly in Edinburgh and from there were appointed to be posted and announced to the congregations 'in all the Churches within Scotland'.<sup>55</sup> For its meeting on 15 November 1745, the Assembly had previously published a condemnation of Charles Edward's own proclamation upon the Jacobites entering Edinburgh. Taking on the Prince's promise to call a free Parliament, church officials commented upon the absurdity of such a claim by one

who founds his Title to govern upon an hereditary and indefeasible Right, that he who considered the whole Nation as his natural Estate, and all the Members thereof as his Property.<sup>56</sup>

In response, they urged all Protestants in Scotland to 'beware of the delusive Arts' which their enemies wield, a direct affront to hard-won Revolution principles and the security of the current establishment. These documents reinforce the importance of the Church of Scotland's contribution to anti-Jacobitism as well as the allegiance between the church and state, which were united in working against a common enemy.

The collective power and reach of Presbyterian ministers was one of the government's most potent weapons during the aftermath of the rising.<sup>57</sup> In addition to being sanctioned recipients for the submission of illegal arms and a networked repository of information used to identify alleged rebels, the ministers were some of

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<sup>54</sup> SPS.54/31/31b.

<sup>55</sup> NLS MS.17526 ff. 205-206, as well as the addendum to SPS.54/31/31b. See also ACA Parcel L/E/1.

<sup>56</sup> 'A Seasonable Warning and Exhortation' (15 November, 1745), *Scots Magazine* (1745), pp. 517-519.

<sup>57</sup> Harris, *Politics and the Nation*, p. 157; Macinnes, *Clanship*, pp. 179-180. See also Maclean, 'The Effect of the 1745 Rising', pp. 5-6; NLS Blk.487; *Lyon in Mourning* (ii), p. 108.

the only people in Scotland that the government could trust.<sup>58</sup> Alexander Melville, 5th Earl of Leven, who was High Commissioner of the General Assembly during the Forty-five, remarked to Newcastle at the end of May 1746 that the loyalty of the Scots clergy was exemplary, and despite ‘the smooth arts of flattery & cajoling’ used by the Jacobites to gain their trust, only two ministers were known to have any sensitivities to the cause.<sup>59</sup> Some were used to provide intelligence on the whereabouts of the Jacobite army soon after it started to coalesce in August 1745, functioning as a valuable surveillance network that was already inured to keeping careful records.<sup>60</sup> Shortly after Culloden, the ministers of Brechin sent information to Fletcher about a cell of merchants – including the provost – who were harbouring the personal effects of a notorious Jacobite. Figuring this was sufficient indication that there was extensive disaffection within the town council, the ministers named the six individuals and their stations, declaring they were ‘bound in Consequence’ to do so.<sup>61</sup> John Jardine, the minister of Liberton parish in Edinburgh, directly (and clandestinely) reported to Fletcher about Jacobite activities in and around Carlisle.<sup>62</sup> A journal kept by John Bisset of Aberdeen’s Kirk of St Nicholas provides detailed accounts of military intelligence as well as personal interactions witnessed by him directly.<sup>63</sup>

The ability of church ministers to directly interfere with Jacobite levying efforts was also notable. In Arbroath, the clergy were ‘remarkably active in dissuading their parishioners from joining in Rebellion’, to the degree that Jacobite soldiers there drew up plans to seize and detain several members of the Presbytery.<sup>64</sup> A similar state was commented on by one of the more successful recruiting officers in the north-east of Scotland, Lord Lewis Gordon. A frustrated Gordon described to James Moir of Stoneywood that the Prince’s affairs

have suffered by the vile and malicious behaviour of the Presbyterian ministers,

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58 Cumberland said as much in a letter to Newcastle (28 February, 1746) reprinted in *More Culloden Papers* (v), p. 36. See also SPS.54/32/56.

59 Leven to Newcastle? (31 May, 1746), SPS.54/31/38a. Leven comments within that Cumberland was fond of referring to Scots ministers as the High Commissioner’s troops. The two ministers suspected of disaffection were probably James Warden of Alyth and John Grant of Urquhart. See below for these and others.

60 Information from Peter King, Catechist at Kilmallie (30 August, 1745), SPS.54/25/104b; Murdoch Mcleod to Bland (24 May, 1746) and Francis McDonnell to Bland (23 May, 1746), SPS.54/39/36a-b; John Waugh to John Bettesworth (2 October, 1745) reprinted in Mounsey, *Carlisle in 1745*, pp. 25-27; same to same (2 November, 1745) in *ibid.*, p. 35.

61 Information from David Blair and James Fordyce (5 May, 1746), NLS MS.3730 f. 2.

62 Saltoun Papers, NLS MS.16611 ff. 118-123; Papers of John Jardine, NRS GD.1/1440/5/21.

63 ‘Extracts from the Diary of John Bisset’ reprinted in *Spalding Miscellany* (i), pp. 347-398.

64 Case of Sir James Kinloch, SPS.54/26/180.

who abuse his Highnesses goodness by irritating the minds of the common people, in telling them a parcell of infamous lyes. I therefore require and direct you to issue out an order in my name to all the ministers in your part of the country, intimating if they dare to say a disrespectful word of the Prince, or any of his friends, that I will punish them as the law directs.<sup>65</sup>

Though no strong evidence exists that these threats were ever put into effect, some anecdotal acts of menace do make an appearance. Bisset's diary, for example, relates the accounts of numerous ministers being killed in the battles at Falkirk and Inverurie, and suggests that Charles Edward specifically gave orders not to bury them, 'their naked bodies exposed to dogs, the fashion in France with the dead Protestants'.<sup>66</sup> Patrick Crichton, a loyalist who observed the Battle of Prestonpans, claimed to witness a group of Jacobite soldiers beating the minister of Drum with their swords 'under the notion that he had been with Cope'.<sup>67</sup> Alexander Robertson mentions that the parish ministers in Lord Airlie's country would be optimal evidences against potential Jacobites, but were too afraid to speak against them.<sup>68</sup> Likewise, the Presbytery of Brechin applied to the government for protection from roving groups of rebel insurgents in September 1746, supported by words of dismay from the minister of Lethnot about the level of dissatisfaction in the area.<sup>69</sup> Adam Hay, a young rebel from Aberdeenshire, had given his personal protection to several churchmen during the rising, all of whom subsequently interceded for Hay at his trial.<sup>70</sup> More mirthfully, sixteen-year-old butcher George Campbell from Coupar Angus deponed that one Thomas Donaldson loudly declared the King's family were atheists, after which he offered young children at the mercat cross 'four pence worth of Drink to go & break the Ministers windows'.<sup>71</sup> It is clear if these cases are accurate and representative of greater trends, the Presbyterian clergy were an effective force for frustration if not for staunchly-organised resistance.

Hundreds of plebeian Jacobites are thought to have surrendered to ministers throughout Scotland, handing in their arms and returning home as per the instructions given to them in Cumberland's February proclamation. Though it is

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65 Lewis Gordon to James Moir of Stonywood (29 October, 1745), reprinted in *Spalding Miscellany* (i), pp. 402-403; Lewis Gordon to Duke of Perth (28 October, 1745), SPS.54/26/122/28. See also Harris, *Politics and the Nation*, p. 156. This seems to be corroborated by Bisset, *Spalding Miscellany* (i), p. 355.

66 *Ibid.*, pp. 370-371.

67 *Woodhouselee MS*, p. 50.

68 Report of Alexander Robertson (4 December, 1746), SPS.54/34/35.

69 Mackintosh, *The Muster Roll of Forfarshire*, pp. x-xi.

70 Mitchell to Newcastle, SPS.54/26/191.

71 Testimony of George Campbell versus Thomas Donaldson (26 July, 1746), PKA B59.30/72 f. 5.

difficult to quantify a precise number who did so, some examples can be offered. The muster roll of Lord Ogilvy's regiment shows 168 'at home' out of 630 in total, which signifies that these persons likely had their whereabouts recorded by the authorities after submitting.<sup>72</sup> Though not all Jacobites chose to surrender to parish ministers instead of secular officials, one could imagine the former option might be considered a safer bet when seeking mercy under threat of high treason.<sup>73</sup> Lists from the Commissioners of Excise note 137 rebels who surrendered or submitted, with twenty-two of those specifically mentioning that it was in the presence of a minister. At the time of their compiling, 605 persons from these lists were known to be at home, which might be considered the same thing as opposed to 'lurking' or 'skulking', the latter denoting they were likely given up by information from others.<sup>74</sup> Five prisoners within the examinations from Perth swore they turned in their arms to clergymen, and five from the parish of Alvie in Inverness-shire did the same, reported by the minister himself.<sup>75</sup> Forty-seven rebels from the Lochbroom area who surrendered were accompanied to Inverness by their parish minister, and twenty-five from Daviot and Dunlichty gave up their arms to Rev John Campbell there.<sup>76</sup> Eighty-seven Jacobites from Urquhart and Glenmoriston turned themselves in to Ludovick Grant in May 1746, but it was the clergy from those parishes who recorded detailed information about their homes and characters for the government according to their 'best information and 'real opinion'.<sup>77</sup> In Buchanan, thirty tenants submitted to the parish minister Robert Mcfarlane. These were subsequently examined by Gorthie, with accounts of their arms, where they resided, and any other intelligence they could offer.<sup>78</sup> Patrick Stewart from Innervaik claimed he tried to deliver up his firelock to the minister at Blair Atholl but was refused on account of a rumour that he was an officer. This and other similar claims demonstrate that the offer of submission for mercy was truly intended for the

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72 Mackintosh, *The Muster Roll of Forfarshire*, passim.

73 Notably, only a small few are specifically noted as submitting to 'the bailie' or 'the King's army'. See List of Rebels who have Delivered up their Arms & Surrendered, NLS MS.3730 ff. 62-65.

74 Rosebery's *List*, passim.

75 PKA B59.30/72/3-5, passim; SPD.36/93/105-106.

76 Munro of Culcairn to Loudoun (28 July, 1746), HL Box 38/LO 12337; List of Persons in Daviot and Dunlichty (17 May, 1746), SPD.36/92/79.

77 Lists from John Grant and William Grant (5-10 May, 1746) reprinted in Mackay, *Urquhart and Glenmoriston*, pp. 494-498. See also SPS.54/32/37.

78 Mcfarlane's certifications of tenants not involved in the rising corroborate Gorthie's list of rebel submissions. Interestingly, these also show that a young Jacobite went out (in Gorthie's examinations) while his father stayed at home (in Macfarlane's certificate). Note that some of the tenants in Buchanan also delivered their arms to Captain Archibald Campbell of Knockbuy. Montrose Muniments, NRS GD.220/6/1660/13, 16-17; GD.220/6/1661/2.

common rank-and-file only.<sup>79</sup> Arms that were handed in would usually be sent to the nearest British army garrison so they would not find their way back into the hands of the rebels.<sup>80</sup>

In addition to receiving many of those who had submitted for mercy, Presbyterian ministers were likewise instrumental in exonerating the common people who were taken on (presumably) false suspicion of being involved with the Jacobites. One of the more auspicious alibis that captives could hope to receive, 'certificates of loyalty' were occasionally included within the depositions of those who merited such support. Archibald Mcalister and James Stewart from Glengoulandie were both apprehended by government troops near their homes, the former while begging and the latter for being forced into arms for two days by the Macphersons. Both prisoners declared at their examinations that they would obtain certificates from their parish ministers for release, and both were eventually discharged.<sup>81</sup> Alexander McQueen also professed his innocence to the sheriff-deputy in Perth after capture by men from Sempill's regiment. Though two locals claimed to actually have seen him in arms, the minister at Comrie signed a certificate of loyalty for McQueen and he was dismissed on bail a month later.<sup>82</sup> Similar cases can be seen with prisoners on suspicion from Edinburgh, Leven, Aberfoyle, Achray, Inverness, Balquhidder, Peebles, Banchory, Aberdeen, Luss, Kingussie, York, and many other locales.<sup>83</sup>

Though abbreviated extracts of these cases might make such certificates appear frivolously commissioned, the clergy took the identification of rebels and the exoneration of innocents as solemn responsibilities to be handled with great care and moderation. As delineated in the instructions from the Synod of Moray at

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<sup>79</sup> Examination of Patrick Stewart of Innervaik (22 July, 1746), PKA B59.30/72 f. 2. See also SPD.36/83/105-106, wherein the minister of Alvie states that Lewis McPherson had not yet delivered up his arms as 'there was no Invitation but to the Commons he being ranked with their Gentlemen'. This is confirmed by Speck, *The Butcher*, p. 165.

<sup>80</sup> Governours of Aberdeen to Ministers in Alford and Kincardine (14 April, 1746) reprinted in Allardyce, *Historical Papers* (i), p. 242; Munro of Culcairn to Loudoun (28 July, 1746), HL Box 38/LO 12337; Loudoun to Munro of Culcairn (2 August, 1746), HL Box 10/LO 11796.

<sup>81</sup> Examinations of Archibald Mcalister and James Stewart (13 February, 1746), PKA B59.30/72 f. 3; *P45* (iii), pp. 18-19; 344-345.

<sup>82</sup> Examination of Alexander McQueen (10 June, 1746), PKA B59.30/72 f. 2; *P45* (iii), pp. 180-181.

<sup>83</sup> Alexander Davidson (1 November, 1746), SPS.54/34/14; Francis Wilson (17 January, 1747), NLS MS.17530 f. 48; James Stewart and James Stewart (25 July, 1746), PKA B59.30/72/4; John Blair (18 July, 1746), NRS GD. 220/6/1660/14; Robert Young and John Stewart (11 May and 5 July, 1746), PKA B59.30/72/2; Robert Murray (3 October, 1746), SPD.36/88/58; George Baxter (3 May 1746), ACA Parcel L/1/13; Walter Mitchell (undated), SPD. 36/88/66; Robert Colquhoun (19 August, 1746), NLS MS.17527 f. 63; John Mcpherson (30 April, 1746), HL Box 3/LO 10850; William Scott (10 February, 1746), SPD.36/81/113.

Forres one day after the Battle of Culloden, extreme caution was advised regarding the attestation of surrendering Jacobites as well as those taken on suspicion. Ministers were instructed only to grant attestations within their own parishes, and to counsel with those from neighbouring parishes before doing so. They were also recommended to keep exact copies of each certificate 'to be produced when called for'.<sup>84</sup> While it is clear that the opinions and attestations given by the clergy held some weight in the judicial process, a study that measures the effectiveness of loyalty certificates in the trials of rebels would be useful. Evidence shows that they could work both ways, securing the freedom of some and conversely not being sufficient to do so for others.<sup>85</sup> These certificates were neither always collected nor invariably used by Hanoverian authorities, however. The Duke of Montrose's factors were nonplussed that several of his tenants were taken into custody and sent to Carlisle for trial even though they had indeed surrendered according to the terms of Cumberland's proclamation. The factors argued that the indemnity did not mean very much if the ministers had to travel to court to acknowledge their submissions in person, and claimed it would be 'very difficult to persuade those that were guilty that their submissions would be of any use to them'.<sup>86</sup>

Soon after the fighting had stopped and attentions were turned to finding those involved in the rising, Hanoverian justices cleverly demanded that Presbyterian ministers make up lists of their parishioners who *were not* concerned in the rebellion. The Lord Justice Clerk wanted proof of everyone who was innocent, rather than guilty, as well as reports of any preaching discovered in non-juring congregations, whether it be public or private. This tactic allowed the government to be far less discriminating with their initial arrests, but it also contributed to the strain on the penal system. Counting on the fact that the clergy would likely know most faces in a given area, Fletcher sent directives to his sheriff officers throughout Scotland to put this plan into play.<sup>87</sup> The tenor of his request is related in the general dispatch from the Sheriff of Moray to his parish ministers:

As you must be best acquainted with those in your parish who have not been connected in this wicked and unnatural Rebellion [...] you will make up lists of all those in your parish who have not been concerned in this Rebellion, either by carrying arms or otherways; including in that list not only residents of all ranks,

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84 'Extracts from Records of the Synod of Moray, 1746' in Allardyce, *Historical Papers* (i), p. 320.

85 See, for example, NLS MS.17525 f. 137; *P45* (ii), pp. 218-219; (iii), pp. 182-183.

86 Memorial Concerning the Sufferings of the Duke of Montrose's Tenants (June 1746), NRS GD.220/6/1662/1.

87 Rosebery's *List*, p. xvi.

but likeways heritors and liferenters though not residing.<sup>88</sup>

Two sealed copies of every list were requested, one to be sent to Fletcher and one for Cumberland's secretary, Everard Fawkenner. Accordingly, most of the prominent ministers complied, and many of their lists are still within Fletcher's papers. In Morayshire, affirmations were made by ministers in Alves, Rafford, Dyke, Knockando, and Cromdale. On Montrose's estates, only Drymen, Buchanan, and Aberfoyle appear to have been targeted, much to Graham of Gorthie's surprise. Sutherland sent in rosters of the well-affected from Assynt, Clyne, Creich, Farr, Golspie, and Dornoch. Ross and Cromarty provided a list from Logie Easter, and even Orkney was represented by Deerness, Holm, and St Andrews parishes.<sup>89</sup> Many more surely were turned in, though their whereabouts have not yet been found.

Feeling that the Lord Justice Clerk's scheme was perhaps not entirely fair to many potential innocents regardless of their faith, one minister expressed dismay in the apparent persecution of their fellow Christians. Lauchlan Shaw in Elgin affirmed that despite the government's attempts to equate all non-jurors with Jacobites, he had not had access to any Episcopal meeting-houses in the area

to know their conduct, which we have had with respect to our own people. It cannot be justly inferred, that all who are not in our lists are guilty; the natural inference from it is, that we are not proper judges of the moral conduct of those who do not submit to our ministry.<sup>90</sup>

Such resistance however, was the exception rather than the rule. As Captain Hamilton of Cobham's Dragoons noted in his report to government officials, the minister of Forfar was 'of singular Service' to him in detecting and apprehending alleged rebels, and 'with constant & unwearied diligence gave [him] all the assistance in his power'.<sup>91</sup>

Like Presbyterian Jacobites, not all Presbyterian clergy were firmly loyal to the government, and some even showed considerable sympathy to suspected rebels despite their responsibility to function as informants.<sup>92</sup> The two questionable

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88 Earl of Moray to the Ministers (May, 1746) reprinted in Dunbar, *Social Life in Former Days*, pp. 374-375.

89 *Ibid.*, pp. 375-379; Gorthie to Montrose (9 June, 1746), SPS.54/32/11a; NLS MS.17530 ff. 41-43; Declarations of Robert and Duncan McFarlane (8 June, 1746), NRS GD.220/6/1660/13; Declaration of James Richardson (18 June, 1746), NRS GD.220/6/1660/14; Declaration by Patrick Grant (30 January, 1747), SPD.36/93/118; NLS MS.17522 ff. 66-94. See also Alvie, SPD.36/92/73-74.

90 Lauchlan Shaw to Archibald Dunbar (6 June, 1746) reprinted in Dunbar, *Social Life in Former Days*, pp. 378-380. See also Presbytery of Dalkeith to Fawkenner (10 June, 1746), NRS CH.1/2/86/100-102.

91 Hamilton's Report of Montrose Goal (10 January, 1746), SPS.54/35/5. See also Fletcher to Newcastle (10 March, 1746), SPS.54/29/7a; SPS.54/34/35; etc.

92 Macinnes, 'The Creation of Silence?', p. 76; Taylers, *Jacobites of Aberdeenshire and Banffshire*, p. 9. See Robert Douglas' skepticism of Thomas Mann, minister of Dunkeld in PKA B59.30/72/3.

characters mentioned by Leven, probably James Warden and John Grant, were both accused of aiding and abetting the Jacobites in some manner. A schoolmaster and precentor in Alyth, Warden was said to be heard 'singing treasonable songs and uttering treasonable words', as well as soliciting recruits for the rebel army. In July 1746, thirty-three people who knew the minister were examined in Perth, around half of them providing damning evidence of his activities.<sup>93</sup> Warden admitted to publicly reading Lord Strathallan's demands for cess to his congregation, but guaranteed the Sheriff that he 'Entirely omitted the Titles & authority', and he was discharged by July 1746.<sup>94</sup> John Grant, minister in Urquhart, has an equally convoluted story. Also heard by numerous people reading a Jacobite manifesto from the pulpit as well as being accused of concealing wanted rebels after Culloden, he was taken prisoner by Ludovick Grant until he could be tried in London. Maintaining his innocence and commenting that 'it is next to a miracle that he was not sacrificed to [Jacobite] Resentment', Grant was eventually also discharged by early December 1746.<sup>95</sup> The fact that both were released despite overwhelming evidence against them is a testament to the security that the clergy enjoyed from being so closely aligned with the government.

Similarly, John Cameron was a Presbyterian minister from Fort William who openly joined Lochiel and reported in his journal the Jacobite army's movements from Falkirk until Charles Edward's departure.<sup>96</sup> The Reverend James Lumsden in Towie bucked the norm by offering his home as a refuge for two fleeing Jacobites after Culloden. When the manse servants became suspicious due to large amounts of food disappearing from the larder, Lumsden's wife blamed it on two new pigs in the stable.<sup>97</sup> Other disaffected or sympathetic ministers are surely yet to be discovered, but their impact in favour of the Jacobite cause was likely minor.

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93 Examinations of Witnesses against James Warden, PKA B59.30/72/4.

94 Testimony of James Warden, PKA B59.30/72/2 (#108); *P45* (iii), pp. 388-389.

95 Ludovick Grant to Newcastle? (8 July 1746), SPS.54/32/37; Blaikie, *Origins*, pp. 313-322, 329-332; Mackay, *Urquhart and Glenmoriston*, pp. 247-249, 494-498; *P45* (ii), pp. 258-259. See also Lovat to Loudoun (22 November, 1745), HL Box 26/LO 7203.

96 'The Journal of John Cameron' reprinted in *Lyon in Mourning* (i), pp. 83-101.

97 John G. Michie, *History of Logie-Coldstone and Braes of Cromar* (Aberdeen, 1896), pp. 155-158.

## GATHERING OF WITNESSES

Though suspected Jacobites were held in Scotland for up to many months, a concerted effort was made by officials to register and transport them to English prisons before trial, as was the case with the aforementioned John Grant. This was met with a measure of outrage by some who were incarcerated, prompting petitions to defend their right to be tried in the county where the crime was committed.<sup>98</sup> Accordingly, this also meant that witnesses slated for trial were compelled to travel, regardless of their provenance. Many potential witnesses were reluctant to do so, however, due to the costs of the journey and for fear of retribution by still-active rebels.<sup>99</sup> Fletcher, working from Edinburgh, was at first not convinced he had the authority to impose these summons to England on what he knew was going to be an extensive number of Scottish witnesses. He commented to Newcastle that the only way many of the potential deponents would travel was by compulsion, admitting that he did not totally grasp the minutiae of trials for high treason south of the border.<sup>100</sup> Fletcher was aware that crown judges could lawfully compel witnesses to give evidence, but those not charged with any crime could not be held in custody without a warrant, thereby making the task of gathering witnesses more difficult.<sup>101</sup> Nonetheless, the Duke was comfortable in expediting the process and giving the Lord Justice Clerk *carte blanche* to not only pay for their travels, but to defray all costs for witnesses associated with prosecutions for treason throughout Britain.<sup>102</sup>

Witnesses were therefore unceremoniously summoned from all parts of the nation to the few places hosting proper trials for suspected Jacobites: namely Southwark, Carlisle, and York.<sup>103</sup> John Horn, a farmer in Duddingston, received a letter from a crown solicitor commanding that ‘all other things set aside and ceasing every excuse you be’ to appear in Carlisle on behalf of Charles Spalding of Whitefield. Horn was threatened with a fine of £100 if he would not show.<sup>104</sup> Robert Morison and Robert Mitchell, bookbinders in Perth, were likewise

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98 See the example of Alexander Kinloch and the Jurors (Scotland) Act from 1745 in Chapter II: Motivation, p. 46.

99 Fletcher to Newcastle (21 March, 1746), SPS.54/29/28a.

100 Fletcher to Newcastle (14 July, 1746), SPS.54/32/46.

101 SPS.54/29/28a.

102 Newcastle to Fletcher (21 March, 1746), SPS.54/29/22.

103 See *P45* (i), pp. 64-110.

104 Alexander Stewart to John Horn (12 August, 1746), NLS MS.17527 f. 60.

subpoenaed to speak against Macdonald of Kinlochmoidart under the same threat 'to testify the truth and give evidence' on 12 September 1746.<sup>105</sup> At least twenty witnesses were brought to London in October to give evidence, including numerous servants of prominent Jacobite elites and eight soldiers in various rebel regiments.<sup>106</sup> Particular targets of high value were specifically pursued in the hopes they would provide added intelligence. The clerk and assistant to the governor of Dundee, John Rattray, for example, was noted as being 'capable of making discoveries if apprehended'.<sup>107</sup> John MacNaughton, a watchmaker from Edinburgh, was chased through Glenlyon for three miles by government troops. Though only a servant of Murray of Broughton, he was considered to be 'a Prisoner of Consequence' by Glenorchy and 'can make considerable discoveries' if properly examined.<sup>108</sup>

The ratio of witness to the accused and suspected was often great, allowing a number of different depositions to be compared. Fletcher suggested a minimum of two witnesses against each prisoner, with three for those who were 'most Obnoxious'. But he soon after conveyed to Newcastle that nine witnesses, most of whom had been involved with the Jacobite army, had recently provided 'concurring Evidence' against eighty prominent rebels.<sup>109</sup> The examination briefs from Newgate prison versus thirty-four detainees feature 132 unique witnesses, broken up into 'bundles' with each assigned an identifying number.<sup>110</sup> Surveying the spectrum of these informants, ninety-nine of them were brought from all parts of Scotland, while sixteen were already residing in England.<sup>111</sup> 112 were also facing trial for their own charges of treason, demonstrating the frequency of alleged Jacobite prisoners turning evidence, presumably to help lessen their own punishments. This group of witnesses represents a broad cross-section of British society, with vocations that expectedly vary along similar lines as that of Jacobite prisoners – with the exception

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105 Writs of Subpoena (18 June, 1746), NLS MS.17526 ff. 221-222.

106 SPD.36/88/60.

107 Rosebery's *List*, pp. 232-233.

108 SPS.54/32/35b.

109 SPS.54/29/7a, 18.

110 State of the Evidence with Regard to the Rebel Prisoners in Newgate, TNA TS.11/760/2363. These bundles were labeled Chester, Lancaster, or York depending on the witness, which correspond to the castles to which they were confined.

111 See Appendix XV: Witnesses for Prisoners at Newgate 1746, fig. 1. Interestingly, only the ages of witnesses younger than twenty and older than seventy are noted in their information.

of the agricultural sector.<sup>112</sup> At the Southwark trials, eighty-four Jacobite soldiers and twenty civilians participated on the crown's behalf.<sup>113</sup> Fifty prisoners lodged in the tolbooth of Aberdeen were witnessed by only ten named persons, two of which were also alleged Jacobites.<sup>114</sup> A tallied list of the early Perth examinations, meanwhile, features 132 prisoners spread between at least 150 unique witnesses, most of whom were brought in from the towns and villages within the boundaries of Perthshire. While most of these witnesses testified against only one or two of the accused, a smaller number spoke against upwards of a half-dozen prisoners, with the most active witness providing evidence in ten different cases.<sup>115</sup>

A short list of the witnesses procured by Loudoun on 16 February 1747 also informs the great variance in people who came forward to speak at the trials of captured rebels. Many of these particular deponents were brought in specifically to either implicate or exculpate Simon Fraser of Lovat, and therefore had some dealings with him or personal knowledge of his activities. Hugh Fraser of Moullie, for instance, was a wadsetter on Lovat's lands and supposedly 'a great Confidant', while John Fraser of Dunie was employed in raising the rents on the Fraser estates and was known to be 'a great Adviser' to his laird. William Fraser of Balhachie, who referred to himself as 'the oldest Cadet in the Family', was apparently pillaged by a British officer and was perhaps hoping for justice by defending 'the Old Fox'. Others include a corporal in Sempill's Highland regiment; a banker and a gardener with the surname of Fraser; and John McJames, Lovat's personal letter carrier.<sup>116</sup> This congregation of witnesses was summoned to London at the cost of £170 to the government for travel, so it appears that the crown was willing to foot the bill for deponents representing both sides of important trials.<sup>117</sup> During their transfer, one of these men apparently had 'given them the slip and absconded', prompting Fletcher to comment that it is probably better that someone so roguish stay away from the investigation entirely.<sup>118</sup>

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112 See Appendix XV: Witnesses for Prisoners at Newgate 1746, fig. 2. The dearth of witnesses from the agricultural sector may be explained by the fact that poor tenant farmers and labourers were likely more difficult to find or bring to London. Compare with Appendix VII.

113 *P45* (i), p. 129.

114 ACA Parcel L/H/2.

115 PKA B59.30/72/9.

116 NLS MS.17528 ff. 1, 3, 9.

117 NLS MS.17530 f. 72-73.

118 Fletcher to Newcastle (23 February, 1747) reprinted in *P45* (i), pp.123-124.

Since many witnesses were often themselves suspected or proven Jacobites, they were not always given the most hospitable lodgings during their service to the crown. Kept either in confinement with those on suspicion or in the homes of court-appointed messengers for both supervision and protection, many were essentially treated as if they were prisoners, though almost always being isolated from those against whom they were informing.<sup>119</sup> Instructions from Fletcher to Lieutenant Charles Campbell of the Edinburgh Regiment stressed caution when transporting a group of four prisoners-turned-witnesses from the Scottish capital to London, reminding Campbell to remain on his guard but to treat them with care:

You are to be exceeding civill to them and Let them not want [...] you are to take all care of them both day and Night and particularly to secure all their cloaths every Night [...] and in case any of the Prisoners give you any disturbance in the Night time You are afterwards to apply to the Magistrates of each place you Shall come to for haveing them secured in proper prisons every night.<sup>120</sup>

Lieut Campbell himself had been familiar with numerous people engaged in the rebellion due to his efforts to gather intelligence for the Lord Justice Clerk. He was thus offered up by Fletcher to be examined upon his arrival in London, being promised a recommendation to the favour of Newcastle if he abided and ‘executes his orders right’.<sup>121</sup>

Like Campbell, witnesses who proved helpful during precognitions and trials were often given benefits by the crown, but their motives for assisting with the conviction of accused Jacobites varied greatly. One of Lovat’s witnesses subtly asked for the favour of recommending his brother to a higher post in the British army’s ordnance train in return for his cooperation.<sup>122</sup> On at least one occasion were potential witnesses promised anonymity by government authorities should they provide helpful information, thereby rendering ‘their intention for the service of the Government more effectual’.<sup>123</sup> For those themselves under charges of treason, turning King’s evidence could lead to their release on bail or even full pardons. Four surgeon apprentices imprisoned in Edinburgh Castle were allowed to roam freely within its walls after assisting state solicitors, and two servants of prominent Jacobite officers were admitted to bail by the Lord Justice Clerk upon promising to

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119 *P45* (i), pp. 125-126; List of Prisoners in Custody of the Messengers, SPD.36/84/9-11; NLS MS.17527 ff. 170-171.

120 Fletcher to Charles Campbell (26 March, 1746), SPS.54/29/28b.

121 SPS.54/29/28a.

122 Fletcher to Newcastle (23 February, 1747) reprinted in *P45* (i), pp.123-124.

123 NLS MS.17527 f. 102.

tell 'every thing that was true'.<sup>124</sup> Alexander Stewart and a number of prisoners at Carlisle were brought lists of others under suspicion, being offered their freedom if they would admit knowledge of the persons therein.<sup>125</sup> Some rebels were even offered money to provide evidence against extremely valuable prisoners, like Murray of Broughton's servant MacNaughton, who turned down £30 or £40 sterling per annum for as long as he would live.<sup>126</sup> Everard Fawkener admitted to Newcastle that for those who agreed to turn evidence, 'hope would be a powerful motive on the one side, & fear must operate on the other', but that ultimately the government would have no control over them once freed after trial.<sup>127</sup> He therefore desired that those common people who gave evidence and were subsequently pardoned would plead guilty instead of returning home so 'they may be so disposed of as to be rendered of some use to the world'.<sup>128</sup>

Not all witnesses were helpful, of course. John Kent was apprehended and imprisoned in Chester Castle for attempting to persuade one of the King's witnesses not to offer evidence against the rebels.<sup>129</sup> William Murdoch, a merchant in Callander, was one of many supposedly forced out on no less than three separate occasions by Buchanan of Arnprior. Though at least seven others had spoken against Buchanan, government officials were frustrated by Murdoch's refusal to do the same, noting that 'he woud rather Hang than say anything of Arnprior, tho he was the person Inticed him in to the Rebellion'.<sup>130</sup> Patrick Keir had been seen by numerous others carrying arms with the Jacobite army in Carlisle, and offered to testify against over fifty of the 'principal' rebels to secure his own freedom. Upon Philip Carteret Webb's arrival in Carlisle, however, Keir refused to testify and 'declared all he had said & signd was false'. Webb noted to Newcastle that Keir was 'a very wicked old Man', and he was executed at Carlisle in November 1746.<sup>131</sup>

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124 SPS.54/29/18.

125 *Lyon in Mourning* (ii), p. 237.

126 *Ibid.* (i), p. 246. MacNaughton refused and was executed at Carlisle on 18 October, 1746.

127 Fawkener to Newcastle (16 July, 1746) SPS.54/32/50.

128 *Ibid.*

129 SPD.36/93/129.

130 Note of Witnesses Against Arnprior, NLS MS.17527 f. 180; *P45* (iii), pp. 216-217. Murdoch was apparently transported in August 1746 after his trial.

131 Account of Rebel Prisoners (9 October, 1746), SPD.36/88/52; *P45* (ii), pp. 308-309.

## EVIDENCE AND INFORMATION

From the time the very first Jacobite prisoners were locked up and processed through British jails, a significant outlay of time, resources, and personnel were spent on gathering information about those who had been taken into custody. The main goal of this information was of course identifying anyone who was remotely involved with any aspect of the ‘wicked and unnatural’ rebellion, as well as uncovering any of their associates or networks that were still able to spread dissent. Whether blatantly caught in the act or held on suspicion alone, the Hanoverian administration crafted an intricate matrix of intelligence-gathering that involved every sector of society.<sup>132</sup> Being singularly focussed on the capture of rebels hiding beyond his reach, Cumberland implemented a policy of obtaining information that essentially made anyone who failed to report suspicious activity guilty as traitors. In fact, the Duke explicitly stated that it was the responsibility of a region’s magistrates to ensure that suspected persons were seized if the force stood against them was not too great.<sup>133</sup> In no uncertain terms, Cumberland drew a line in the sand and made it clear that there would be no neutral parties when it came to rebellion. Like his proclamations calling for the submission of arms, this notice penned at Aberdeen was to be read in every parish church in Scotland ‘immediately before Sermon, both morning & Evening, every Lord’s Day for one Month from the Presentation thereof.’<sup>134</sup> Between Cumberland’s enforcement of secular intelligence-gathering and Fletcher’s plan to tap into parochial networks of information, it would be difficult for hidden rebels to remain that way.

By early March 1746, the Lord Justice Clerk had deployed a number of clandestine agents to the Central Highlands under Lauchlan Grant, all who ‘understood the Highland Language’ and who ‘knew most exactly’ the land into which they were sent. Their task was to gather knowledge about the numbers and movements of the Jacobite army, but also to inform against anyone who was identifiable as a rebel. This was supplemented by intermittent reports from well-affected lords in the region like the Duke of Atholl and Lord Glenorchy, which provided a check for the information from Grant’s cell. Even with this system of

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132 Newcastle lauds Fletcher for being the mastermind of anti-Jacobite intelligence-gathering, SPS.54/29/22.

133 Declaration of Cumberland (via Fawkener, 24 February, 1746), SPS.54/29/3c; Newcastle to Cumberland (21 March, 1746), SPS.54/29/21; Fletcher to Newcastle (15 May, 1746), SPS.54/31/22; Cumberland to Magistrates of Dundee (24 February, 1746), AAF MS.439.

134 Declaration of Cumberland (8 March, 1746), NLS MS.17527 ff. 117-122.

intelligence in place, Fletcher noted to Newcastle how difficult it was to obtain the names of prominent Jacobites, as even their intimate acquaintances only knew them by the title of their lands.<sup>135</sup>

Before officially being charged, most prisoners were first briefly examined by the regional sheriffs and deputies of the towns in which they were being held. It appears that these local officers were trusted by the chief justices in Edinburgh and London, as they were given the leeway to make decisions about either continued imprisonment or immediate release upon careful review of the evidence. Part of this review was carried out by the extensive implementation of witness precognitions, recorded in preparation for a more formal judicial review if deemed necessary. George Miller, sheriff-deputy at Perth, conducted at least 153 individual precognitions between 19 and 28 July 1746 in addition to compiling full examinations of 73 witnesses and prisoners between 10 April and 23 July of the same year.<sup>136</sup> He also supervised additional examinations of 113 state prisoners lodged in Perth Tolbooth in the presence of David Bruce, who served as the Judge Advocate of the Army and was instrumental in preparing a large number of Jacobite prisoners for trial.<sup>137</sup> Fletcher noted to Newcastle that by the middle of March 1746, officers at Perth had compiled over 500 pages of examinations with ‘full proof’ against 250 rebels.<sup>138</sup>

Precognitions of witnesses and prisoners were carried out in clusters at different times and by varying officials, giving the government a ‘file’ of evidence to reference as the judicial process moved forward for each case. For instance, in the proceedings against Matthew Cheap, a saddler in Perth examined in May who denied assisting the rebels in any manner, Miller refers to an earlier precognition taken by the ‘Crown Luwyers’ in which numerous witnesses testified against Cheap. Noting that this particular case was well ‘in the Hands of the Ministers of State’, Miller kept Cheap detained in the tolbooth until further notice from the courts.<sup>139</sup> Alexander Home, one of those crown lawyers, was appointed to help with the large docket of cases at Perth, staying there for six weeks between February and March. Home charged the government £114.8.6 sterling for his services, which included

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135 SPS.54/29/7a.

136 PKA B59.30/72 ff. 3-7.

137 PKA B59.30/72 f. 2.

138 SPS.54/29/18. According to an inventory of precognitions sent to Carlisle (SPS.54/33/10b), similar bundles once existed from Stirling, Edinburgh, Aberdeen, Kincardine, and at least nineteen other locales. The whereabouts of these are unknown at this time.

139 *Ibid.* Matthew Cheap was eventually discharged on bail in March 1747, P45 (ii), pp. 110-111.

food and drink, rent for lodging, horse hires for travel, and the cost of subsisting a number of witnesses called in to give evidence.<sup>140</sup> Similar arrangements were made in Edinburgh, Aberdeen, Stirling, Lanark, and Dunkeld, though they were often not as formally organised.<sup>141</sup> As a pair of prisoners was escorted through Kirkcaldy on their way to Edinburgh by thirteen loyal citizens, for example, the officer of excise at Leven described how the local justices simply met them on the road to take statements from each participant.<sup>142</sup>

At the top level of government, Newcastle also gave the Lord Justice Clerk dispensation to review as many pre-trial ‘informations’ as he could, with an eye toward helping things along. The authorisation came from King George himself, leaving it in Fletcher’s hands to dismiss or admit to bail any cases that could not garner sufficient proof or suspicion.<sup>143</sup> Fletcher was thankful for the leverage, but remained cautious about how to fairly implement such a responsibility without proper knowledge of the individual cases:

There are often prisoners sent hither, by the army without any informations charging them with Treason, or any other Crime, and tho’ these persons may really be very Criminal, yet as they are for the most part strangers to me, I can hardly from their own Examinations, find sufficient cause for comitting them.<sup>144</sup>

Judge Advocate Bruce shared similar powers, including those to examine ‘all the State Prissioners in every Town he shall pass thro’, but as of the summer of 1746 he had not bailed a single one. Bruce was as cautious as Fletcher, taking the stance that he would not sign any dismissals without the express consent of the Lord Justice Clerk, but he was also cautioned by Cumberland that he was not to discharge anyone simply for lack of evidence against them.<sup>145</sup> Lists of prisoners, as well as briefs of their cases and specific crimes, were shared between Bruce, Fletcher, and Cumberland (through his secretary, Fawkener), providing an effective network of information about potential subjects for trial. These were then transmitted to Argyll and to Newcastle, who had direct audience with the King.<sup>146</sup>

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140 Receipt from Alexander Home (23 August, 1746), NLS MS.17529 f. 151; Account of Alexander Home, NLS MS.17530 f. 65.

141 Inventory of Reports Sent to Carlisle, SPS.54/33/10b; ACA Parcels L/H, L/I/4. See also NLS MS.17515-7.

142 Francis Wilson to Fletcher, NLS MS.17530 ff. 159-160.

143 SPS.54/29/22.

144 SPS.54/29/18.

145 Fletcher to Newcastle (11 August, 1746), SPS.54/33/7; Fawkener to Bruce (6 July, 1746), SPS.54/32/49c; Bland to Albemarle (3 August, 1746) reprinted in *Albemarle Papers* (i), pp. 33-35.

146 *P45* (i), pp. 124-125.

Evidence given against alleged Jacobites varied greatly depending on the witnesses and the nature of the accused's acts of rebellion. Fawkenner was discouraged at the scope of the task:

This will be a work of great labour & infinite difficulty. The disaffected wont know anything, others are intimidated, & many weak People who are not disaffected, have unaccountable silly scruples about bearing Evidence which may affect the life of another.<sup>147</sup>

What mattered most to the government, though, is if the rebels were seen in arms, which was the simplest route to a charge of high treason.<sup>148</sup> Fawkenner admitted to Newcastle that the legal process for convicting rebels was so complex that even 'the men of the Law at Edenburgh will be often at a Loss', but the larger problem was ensuring that enough 'clear & distinct' evidence could be found against them to ensure they made it to court.<sup>149</sup> Despite the recent Acts of Parliament allowing all rebels to be tried in England, Fletcher was adamant that those who never joined the army be allowed to be 'tryed in the County where the Treason is committed and in no other'.<sup>150</sup> Carlisle, of course, was held by nearly 400 rebels during the winter of 1746. Therefore, with very few exceptions, many of those taken or seen in arms were sent there for trial along with any for whom sufficient evidence was thought to be forthcoming.<sup>151</sup> Though the number of prisoners moved to Carlisle is elusive, Seton and Arnot figure it was at least 270 by mid-August 1746, with numerous smaller batches sent to London and York in the following months.<sup>152</sup>

In addition, over 300 persons were committed to prison on suspicion alone without any formal evidence tied to their cases. Fletcher informed Newcastle that even with the suspension of habeas corpus, it was unlawful to 'commit one to prison who was not accused of any Crime whatever', but he underlined the fact that those on suspicion of treason were excepted from this rule. In effect, the government had unlimited power 'to imprison for Treason or Suspition of Treason' during the time

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147 Fawkenner to Newcastle (29 June, 1746), SPS.54/32/28.

148 Monod suggests that the act of taking up arms be considered with equal seriousness as that of any other symbolic seditious activity, but the government was specifically after those seen in arms and was more inclined to punish rebel combatants rather than those taken for treasonous words or similar crimes, *Jacobitism and the English People*, p. 308.

149 SPS.54/32/49c, 50; Fletcher to Newcastle (15 May, 1746), SPS.54/31/22; Sharpe to Lowe (21 June, 1746), TS.11/1081/5599.

150 NLS MS.17523 ff. 1-2. It does not appear that the Lord Justice Clerk was heeded, however.

151 Newcastle to Fletcher (11 July, 1746), SPS.54/32/40; Fletcher to Newcastle (14 July, 1746), SPS.54/32/46.

152 P45 (i), pp. 60-63; Fletcher to Newcastle (9 August, 1746), SPS.54/33/6a. Given more time, there is room for a more focussed study on particular strains of evidence and their effectiveness at securing convictions.

of the Act's suspension.<sup>153</sup> Accordingly, warrants were issued to enforce the seizure of those 'upon suspicion of haveing acted against His Majesties Person or Government', who were then held in local jails to await examination, whereupon they would either be prepared for trial or 'Liberat by due Course of Law'.<sup>154</sup> At the end of September 1746, the tolbooth of Edinburgh still contained thirty-five prisoners, seven of which were then being held on suspicion.<sup>155</sup> Twenty-nine of 268 prisoners sent from Inverness to Tilbury were likewise singled out as being only suspected.<sup>156</sup> In England, prison records show a similar trend. In mid-February 1746, the castle at York held 251 inmates, twenty-four of which were specifically committed on suspicion or for 'treasonable expressions' (ten of these were noted as papists or 'Popish priests'). In Newcastle, eleven of twenty prisoners were taken on suspicion; eight of 159 in Lancaster; seven of nine in Coventry; twenty of thirty-four in Carlisle; and fourteen on suspicion alone in Stafford gaol. In all, eighty-one of 647 prisoners in England were held with no formal evidence against them – and this well before the rising was over and four months before the majority of captives in Scotland were sent southward.<sup>157</sup> Though most were dismissed or eventually either pardoned or acquitted, at least two-dozen committed on suspicion were transported to the colonies, three were executed, and another three died in prison while awaiting trial.<sup>158</sup>

In all, Seton and Arnot reckon that around 1000 prisoners were being held in Scotland by the middle of 1746, with no less than 2500 already locked up within facilities in England around the same time.<sup>159</sup> While the further cross-referencing of records still needs to be undertaken, it can safely be determined that many hundreds more can be added to these numbers simply accounting for the sources not used in their work, as well as the significant number of persons who were not yet apprehended by the time most of the trials were undertaken. For example, Advocate William Grant noted to Newcastle that at least seventy rebels with

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153 Fletcher to Newcastle (15 March, 1746), SPS.54/29/18.

154 For example, Warrant from James Cochrane (5 December, 1745), NLS MS.288 f. 21. See also TNA TS.11/1081/5602-4; 20/49/2; TS.20/63/1; 20/74/7; 20/76/6.

155 NLS MS.3142 ff. 125-126.

156 List of Prisoners Sent to Tilbury (2 August, 1746) SPD.36/86/6. There were originally 300 prisoners sent, but twenty-nine had died before registering in England, and three were conferred to the care of a messenger. Forty are noted to have been 'very ill'.

157 Accounts of Rebel Prisoners in the Several Goals of England, SPD.36/81/69-71, 73-81, 88; *P45* (i), p. 64. See also TNA TS.11/1080/5516, 5533. See Appendix XVI: Prisoners on Suspicion 1745-7, fig. 1.

158 See Appendix XVI: Prisoners on Suspicion 1745-7, fig. 2.

159 *P45* (i), pp. 66, 85-88.

sufficient evidence against them were not yet in custody by late October 1746, and he also mentioned the 255 suspected ‘low people’ reported by the sheriffs of eight counties but without enough evidence to secure a conviction. In order to conduct further enquiry, he cautioned, the government would have to ‘send proper Agents into the Several Countys for that purpose’, which Albemarle and Fletcher indeed would do.<sup>160</sup>

The value of precognitions and pre-trial examinations to help designate degrees of guilt should be obvious when considering the scale of judicial administration that faced government officials. Getting through the extensive backlog of detainees was always going to be an exercise in futility, but the dire state of the prisons and the great costs associated with keeping them subsisted meant that time was of the essence. While not as inclined as in 1715 to release large numbers of prisoners in hopes they would simply behave, there was no possible way that everyone could be comprehensively processed – and the Justices of the Peace knew it.<sup>161</sup> Before judging his stable of cases, George Miller queried the Lord Justice Clerk about how to deal with ‘those commoners’ who showed no indication of voluntarily joining the Jacobites. Miller outlines the stipulations clearly, enquiring what to do about those who had deserted from the rebel army. He also asks about those who claimed never to carry arms (as so many did) and those who surrendered their arms as per Cumberland’s invitation to do so. Notably and on behalf of the Bailie of the Regality of Atholl, Thomas Bissett, Miller specifically mentions the great number of Atholl commoners who were forced out, and asks if they, too, should be shown clemency as per General Wade’s declaration of indemnity.<sup>162</sup> Wade’s published notice, distributed on 30 October 1745 from his camp at Newcastle, is an essential reflection of the government’s acknowledgement of the many Jacobites who were compelled by force.<sup>163</sup> This document makes it clear that impressment was known to be widespread enough to address head-on, inviting those in such a position to surrender their arms before 12 September in return for a full pardon from any charges. This date is referenced by notes within numerous lists of prisoners and examinations, signifying that many captured rebels knew

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160 William Grant to Newcastle (23 October, 1746), SPS.54/34/11; same to same (21 November, 1746), SPS.54/34/26. See also SPS.54/34/29c; Albemarle to Newcastle (22 November, 1746), SPS.54/34/29a.

161 P45 (i), p. 24; Fletcher to Newcastle (26 July, 1746), SPS.54/32/55; Jarvis, *Collected Papers* (i), p. 258.

162 NLS MS.17526 f. 204.

163 Wade’s Declaration (30 October, 1745) printed in *Scots Magazine*, 7 (1745), pp. 537-538. See Appendix XVII: Wade’s Declaration of Indemnity, October 30 1745 for a full transcription.

about Wade's offer of indemnity and attempted to use it as a validation of their submission.<sup>164</sup>

For those that did not surrender before that date, the threat of due process was explicit. But there were still other considerations to be weighed. What if the prisoners had surrendered their arms but were taken again by Jacobite recruiters? What if they were kept on the march through the rising but had not been present at Culloden? These questions were asked by Miller and Bissett, but we must look to the outcome of the examinations and trials themselves to find suitable answers.<sup>165</sup>

## TRIALS AND SENTENCING

In late July 1746, the Lord Justice Clerk identified three categories of rebels based upon the types of prisoners that had been taken up to that point: women, the French, and natives of Britain.<sup>166</sup> All three presented their own obstacles to indictment, whether it be how they could be accurately identified or in what manner the process of justice could be legally carried out once they were captured. By that time, only two prominent women were really on Fletcher's radar (Margaret Drummond, Lady Strathallan and Margaret, Lady Ogilvy), both of whose husbands were also engaged in the rebellion.<sup>167</sup> Rupert Jarvis notes that the eighteen elite women who took 'a more or less prominent part' in rebel activities, as well as the fifty-six who were attached to the Jacobite regiments in some manner, might have been apprehended, but he maintains none were tried for treason nor included in the drawing of lots for transportation.<sup>168</sup> Rather, at least twenty-nine captured women instead chose to accompany their male family members during their banishment to the colonies. Thirty-six others were released, while a further three appear to have escaped from prison. The rest show no records of their fates after imprisonment.<sup>169</sup>

As described in Chapter IV, troops in French service who specifically 'never resided in Brittain before the Rebellion' were to be granted the status of prisoners

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164 For examples across sources, see the examinations of Michael Steel in PKA B59.30/72/2; Robert Mill in NLS MS.3730 ff. 4-5; John McWarish in SPS.54/32/41c; and Robert Randal in SPD.36/88/51.

165 NLS MS.17526 f. 204.

166 NLS MS.17523 ff. 1-2.

167 Fletcher was also aware of the Lady Dowager of Nairn's involvement, but as a Peer she would be more difficult to try than the wives of landed gentlemen.

168 Jarvis, *Collected Papers* (i), p. 273. See Chapter III: Constituency for updated numbers of Jacobite women, pp. 117-119.

169 JDB1745 search queries on females and their disposals.

of war, which brought certain immunities from sentencing and usually meant they would be returned to France. The majority of these 'foreign' soldiers, however, were born within the British Isles and simply appropriated foreign nationalities. They were accordingly considered subjects of the crown, which qualified them to face prosecution just like native Jacobite prisoners.<sup>170</sup> On more than one occasion, therefore, did Scottish- and Irish-born rebels masquerade as soldiers hailing from foreign soil in attempts of easing their predicaments. Thomas Gould, held at Carlisle, claimed to be a Frenchman and befuddled the government justices who took some time figuring out how to handle the case. Similarly, a prisoner named Levy pretended to be a French officer, but was revealed as an Irishman by a dragoon with whom he was familiar.<sup>171</sup> It was certainly in the government's best interests to find out as much as possible about the foreign troops that had been captured, owing to their effectiveness on the Continent and the chance that British army deserters were lurking amidst their ranks.<sup>172</sup> Despite all of this, the majority (67.6%) of troops in foreign service were eventually either discharged or sent back to France, with 17% made to give oaths not to set foot on British soil ever again. Around 5% were transported to the colonies, and only a few (1.5%) were allowed to enlist into King George's army.<sup>173</sup> This last point is especially intriguing, as it might be expected that securing the services of trained and tenured soldiers from France, like Guillaume Cordier, who for six years served in the host of Louis XV, would be desirable additions to the British army.<sup>174</sup> Whether this on account of a diplomatic contract or whether it simply speaks to the xenophobia of the time is open to debate.

The greatest number of prisoners by far that the government had to address were native Scots, English, and Irish who stood against charges of high treason. Fletcher separated these into two categories: those who carried and those who did not carry arms, including all soldiers and supporters who

did not personally join [the Jacobite army] but otherwise aided and assisted them by corresponding with them or supplying them with money provisions or other necessarys or by harbouring or concealing them or assisting them to make their

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170 Fletcher also made the distinction in his notes that those born abroad should be answerable to charges of high treason if they ever 'had Residence in the King's Dominions before the Rebellion', NLS MS.17523 ff. 1-2; Jarvis, *Collected Papers* (i), p. 263.

171 Notes on Rebel Prisoners Held in England, SPS.54/26/178.

172 McDonnell, 'Irish Brigade Documents', p. 3.

173 See Appendix XIII: Prisoners in French Service 1745-7, fig. 1.

174 Testimony of Guillaume Cordier (10 February, 1746), PKA B59.30/72/1. Others also applied, as seen in SPD. 36/84; 36/88; 36/89, for example.

escape.<sup>175</sup>

The soldiers in arms were then further separated into either officers or private men, with all 'Heritors of land or in the Rank of Gentlemen' marked for capture or attainder 'so as once to bring them under the power of the Crown'.<sup>176</sup> The problem, as stated earlier, was that there were far too many prisoners to effectively move through the judicial system. This was also an issue in 1715, and the government of George I responded by instituting representative punishments upon a 'trivial fraction' of the plebeian rank-and-file, especially in Scotland.<sup>177</sup> The beam of 'victory and clemency' balanced by the Whigs after the Great Rebellion was not effective enough to put down the threat of Jacobitism, as evidenced by the situation in which Britain found itself thirty years later. Despite the limited campaign of attainders carried out after 1715, reconciliation with influential Scots Jacobites was just a matter of time, thereby keeping the seed of Jacobite ideology alive.<sup>178</sup> Echoes of this judicial polarity were also audible in the wake of the Forty-five, when Fletcher noted that it might be prudent to make examples of some so that the much greater whole was aware of 'what acts do amount to Treason', while 'at the same time the leniety of the Government may appear in punishing so few of so great a multitude of Criminals'.<sup>179</sup>

As was done in 1715, a system of lotting prisoners was established for all those held in England, which was essentially akin to drawing tickets out of a hat to decide who was punished and in what manner. The general rule was held as representative punishment for each one-in-twenty prisoners, with the unlucky one going to trial and the rest relegated to some measure of mercy 'on such Conditions as His Majesty shall think proper'.<sup>180</sup> How strictly these parameters were followed is difficult to discern, as there were many exceptions to the lotting rules. Those of high station were 'debarred from the privilege' of using this system, as were the most notorious of Jacobites, including those who committed specific acts of barbarity. These persons were sent to different prisons in London to await the

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175 NLS MS.17523 ff. 1-2.

176 Ibid.

177 Sankey notes that only thirty-three rebels were executed and 638 were transported to America, *Jacobite Prisoners of the 1715 Rebellion*, p. xiv.

178 Ibid., pp. xiii, xiv; Lenman, *Jacobite Risings in Britain*, pp. 155-179; Sankey and Szechi, 'Elite Culture', pp. 92, 99, 114-116; Macinnes, *Clanship*, p. 203.

179 NLS MS.17523 ff. 1-2.

180 Lyon in *Mourning* (ii), pp. 236-237; *P45* (i), pp. 8-9; SPD.36/88/53, 60.

accumulation of evidence and a date for trial.<sup>181</sup> Other plebeians, like most women and those who were extremely ill, were also excepted from drawing lots. Of 430 prisoners held in Tilbury and on the prison hulks in London, Stratford Eyre reported that 355 were 'Lotted fairly' and seventy-five others were held aside either for direct trial, further examination, or were those appointed as witnesses. Of the 355 who drew lots, only seventeen were marked for 'justice', which meant they would be moved to trial and most likely executed.<sup>182</sup> Many of those who drew 'mercy' in their lots were subsequently transported or banished from the realm, though some were also dismissed.

It was of course the native Jacobite officers that the government really wanted, and duly there was more emphasis placed on identifying those known to be of rank in the rebel army. In addition to being seen as the catalysts and propagators of disaffection, officers were more likely to be of a higher station and therefore would have more stake in the cause. It was not lost on government officials that the officers generally also had more to lose.<sup>183</sup> Fletcher reinforced to Philip Carteret Webb the importance of convicting a known elite like Buchanan of Arnprior, noting

it is of more consequence to his Majesty's Service, and for the peace and quiet of the Country, to get rid of such a person of rank, and Ability, as Arnprior, who is artful and able to poison a whole County, than to convict ninty & nine of the lowest rank of Rebels.<sup>184</sup>

The prevalence of the names of officers mentioned in Jacobite trials highlights their value as cautionary specimens of which to be made examples. But their widespread presence in these records also indicates that they were more well-known to witnesses than the common soldiers would be. Eighteen-year-old Edward Gibson, an Edinburgh fan-maker who served in Balmerino's Life Guards, provides a useful example of this within his examination. Of the nineteen individuals whom Gibson could positively identify through personal familiarity, eighteen were of the rank of ensign or above. Of those, eight were captains and five were colonels or lieutenant-colonels. The one non-officer pointed out was a high-profile surgeon to the Prince

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181 Fletcher to Newcastle (15 March, 1746), SPS.54/29/18; P45 (i), pp. 11-23.

182 SPD.36/88/60.

183 Seton and Arnot make the argument that Jacobite officers were spread throughout both class and profession, P45 (i), pp. 279-280. That the junior officers also represented the middling class is no surprise. Still, the higher-ranking officers were almost invariably either landed gentry or heritable chiefs, even in Seton and Arnot's stated example of Lord Ogilvy's regiment.

184 Fletcher to Webb (9 September, 1746), SPS.54/33/23b. See also Fletcher to Newcastle (26 July, 1746), SPS. 54/32/55.

himself.<sup>185</sup> William McIntosh likewise wrote up a list of twenty-one colleagues he had ‘See’d in Arms and would know a greate many if I See’d them’. Only five of these persons did not hold a commission in the army.<sup>186</sup> A similar ratio is evident in the examination briefs of the prisoners at Newgate; of the thirty-four persons deponed against by 132 witnesses, only four were non-officers.<sup>187</sup> It is likely that the Jacobites of rank identified in these examinations were simply more familiar to their witnesses, the very nature of their stations requiring substantial interaction with the private men and logistical operations of the army. After all, the officers were largely responsible for collecting public monies, requisitioning supplies, billeting soldiers upon the homes of civilians, leading men in battle, enforcing discipline, and bringing recruits into the army – willingly or not. In addition to being the focus of the government’s energies, though, it is not difficult to imagine that the showcasing of officers in this manner was also an opportunity for prisoners who turned King’s evidence to either defer blame or even retributively implicate those seen as being responsible for their unfortunate situations.

Analysis of all cases across trial locations in Carlisle, Southwark, and York illustrates the representational nature of sentencing: only 54.7% of prisoners were actually indicted from those who were initially arraigned.<sup>188</sup> Likewise, those sent to England consisted of a much-diminished number of all prisoners captured and charged with treason, though a percentage for that figure is difficult to calculate. Seton and Arnot’s study of Jacobite trials indicates that only 37% of nearly 3500 prisoners in Britain were definitively sentenced, with the majority (70%) of those being transported with or without indentures.<sup>189</sup> Less than 10% of the indicted were executed, though many more were originally given sentences of death before being reprieved or recommended to mercy by the jury or justices.<sup>190</sup> Thirty-one of those executed were officers, fourteen of which were from the Manchester Regiment alone. Also amongst those hanged and beheaded were four peers, two spies, two Episcopal ministers serving in Jacobite regiments, and the British army deserters

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185 Examination of Edward Gibson (6 October, 1746), SPD.36/88/48.

186 List of Rebels from William McIntosh, SPD.36/88/57.

187 TNA TS.11/760/2363.

188 See Appendices XVIII, XIX, and XX: Jacobite Trials at Carlisle, Southwark, and York.

189 See Appendix XXI: Jacobite Indictments 1746-8, figs. 1-2.

190 List of Persons Now Under Sentence of Death, SPS.54/34/60; 54/26/184; Lists of Prisoners from Special Commission at York (8 October, 1746), SPD.36/88/42. See also TNA TS.20/49/6; 20/54/8; 20/74/13.

mentioned in Chapter IV.<sup>191</sup> Whereas the brunt of reparations in 1715 were focussed on the English Jacobite constituency, the far greater number of sentences were carried out on Scots after 1745. This is not surprising simply due to the scant turnout of English support and the focus of the British government on the ‘civilising’ of Scotland, as well as the development of government policies that allowed more effective processing of prisoners who were sentenced to be transported.<sup>192</sup> While overall number of sentences handed out after the Forty-five was significantly greater than in the wake of the rising before it, only a little more than a third of the total mass of prisoners taken was punished by the state. There were nearly four times as many executions and almost twice as many transportations as after the Fifteen. But the real punishment would soon be suffered by politically-ambivalent communities mostly, but not only, in the Highlands of Scotland and by non-juring congregations, especially in the recalcitrant north-east.

## THE COSTS OF REBELLION

Despite the economic benefits of revolution and its impending rescue to the ‘decaying trades’ explicitly proposed by Stuart declarations, it was in fact the Jacobite appearance in Scotland that played havoc upon trade throughout Britain.<sup>193</sup> The disruptions to commerce occasioned by such a threat were felt strongly enough that numerous burgh officers and estate factors expressed their concern to the government in writing. Nicol Graham of Gartmore informed Patrick Haldane of the ‘miserable situation of this Country’ due to the ravages of the Macgregors through Montrose’s lands:

the Inhabitants are not only greatly discouraged from all manner of Industry & Labour, by reason of the precariousness of their Property, but are even ready to abandon their homes, did they know where to settle, or how to get hence.<sup>194</sup>

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191 Chapter IV: Recruitment, pp. 157-159. Seton and Arnot work from the figure of thirty-eight deserters executed, but at least five others can be added to that number. See Appendix XXII: Jacobite Executions 1746-53, figs. 1-2.

192 Lenman, *Jacobite Risings in Britain*, p. 172; Sankey, *Jacobite Prisoners of the 1715 Rebellion*, pp. 48-52, 74-75; Macinnes, *Clanship*, pp. 204-205, 211-220

193 The manifesto read at Glenfinnan specifically targeted the ‘unprecedented’ taxes foisted upon Scotland by its larger southern neighbour, which ‘have not failed to produce that poverty and decay of trade which were easily foreseen to be the necessary consequences of such oppressive measures’, Keltie, et al., *History of the Scottish Highlands (i)*, p. 523. Note that this was a reissue of a declaration produced by James in Rome on 23 December, 1743, *Appendix to the Scots Magazine for the Year 1747*, pp. 618-620.

194 Nicol Graham to Patrick Haldane (30 June, 1746), SPS.54/32/49b.

Likewise, President Forbes expressed to Tweeddale his need for money to defend the Inverness area, stating that bank notes were devalued, coin was locked up, 'trade is at a stand and no one will part with the little money he is possessed of'.<sup>195</sup> In London, the Royal Exchange ceased operations and many shops were boarded up for fear of being pillaged even though the Jacobite army never made it nearer than Derby.<sup>196</sup> Aberdeen's harbour was closed despite fervent pleas from the council, as were those in Montrose and Banff, and trade in the north-east was consequently strangled.<sup>197</sup> Andrew Cochrane, the provost of Glasgow in November 1745, confided to an MP in London that even the suggestion of the rebels invading was enough to economically hold the burgh hostage:

Our case in this place and county is most deplorable. For eight weeks there has been no business; our custom-house shut up, though we have 4000 hds. tobacco lying in the river undischarged; our manufactures at a stand for want of sales and money; no payments of any kind, no execution; our country robbed, plundered, and harassed by partys.<sup>198</sup>

Glasgow was especially vulnerable during the early months of the rising, an extremely prosperous urban centre with no walls, no trained military, and few arms with which to defend itself. Frantic requests for government assistance in the form of troops or guns were repeatedly rebuffed, the few available soldiers instead sent out to defend Stirling and the contribution of arms thought more a temptation for rebel looting than of any effective use by the untrained mob.<sup>199</sup> The 'absolute interruption of business' that Cochrane describes informs a greatly-disturbed status quo, and resulted in significant stores of valuable goods lying untended as inadvertent enticement for the needy Jacobite army.<sup>200</sup> A frustrated Glasgow citizen could not envision the rebels avoiding the looting of these commodities

unless they are absolutely an Army of mad-Men [...] for we have so many different sorts of goods here, in great Plenty, that are the fittest plunder in the

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195 Duncan Forbes to Tweeddale (13 September, 1745), SPS.54/26/140.

196 A.A. Mitchell, 'London and the Forty-Five' in *History Today* (15, 1965), p. 722; Evelyn Lord, *The Stuart's Secret Army: English Jacobites 1689-1752* (Harlow, 2004), p. 207; Rogers, 'Popular Disaffection in London', p. 6; Walter Besant, *London in the Eighteenth Century* (London, 1902), pp. 15-16; McLynn, *The Jacobite Army in England*, p. 118.

197 Magistrates of Aberdeen to David Bruce (1 May, 1746) and same to Fletcher (23 May, 1746), reprinted in Allardyce, *Historical Papers* (i), pp. 248-249, 252-253. See also German, 'Jacobitism in the North-East', pp. 173-175. See Jarvis, *Collected Papers* (i), pp. 197-223 for an assessment of shipping between England and Scotland during the Forty-five.

198 Andrew Cochrane to Patrick Crawford (November, 1745), reprinted in *Cochrane Correspondence*, pp. 30-31. See also Memorial from the Magistrates of Glasgow, NLS MS.17527 ff. 151-156.

199 See letters between Cochrane and Fletcher and Craige in *Cochrane Correspondence*, pp. 3-17.

200 Cochrane to Argyle (4 October, 1745), reprinted in *ibid.*, pp. 22-23.

World for Highlanders, such as Tobacco, Iron, Leather, Sugar & Aquavivatae.<sup>201</sup>

Defensive restrictions upon the passage into harbours of goods-laden ships were imposed by the Lord Justice Clerk which, similarly to Glasgow's tobacco industry, had the effect of putting 'a stop to that trade' of corn in Berwick and Eyemouth. In Aberdeen, perishable commodities spoiled in storage and 'all Trading people have suffered greatly'.<sup>202</sup> Unsurprisingly, the interruption of business-as-usual likewise affected rural economies on Jacobite home turf. Numerous Highland estates that lost precious numbers of subsistence tenants to rebel recruiters also suffered from the disruption to the vital farming cycle. From Bredalbane to Lochaber, fallow years followed their departure.<sup>203</sup> In Argyll, there was 'not a Shilling of Rents recover'd since the Rebellion broke out, and no idea of what the future might bring'.<sup>204</sup> With perhaps the exception of Edinburgh's marked financial distress, which was thought to be largely a product of a corrupt and Jacobite-leaning provost and self-perpetuating burgh council, industry and trade in many normally-prosperous centres were strongly affected by the threat of internal conflict.

Rather than the benevolent jostle given to Edinburgh's mercantile sector by the influx of new Jacobite punters that Blaikie blithely describes, those invested in commerce throughout Britain complained of business screeching to a halt, borne out by existing impost and excise records.<sup>205</sup> While examinations of select receipts in certain sectors might show marginal upticks in personal purchases by those elites with money to spare, the Jacobite army was never known for its rude solvency.<sup>206</sup> The pennilessness of numerous individuals described in Chapter II has been identified as a relevant incentive for their participation in the rising. For those in

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201 Letter from Glasgow (13 September, 1745), NLS MS.7079 f. 5.

202 John Price to Newcastle? (13 April, 1746), SPD.36/83/44; Magistrates of Aberdeen to Fawkener (9 April, 1746) reprinted in Allardyce, *Historical Papers* (i), pp. 240-241. Similar embargoes were imposed throughout the north-east, including the harbours of Aberdeen, Stonehaven, Fraserburgh, Newburgh, Montrose, and Peterhead. See Magistrates of Aberdeen to Fletcher (23 May, 1746) reprinted *ibid.*, pp. 252-253; and German, 'Jacobitism in the North-East', p. 174. See also 'Letters and Orders from the Correspondence of Walter Grossett' reprinted in Blaikie, *Origins*, pp. 379-399.

203 Mackillop, *More Fruitful Than the Soil*, p. 107; see also Chapter II: Motivation, p. 74.

204 Memorial for the Duke of Argyll, NLS MS.17526 f. 143.

205 Blaikie, 'Edinburgh at the Time of the Occupation', pp. 43-45. For specific financial evidence see, for example, Glasgow's tobacco duties in the fiscal year (Christmas to Christmas) 1745-6, which received no importation segment during that time. Strong payments on bonds were still present, however, and over ten times that period's interest was garnered during the same dates 1746-7, reprinted in *Cochrane Correspondence*, p. 106. See also NLS MS.17525 f. 1.

206 See, for example, the papers of Colin Mitchell, goldsmith in the Canongate of Edinburgh, NRS RH.15/176. Mitchell seemed to be bringing in a good business, though numerous customers complained of his extreme tardiness in finishing his projects (f. 7-8). Note that he was the standing deacon of the Edinburgh Hammermen.

this position who voluntarily came out, their poverty was rarely solved by signing up for service; for those pressured into recruitment, many would also bear the burden of being removed from their regular subsistence.<sup>207</sup> The destitution of the Jacobite military is often mentioned during the retreat northward, and even with large-scale desertions hampering the number of dependents, Charles Edward had great difficulty paying his troops as promised. During the final months of the rising, some of the common soldiers were given an allowance of oatmeal instead of their regular pay, and numerous accounts mention rampant hunger throughout all ranks.<sup>208</sup> This of course became even worse after Culloden when the army had scattered, and Lord Balmerino surrendered the day after the battle reportedly to keep from starving, having been heard to say that it had 'been too long already'.<sup>209</sup> As evidenced by the inability of the Jacobites to establish effective logistics and supply centres in the burghs through which they passed, the resources of the army were perpetually stretched thin.<sup>210</sup> The lack of personnel to spare necessarily made forage and requisition difficult, and further sharply highlights the cyclical problem of recruiting without a broad base of effective recruitment officers and a largely ambivalent recruitment pool.<sup>211</sup>

Collecting the cess or 'public monies' was therefore an absolute necessity for Jacobite officials. As they could not depend upon a steady stream of income from any one party and were totally reliant on French contributions to keep on the march, they did what was needed to extract it from the public.<sup>212</sup> Paying enlisted soldiers was crucial to keeping them from deserting, and Lewis Gordon commented

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207 James Ged to Duke of Perth (12 November, 1745), SPS.54/26/151. Ged writes on behalf of Jonathan Pallison, who had contributed to the Jacobite effort at the expense of his corn and hay. He describes that 'the Ground ly untilled'.

208 Maxwell of Kirkconnell, *Narrative of Charles Prince of Wales*, pp. 131-132, 141-142; Francis Farquharson's Account of the Battle of Culloden, NRS GD.1/53/81/1; Lenman, *Jacobite Risings in Britain*, p. 261. Lord Ogilvy mentions the frequency of desertions 'for want of bread' as early as November 1745, Ogilvy to Sir James Kinloch reprinted in Mackintosh, *Muster Roll of Forfarshire*, p. 123. John Cameron comments that the Jacobite soldiers received no pay since the beginning of February and were 'straitned in provisions' in the days before Culloden, 'The Journal of John Cameron' reprinted in *Lyon in Mourning* (i), pp. 84-85.

209 Alexander Stuart of Dunearn to James Stuart (24 April, 1746) reprinted in Allardyce, *Historical Papers* (i), p. 313. Only two days after the battle, government officials commented on the inevitability that the widespread hunger of fleeing Jacobites would drive them to submission, see Alexander Campbell to Loudoun (18 April, 1746), HL Box 5/LO 11051.

210 Rogers, 'Riot and Popular Jacobitism', p. 72; Lenman, *Jacobite Risings in Britain*, p. 258.

211 Murray of Broughton's assessment of the army's dwindling finances was partly responsible for their abandonment of Carlisle, McLynn, *The Jacobite Army in England*, p. 51; McCann, 'Organisation', pp. 150-152. McCann reinforces, however, that Jacobite military success 'did not depend upon success in raising money, it was on the contrary a necessary preliminary to that ability to raise money', p. 160.

212 See McCann's detailed treatment of Jacobite cess-collecting, 'Organisation', pp. 166-177.

that the troops he had painstakingly assembled in the autumn and winter of 1745 simply would not join the main body of the army without a timely collection of the cess.<sup>213</sup> As touched upon in Chapter III, the importance of obtaining this fund is borne out by the no less than sixty-five identifiable persons who were noted to have contributed in the raising of these taxes in an official capacity.<sup>214</sup> McCann also insists that successful extortion of public monies was made possible by two factors: the ability to impose such collection with the presence of military force and either the voluntary or involuntary assistance of local officials.<sup>215</sup>

The costly demands that Charles Edward foisted upon the burghs in which the army billeted were frustrating talking points in the correspondence of many of these victimised officials. Jacobite messengers first requisitioned the magistrates of Glasgow just days before Edinburgh was taken, demanding £15,000 and all available arms to be delivered up, otherwise ‘threatening the greatest severitys in case of disobedience’.<sup>216</sup> Receiving no payment, John Hay delivered a second demand less than two weeks later promising that this money would be paid back to the burgh in full ‘so soon as the nation shall be in a state of tranquillity’, but the council was able to whittle down the premium to a mix of money and goods worth the value of £5500. This was partly paid forth with 6000 coats, bonnets, pairs of shoes and hose, and twice that number of linen shirts for the supply-starved rebels.<sup>217</sup>

The levying of similar demands was commonplace during the Jacobite offensive, and nearly identical requisitions were made repeatedly in Dumfries, Kirkcudbright, Stirling, Edinburgh, Inverness, Stonehaven, Kirkwall, Easter Ross, and in many other towns and burghs as well as in rural counties. Some, as noted above, required ‘contributions for his Highness’s use’ in the form of land tax proportional to a town’s standard rents, and with these requisitions often came

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213 Lewis Gordon to James Moir of Stoneywood (25 November, 1745) reprinted in *Spalding Miscellany* (i), pp. 405-406.

214 See Chapter III: Constituency, p. 90.

215 See McCann for more detail on the specific taxes levied and in which counties, ‘Organisation’, p. 167.

216 Cochrane to Argyle and Tweeddale (16 September, 1745) reprinted in *Cochrane Correspondence*, pp. 16-17.

217 Charles Edward to Cochrane (25 September, 1745); Cochrane to Argyle (28 September, 1745); Cochrane to Patrick Crawford (January, 1746) reprinted in *ibid.*, pp. 21-22, 62-63, 133.

insistence on viewing the administrative books in order to prove accurate values.<sup>218</sup> Other directives from the rebels demanded horses, food pans, canteens, targes, broadswords, tents, and shoes.<sup>219</sup> In Newbigging, Charles Edward called for bolls of hay and oats, under penalty of burning down the town clerk's house, with similar threats repeated throughout virtually all extant requisitions.<sup>220</sup> Notably, meal was scarce and requisitions for food seldom were filled, as 'the country could not afford subsistence'.<sup>221</sup> A rare exception to this was during the siege of Carlisle, when the Duke of Perth sent an order to 'all ye Villages in the Neighbourhood' to

bring hither daily Wheat, Rye, Oats, Barley, Beans, Butter, Cheese, Poultry, Eggs, Black Cattle, Sheep, hoggs, and such other provisions & merchandizes as they may have, for which they shall be paid.<sup>222</sup>

It is not known whether these items were actually gathered up or if the army's reserves could have feasibly paid for them, but the promises of such reimbursement are less common than threats of military execution to encourage citizens into action. Despite this, according to an Edinburgh citizen whose friend's horse was taken by Lord Elcho himself, he seemed to think there was a good chance of getting remunerated for it.<sup>223</sup>

Multiple witnesses claimed to have seen stent-collector John Carmichael issue receipts for the value of goods or contributions taken at Perth. This included £45 sterling from the 2000 marks Scots requisitioned on 3 February 1746, as witnessed by John Clerk and Robert Young. Four days later, Nunan Balmain likewise claimed to have paid 21 shillings as his part of 'the Task Duty' owed to the army during its occupation of Perth. Receipts or not, Robert Gardiner claimed that

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218 Dumfries: (26 September, 1745), SPS.54/26/48b. Kirkcudbright: NLS MS.17526 ff. 74-75; (30 December, 1745), ff. 76-77. Stirling: NLS MS.17526 f. 78-79. Edinburgh: James Turnbull to James Ramsay (9 October, 1745), NLS MS.17526 f. 201. Inverness: *Lyon in Mourning* (i), p. 85. Stonehaven: *P45* (iii), pp. 200-201. Kirkwall: Alexander Mackenzie to Collector Smith (April, 1746) NLS MS.17529 f. 88. Easter Ross: Earl of Cromartie to heritors (25 February, 1746), HL Box 38/LO 12039. Many of these are signed by Murray of Broughton. Strangely, Jacobite soldiers under Glenbucket destroyed a number of Carlisle parish registers while in the vicinity of Stanwix; Mounsey, *Carlisle in 1745*, p. 64. See also Craigie to Tweeddale (1 October, 1745), SPS.54/26/47.

219 Murray of Broughton to Dumfries (30 December, 1745), NLS MS.17526 ff. 72-73. In lieu of livestock, locals were invited to pay £10 for each undelivered horse. *Woodhouselee MS*, pp. 32, 68-69. Patrick Crichton recalled that Duddingston village was taxed 2s.6d. per pound sterling of rent as reimbursement for tents and shoes. Elcho, *Affairs of Scotland*, p. 282.

220 *Woodhouselee MS*, pp. 73-74.

221 'A Compleat Journal of Sir John Cope's Expedition' in *Gentleman's Magazine*, 15 (October 1745), p. 518. The British army in fact advertised a warning for its camp followers to keep a mile's distance from the army's baggage train so as not to deplete the scant provisions and forage, NLS MS.2960 f. 80.

222 Duke of Perth's Order of Requisition (17 November, 1745), SPS.54/26/158.

223 William McGhie to John Brown (17 November, 1745), SPS.54/26/150. See also the entry for John Scott in Montrose with promise of repayment, Rosebery's *List*, pp. 188-189, 320-321.

Carmichael threatened him 'with military execution unless he paid' his requested portion.<sup>224</sup> Thomas Richardson deponed that the Jacobite sheriff of Angus, James Carnegie Arbuthnot, demanded and consequently took a measure of bread from his wife, leaving her with an order for payment. Richardson went on to acknowledge that the order was subsequently paid by John Wedderburn, a collector of excise for the Jacobite army.<sup>225</sup>

The 'loan' requisitioned by John Hay at Glasgow in September of 1745, however, was never going to be paid back by a shattered and destitute Jacobite administration, so it fell to government coffers to provide recompense. Provost Cochrane approached the Lord Justice Clerk with the same tenacity he displayed when under threat of invasion, lobbying for repayment and offering suggestions on how to collect such monies from particular forfeited estates:

The Severe and rigorous Contributions exacted by the Rebels from the Town of Glasgow on account of their Zeall and attachment to his Majestys Person and Government, the great Expense they were at in raising and maintaining a Body of men in order to Suppress the said Rebellion, and the great Shock the Trade and Manufacturers of that place has received by the Interruption and Stop to its Trade and Business for so long time are such heavy Losses that neither the Community itself, whose funds are not very Considerable, nor the private fortunes of the Inhabitants are well able to bear it.<sup>226</sup>

Between the six months of dead trade, lost contribution money, and 'free quarters' exacted by the Jacobite occupation there in December, the magistrates were feeling quite bereft. They informed the government that the value of rebel contributions raised in Glasgow was a sum greater than all of the other levies 'in all of the burroughs of Scotland, and possibly even all of Britain'. Glasgow, they repeatedly stressed, was 'the most universally loyal town in his Majesty's dominions', but it would not survive without financial assistance from the crown.<sup>227</sup> That much of Glasgow was loyal was not in doubt, but its council still conceded to fuel the Jacobite demands, however diminished they were after negotiation. This highlights

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224 TNA TS.11/760/2361 pp. 32-34.

225 Ibid., p. 28.

226 Memorial from the Magistrates of Glasgow to Fletcher, NLS MS.17527 ff. 151-156; Cochrane to Argyll (June, 1746) reprinted in *Cochrane Correspondence*, pp. 92-93. See also 'Reasons for Compensation of the Losses Sustained by Glasgow During the Rebellion' reprinted in *ibid.*, pp. 78-80; and 'Memorial Stating the Facts Relative to the Conduct of the Town of Glasgow During the Present Rebellion' in *ibid.*, pp. 80-85. Cochrane also pressed for a patent for copper coinage, which he claimed would help the town 'and at the same time be a great convenience to this country, where much copper is wanted', Cochrane to Maule (May, 1746) reprinted in *ibid.*, pp. 85-86.

227 Ibid., pp. 80-85. Cochrane to Fawkenner (May, 1746) reprinted in *ibid.*, pp. 88-89. Glasgow was finally reimbursed on 14 June 1749 in the amount of £10,000 paid by His Majesty's Exchequer, 'Compensation for the Losses of Glasgow' reprinted in *ibid.*, pp. 129-130.

the difficult position in which the government found itself, attempting to reconcile whether the locales which provided troops and materiel for the rebellion, either voluntarily or otherwise, were then deserving of government subsidy. Similarly in Aberdeen, the £1000 given to the Jacobites 'in order to preserve their persons from military execution' was also petitioned for reimbursement in July 1746. It was repaid over time with a combination of private funds from office-bearers and a prolonged stent of Aberdeen's inhabitants, all secured by the town council.<sup>228</sup>

The Forfeited Estates Papers for Laurence Oliphant contain a petition signed by ninety Gask tenants in 1753 who also sought financial clemency due to the 'arts of the Rebels and the many hardships we suffered from them [...] sufferings and losses [...] both in our persons and Effects'.<sup>229</sup> The aim of their petition was the retention of two years of rent in lieu of the harmful disruptions from Jacobite activity on the estate eight years prior. Reduced to poverty, this was seen by the tenants as the only way to lessen their arrears. The estate factor subsequently investigated their conduct during the rising, which was partially undertaken by speaking with parish ministers about the tenants' loyalty. It was finally acknowledged that they were indeed given 'a good deal of trouble from the Rebels', and were allowed retention of the two years they had claimed.<sup>230</sup>

If the government was successful in collecting evidence and witnesses against its treasonous enemies, it was most certainly due to the extensive networks of informants in which the Hanoverian justices invested. While George II and his prominent justices might have liked to think that loyalty was a gift to be freely offered to one's lawful sovereign, for many it was no less of a business than any other professional service. Rhetorically, there was no expense too great to bring the nation back from the brink of revolution, but the long delays in repayment and letters from frustrated creditors speak to the reality of a morass of paperwork that needed sorting out.<sup>231</sup> Evidence for privatised Hanoverian intelligence networks being deployed into the field were explicitly evident well after Culloden. Writing to

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228 'Act for stenting the inhabitants yearly for repaying the levy money' reprinted in Allardyce, *Historical Papers* (i), pp. 203-204. See also German, 'Jacobitism in the North-East', pp. 169-170.

229 Tenants of Gask to Barons of Scottish Exchequer (February, 1753) reprinted in A.H. Millar, ed., *A Selection of Scottish Forfeited Estates Papers 1715; 1745* (Edinburgh, 1909), pp. 198-201. Apparently Oliphant had forbade his tenants to harvest crops or feed their cattle due to his frustration with their reluctance to enlist with the army, Blaikie, 'A Military History of Perthshire', p. 328.

230 Millar, *A Selection of Scottish Forfeited Estates Papers*, p. 200.

231 Lt. Colonel David Watson, for example, notes to a subordinate that '[Blakeney] desires you Employ those you may think proper to Confide in, and that whatever Charges or Expence you are at shall be punctually repaid', Watson to Forbes (1 December, 1747) reprinted in Allardyce, *Historical Papers* (i), p. 298.

the Duke of Newcastle in November of 1746, Albemarle conveys to him the successes of his spies, who were then

in the heart of the Rebels Country, let into all their secrets, & faithfull in communicating to me what they can pick up. I do not think the money ill bestowed, that is laid out upon them, & if Your Grace approves of it, I shall still continue them in this Service.<sup>232</sup>

As early as 21 August 1745, however, John Cope expressed his frustration to Tweeddale that he had to 'pay and promise great reward' to the local inhabitants of Perthshire to obtain intermittent reports.<sup>233</sup> A week later, Cope offered similar sentiments to General Guest: 'Intelligence is difficult to get. I have sent many at great Expence, & none or few return, and those that do have given false accounts'.<sup>234</sup> Munro of Culcairn found the same trouble in Gairloch.<sup>235</sup> The Lord Justice Clerk counselled Newcastle that the best way to get 'regular and certain' information was by keeping his agents secret and paying them well.<sup>236</sup> Though he mentions no amount for the funds dedicated to procuring this intelligence, construction of a rough model is possible through other means.

Accounts show that liberal amounts of money were paid to agents who were tasked with information-gathering, many of whom would tack on any expense that might be allowed. General Huske, for example, handed in a warrant for £300 to hire a wherry that patrolled the north-west coast of Scotland in April 1747, the master of which also charged £5.5 for his travel expenses to Edinburgh and 'waiting there for Instructions untill he got an order'.<sup>237</sup> Donald Campbell of Airds' personal account in return for intelligence by Albemarle's order stood at £48.14, which was paid by 27 February of the same year.<sup>238</sup> In the years after the rising was quashed, numerous sheriff officers and private hires attempted to collect their dues, including the agents who employed others in these services. Sheriff Gabriel Napier of Stirling was given £5 'to Deburse for Intelligence' as well as £1.17 for numerous

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232 Albemarle to Newcastle (15 November, 1746), SPS.54/34/23a.

233 Cope to Tweeddale (21 August, 1745), SPS.54/25/92a.

234 Cope to Guest (27 August, 1745), SPS.54/25/101b.

235 Munro of Culcairn to Loudoun (28 July, 1746), HL Box 38/LO 12337.

236 SPS.54/29/7a.

237 NLS MS.17530 f. 69.

238 NLS MS.17530 ff. 56, 69, 174-175. In addition to charging for the transfer of information, Airds invoiced Albemarle (and thereby, Fletcher) £4.7 for sustaining six men to garrison his home at Castle Stalker ('Islandstalker') for all of February, as well as £5.19 for a new drawbridge. The charge for his garrison was set at '6d per day to each man'.

expresses containing information valuable to the government.<sup>239</sup> Archibald Campbell of Stonefield requested reimbursement in the amount of £14.7.2 for the subsistence of ten French prisoners captured on Barra.<sup>240</sup> Hugh Fraser, customs officer at Leven, helpfully apprehended two fleeing rebels and brought them to Edinburgh, handing Fletcher a detailed invoice for out-of-pocket expenses from the previous nine days, all of which were spent away from home.<sup>241</sup> Francis Wilson, also from Leven, begged payment for his part in the matter to the sum of £1.19.<sup>242</sup> The sheriff-deputy of Ross likewise claimed £28.11.6 for a litany of expenses, including the writing and delivery of Cumberland's summons for surrender to the ministers of Gairloch, Dingwall, Tain, Rosemarkie, and to the Isle of Lewis. Notably, amongst the most expensive of the sheriff's services was paid to the procurator fiscal for his help in locking up any non-juring meeting houses within a 36-mile radius.<sup>243</sup>

While it is outside the scope of this study to estimate the defence budget of the British army, a few detailed cases are noteworthy and demonstrate the mundane costs associated with caring for Jacobite soldiers wounded in combat. After the Battle of Prestonpans, for example, Lieut-Colonel Peter Halket provided £45.3.1 sterling toward assisting the soldiers and prisoners hurt in the engagement. This was mostly for care of the injured brought to Edinburgh's Royal Infirmary or triaged on the field at Colonel Gardiner's home, but also extended to sheets and linens (6s) and coaches to bring surgeons from Edinburgh to their patients near Tranent (23s). Notably, Halket also paid subsistence in the form of bread and ale for over fifty Jacobite prisoners in the Edinburgh and Canongate tolbooths at a total of £11.14.1, which appears to be unusual for an army officer to furnish.<sup>244</sup> The managers of the Royal Infirmary in Edinburgh were vexed by the influx of seventy wounded Jacobites shortly after Prestonpans, which they 'were in no condition to resist'. In addition to displacing the injured soldiers of the King's army, the rebels took possession of all of the best wards and medicines, which 'the funds of the Royal Infirmary are neither able, nor can they be applied to the Maintenance of

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239 Napier to Fletcher (27 October, 1747), NLS MS.17530 f. 96; 17527 ff. 165-166; 17529 f. 27; Papers of Gabriel Napier, TNA T.1/348/56, 67, 69, 71. Harris notes that some hired government agents created their own networks of informants, *Politics and the Nation*, p. 165.

240 NLS MS.17530 ff. 174-175.

241 Account of Hugh Fraser, NLS MS.17530 f. 180. Fraser closes with his aims in plain language: 'I only endeavour'd to do my Duty in consequence of Ane Order I had from My Superiour Officers & I want nothing but the neat Charges I was at as above in executeing the Same'.

242 NLS MS.17530 ff. 159-160.

243 Account of Thomas Ross of Calrossie, NLS MS.17529 f. 105; 17530 f. 44.

244 Pitfirrane Papers (25 September, 1745), NLS MS.6415 f. 87.

these people'. Left with fourteen Jacobite soldiers in their beds through the rising and even after Culloden, the managers appealed to Fletcher to see if they could be arrested as they lay, being 'indispensably bound to gett rid of them as soon as possible'.<sup>245</sup>

## MANIA AND OPPORTUNITY

In an event with so many differing motives and distinctly personal situations, it can be challenging to identify who had stakes in what goals and to what lengths they were willing to go in order to see those goals realised. In civil war, identifying a clear enemy is often problematic and opportunities for obfuscating the truth are perhaps riper for those who would do so. Likewise, it is sometimes difficult to separate the loyal citizens giving honest recollections of their observations from the less principled opportunists seeking revenge or advantage. Add to this the great tumult and insecurity felt by those who experienced the Forty-five firsthand, and it only makes sense that the conditions in Britain during the rising were primed for a different kind of campaign of fear and treachery. As Macinnes aptly states, 'In such a climate of terror, informing became a growth industry within Scottish Gaeldom', and was also plentifully evident outwith the Highlands, including England.<sup>246</sup> Not all false accusations were made with nefarious intention; records also show 'misattributions' foisted on seemingly innocent citizens, some of which had demonstrated decidedly questionable judgement.

Bearing in mind that deferring blame under threat of serious punishment was very much the norm, the testimonies and personal letters of the accused divulge some provocative vignettes. As summed up by J. Macbeth Forbes, 'a good opportunity was offered to any man who bore a grudge against his neighbour'.<sup>247</sup> Alexander McKenzie from Coull sent in a petition from prison in Inverness claiming he was arrested solely 'due to the ill-will' of one Lewis Rae, insisting he had nothing to do with Jacobite interests.<sup>248</sup> Gilbert Gray was arrested in Perth by two soldiers who claimed that he had hired out horses to serve the rebels. After

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245 Memorial of the Managers of the Royal Infirmary (28 April 1746), NLS MS.17526 ff. 189-190.

246 Macinnes, 'Aftermath of the '45', pp. 76-77; Rogers, 'Riot and Popular Jacobitism', pp. 70-71. Daniel Szechi also describes paranoia within Jacobite circles in exile, 'Cam Ye O'er Frae France?', pp. 373-375.

247 Macbeth Forbes, *Jacobite Gleanings*, p. 33. Jarvis describes it as 'a heaven-sent opportunity of paying off any old score', *Collected Papers* (ii), p. 282.

248 *P45* (iii), pp. 112-113.

spending multiple nights in jail and insisting that he only tried to recover his mounts from Jacobite hands, he was exonerated by the testimonies of several loyal burgesses and set at liberty.<sup>249</sup> After John Petrie, keeper of an alehouse in Edinburgh's Cowgate, was captured by government troops while slinking around near the Prestonpans battlefield, he wrote to his former employer asking for some assistance in setting the record straight. Petrie was found wearing a soldier's uniform 'besmear'd with blood' and several horses of the King's dragoons in his possession, but the most damning morsel of evidence against him was that he had a white cockade in his hat. This, he claimed, was donned for no other reason but than for protection against any lingering rebels, and he swore that he was informed against by 'bad Neighbours Whose malice cannot enough be exprest' due to their envy of his business. Perhaps surprisingly given the circumstances of his arrest, he was acquitted and released.<sup>250</sup> Of the hundreds of petitions sent to the Lord Justice Clerk providing information against suspected rebels, many were apparently suspected to have been sent by 'over-suspicious or malignant persons' and were found unopened in Fletcher's papers upon his death.<sup>251</sup>

Whig politicians were also witness to some of these misattributions, and sometimes exercised their networks to assist others in difficult positions. William Duff of Braco penned a memorandum to Fletcher in May 1746 – just as prisoners from Culloden were streaming into town – in favour of an Aberdonian merchant imprisoned on Cumberland's orders. The merchant, John Elphinstone, was evidently accused of working for the Jacobites, but according to Duff he was 'very willing & capable to oblige, and is a very good friend to Mr John Maule & able & fit to do him Service'.<sup>252</sup> Conversely, other politicians helped to perpetuate the dissonance by slinging doubts on their opponents or defending them against such malicious whispers. Nicholas Rogers notes that in England, accusations of Jacobitism were 'used to embarrass opponents, to topple office-holders and to strengthen one's credentials within the ministry'.<sup>253</sup> Likewise, a list of candidates up for election as Justices of the Peace in Kincardine circulated through Perth and Montrose late in 1746, eventually landing in Albemarle's office. Opinions varied on

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249 Declaration of Gilbert Gray (11 February, 1746), PKA B59.30/72/1.

250 John Petrie to Lady Rosse (4 July, 1746), NLS MS.17527 ff. 3-4; P45 (iii), pp. 252-253.

251 According to David Mackay, transcriber of 'The Grosett Manuscript' in *TGSI*, 28 (1912-14), p. 190. This is difficult to verify, especially if these documents were opened before being brought into the accessions at NLS. See Saltoun Papers MS.17515-17.

252 Memorandum of William Duff? (May, 1746), NLS MS.17526 f. 214.

253 Rogers, 'Riot and Popular Jacobitism', p. 71.

who was Jacobite and who was loyal, but plenty of speculation was raised as to their appearance in non-juring congregations and about their level of encouragement toward the King's interest.<sup>254</sup> Rumours about incumbent trade councillors in Edinburgh made their way across Fletcher's desk in late November 1746, assessing each candidate's Whiggish and Presbyterian credentials while questioning any connections to Jacobitism they might have had. One of these men apparently had a brother who was a rebel, and another was reputed to regularly drink with known Jacobites, drawing Fletcher's seemingly unconcerned commentary: 'as he loves drink the thing may be true But when he attends worship it is in the Presbeterian Kirk'.<sup>255</sup>

Even the greatly-valued clergy of the Church of Scotland were affected by the atmosphere of suspicion. Alyth parish precentor James Warden was accused by several witnesses of attempting to solicit Jacobite recruits, but a closer look at some favourable depositions reveals how the fire of hearsay can be spread. Though he was served with a number of incriminations, Warden's charge of helping to bring in soldiers for the army went some way toward him being looked upon 'as a most Disloyal person by every body' during the entire length of the rising.<sup>256</sup> Yet seventeen citizens would not speak against him, and four others who did had divulged that his recruiting efforts were not much more than showing them a list from Lord Ogilvy of the people in the area to be forced out. While it could easily be taken that Warden encouraged these witnesses to join the Jacobites, all of them also deponed that his encouragement was predicated on the fact that it might be safer to join, since they would either be forced or thrown in jail if they did not go.<sup>257</sup> It is obviously difficult to judge context and intention from such conflicting documentation, but these cases highlight the grey area of blame faced by those involved on both sides.

The financial situation in Edinburgh was dire for many; perhaps dire enough to drive them to leverage disruption caused by the Jacobite occupation in order to ease some of the mercantile competition within the capital. Alexander Shaw described that while the rebels held the town 'the shops were all shut; and the youths having to go about idle mingled with the rebels [...] and that the

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254 List of Candidates for Kincardineshire J.P., SPS.54/34/56c; PKA B59.30/80/1-2; James Bate to James Cant (7 August, 1746), PKA B59.30/69/3; Anon. to James Cant (11 August, 1746), PKA B59.30/69/4.

255 Memorandum about Trade Councillors (28 November, 1746), SPS.54/34/32d.

256 Testimony of James Duncan (1 July, 1746), PKA B59.30/72/4.

257 PKA B59.30/72/2, 4, *passim*.

shopkeepers removed their merchandise from their places of business'.<sup>258</sup> The communities in the Canongate and Leith, like many others throughout the country, were called upon to provide funds to the tune of 2s 6d per pound of rent in answer to the Jacobite army's demands for subsistence, putting more pressure upon an already beleaguered populace.<sup>259</sup> Business had already been slow before the Jacobites arrived, and merchants had been finding it difficult to get by:

The City is at present under a vast Load of Debt; every Branch of Trade is overdone, and great Numbers are reduced to Straits, and even to Want itself. The Poor increase daily, and the Poores' Funds sink a-pace, while the Citizens become daily less able to support them.<sup>260</sup>

It is therefore possible that conspiratorial behaviour was carried out by those extremely frustrated with the state of things, as evidenced by the strange web of intrigue woven by Edinburgh's goldsmith population. According to the published records of the Commissioners of Excise, as many as eleven of the capital's 'hammermen' and their servants and apprentices were reported to the authorities for being connected with Jacobite schemes by eight others within the same profession.<sup>261</sup> Little to no information exists regarding their specific charges, however, and none can be traced via prison records, depositions against them, or evidence of sentencing. Though the excise officers were not the the only source (nor the final word) that reported suspected Jacobites to the government, the implicated goldsmiths do not appear in statements from any other means.<sup>262</sup> No other region nor sector was as rife with intra-occupational conflict as this matrix of accusation shows, and the circumstances surrounding it are decidedly suspicious. Further investigation using Edinburgh's guild records may provide assistance, but the Burgess Rolls appear to end in 1700.<sup>263</sup>

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258 Macbeth Forbes, *Jacobite Gleanings*, p. 21.

259 Misc Papers of George Innes (2 October, 1745), NRS GD.113/3/1006/26.

260 *A Letter from a Gentleman at Newcastle, to the Burgesses of Edinburgh*, p. 8.

261 Data taken from Rosebery's *List*, passim, with a comparison of their evidences and run through JDB1745 for corroboration. See Appendix XXIII: Goldsmith Accusations, Edinburgh 1746, fig. 1.

262 Thomas Robertson, accused by his own master, is mentioned in one of Fletcher's lists as being confined in Edinburgh Castle, but there are no witnesses, no pleas, and no further remarks by officials. See SPS.54/32/41c; *Albemarle Papers* (ii), pp. 393, 399.

263 The Records of the Incorporation of Goldsmiths of Edinburgh (NRS GD.1/482, specifically f. 3) have not yet been consulted, nor have the guild records at Edinburgh City Archives (SL69, SL230, and ED008).

## THE NATURE OF BLAME

Even before the congratulatory memorials following the victory at Culloden stopped funnelling in from around the nation, Hanoverian officials set to work at retaining effective control of 'North Britain'. After failing to do so in the Highlands following 1715 due to a tepid programme limited by the fear of being perceived as too drastic, they endeavoured not to make the same mistake again.<sup>264</sup> Seeking regulation of recalcitrant areas largely through a combination of military presence and pacification, the government was now open to any ideas that might contribute to what Macinnes calls the 'exemplary civilising' of the lawless regions thought to have generated and sustained the rebellion.<sup>265</sup> Many of the works cited in this chapter have competently demonstrated the long-term regeneration of disaffected regions through economic and social reform, military reintegration, and the annexation of Jacobite estates.<sup>266</sup> Others describe how the British state supervised the process of disarming and pacifying known areas of hostility, and how during that process it committed injurious depredations upon Scottish communities that were equally as damaging as those of the Jacobite army.<sup>267</sup> While the multi-pronged campaign of reconstruction, focussed on the Highlands, gave rise to numerous legislative processes with an eye toward 'civilisation', the atmosphere of fear and mistrust throughout much of Scotland and parts of England permeated British military doctrine there.<sup>268</sup> The feelings of exasperation toward yet another rebellion ushered in a prevailing attitude of indifference to the welfare of disaffected Jacobites and the communities in which they sheltered.

The results of Patrick Campbell's 483-mile intelligence-gathering journey around the Highlands in the autumn of 1746 greatly spooked the government, which was already sure that dissension still lay within every glen. Campbell had found that, despite the twenty villages burned to the ground by the King's troops in

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264 Sankey, *Jacobite Prisoners of the 1715 Rebellion*, pp. ix-xv; Mitchison, 'The Government and the Highlands', pp. 30, 44; Plank, *Rebellion and Savagery*, pp. 17-18; Speck, *The Butcher*, p. 164.

265 Macinnes, *Clanship*, pp. 217-221. See also Annette Smith's 'The Forfeited Estates Papers, 1745: A Study of the Work of the Commissioners for the Forfeited Annexed Estates, 1755-1784' (unpublished PhD thesis, University of St Andrews, 1975), pp. 4-6.

266 Mackillop, *More Fruitful Than the Soil*, pp. 77-129; Youngson, *After the '45*, passim; Smith, *Annexed Estates*, passim.

267 Macinnes, *Clanship*, pp. 210-241; Lenman, *Jacobite Risings in Britain*, pp. 260-282; Plank, *Rebellion and Savagery*, pp. 53-76.

268 Harris, *Politics and the Nation*, pp. 164-165; Plank, *Rebellion and Savagery*, pp. 3-9. Plank notes that these processes had already been implemented well before Cumberland arrived in 1746, and that the events of the rising had 'given urgency to a project that was already, if haltingly, underway', p. 21.

Morvern and Appin, there was an indefatigable spirit of disaffection still present in that part of the Western Highlands, which steeled Fletcher's resolve that it validated 'the necessity of doing something to purpose there'.<sup>269</sup> According to Campbell, locals were concentrating on rebuilding their homes and preparing for another impending rising, with clans including MacLeans, Camerons, Macdonalds, Stewarts all furnished with plenty of cattle, meal, and arms.<sup>270</sup> Recalcitrant behaviour was not confined to that of the rural Highlands; just before Christmas of that year, the Lord Justice Clerk got wind of a Jacobite cell in Leith planning to gather in order to celebrate Charles Edward's birthday, and non-juring clergy in the north-east were thought to be whipping up the winds of dissension beneath the Church of Scotland's nose.<sup>271</sup>

Rewards were offered for bringing in arms: one half-crown per musket and one shilling for every broadsword. Regimental standards, the golden prize of battle, could fetch up to sixteen guineas.<sup>272</sup> Disarmament had been a hot topic since immediately after 1715, and the campaign of Highland pacification was extended with vigour by George Wade through the 1720s.<sup>273</sup> The importance of obtaining arms from the hands of rebels during and after the Forty-five was paramount in government policy, and attempts were made to account for every gun in the country.<sup>274</sup> An account of 221 British army patients lodged in Edinburgh's Royal Infirmary in April 1746 provides information regarding the whereabouts of their own weapons; whether they were lost and where, safely with the wounded soldiers' regiments, or held in the Infirmary's stores.<sup>275</sup> Conversely, intelligence from Appin in October 1745 claimed that £5 Sterling was offered by Macpherson of Cluny as a reward for each private man who refused to deliver up his arms. Whether Cluny

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269 Intelligence from the Highlands (16 October-30 November, 1746), SPS.54/34/42c; Fletcher to Newcastle (16 December, 1746), SPS.54/34/43a. The loyalist Campbell of Airds submitted a receipt for £407.11 in lost property and rents after these burnings, his own lands also falling under the government torch, NLS MS.17530 ff. 131-132.

270 SPS.54/34/42c.

271 Fletcher to Many (20 December, 1746), NLS MS.17527 ff. 113-115; Fletcher to Newcastle (13 June, 1746), SPS.54/32/17; NLS MS.17526 f. 230.

272 Murdoch Macintosh, *A History of Inverness* (Inverness, 1939), p. 138. Fourteen standards were obtained before being burnt at the mercat cross in Edinburgh, NLS MS.17526 f. 121. Keppoch's colours were burnt in Glasgow, Memorandum by Provost Cochrane (25 June, 1746) reprinted in *Cochrane Correspondence*, p. 93. Others are still extant.

273 Plank, *Rebellion and Savagery*, pp. 18-19. The Disarming Acts were contentious issues that some believed greatly affected the government's ability to mobilise well-affected Highland clans against sources of potential and actual insurrection. See Mackillop, *More Fruitful Than the Soil*, pp. 27, 34-39, 57; *P45* (i), pp. 289-290.

274 SPD.36/83/272-275; 36/84/58; 36/92/79; Mackay, *Urquhart and Glenmoriston*, p. 498; Reid, 1745, pp. 220-221; Duncan Forbes to Alexander Brodie (8 July, 1746) reprinted in *More Culloden Papers* (v), pp. 113-115.

275 NLS MS.17526 ff. 176-178.

was able to make good on this bounty is unknown, but Albemarle was led to believe that the Appin men had ‘Cash in Abundance, & in very high Spirits, in expectation of great things from France’.<sup>276</sup> Great things from France never did arrive.

If there was any doubt that the north-east was considered a threatening bastion of Jacobitism even after the trials and corresponding punishments were well in-process, a letter between British officers in Edinburgh is illustrative. In early December 1747, Lieut-Colonel David Watson, commander of the Tarland barracks near Aberdeen, wrote to a Lieut Forbes of his concern that several enemies of the government were still meeting in public, holding ‘Traiterous Caballs, and all manner of Artifices to keep up a Spirit of Rebellion and Sedition’.<sup>277</sup> In addition to naming some of the luminaries of Jacobite command still lurking outwith the reach of government troops, Watson desired the soldiers stay vigilant for the identification of any non-juring meeting houses in the area, including the names of the clergy. Loyalist magistrates in Aberdeen made a list of every parish church in the areas of Fraserburgh and Peterhead, also including the name of its minister and how far away from those respective towns it lay. Clearly local officials wanted to draw out a firm picture of their networks of friends and foes upon wresting the burgh from Jacobite control at the end of February 1746.<sup>278</sup>

Beyond the significant revenue generated by the forfeited estates of convicted rebels, much of which was used for the public welfare, there were also instances of certain properties coming available for purchase.<sup>279</sup> John Macdonald of Glengarry, who himself managed to stay out of the affair, nonetheless suffered ‘as if [he] had been concerned’ due to the pressure applied by his disgruntled tenants and neighbours. Locked up in Edinburgh Castle on suspicion of treason (though no evidence could be found against him), he must have wondered if he had any friends at all. Rightly feeling his life was in danger, Glengarry offered up his estate for sale to the government at ‘a reasonable price’, of which the Lord Justice Clerk was strongly in favour.<sup>280</sup> Whereas the annexation of forfeited estates assured income for the government, outright purchase would allow the crown to dispose of any

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276 SPS.54/34/15b. See also Albemarle to Newcastle (6 December, 1746), SPS.54/34/42c, 37a.

277 Watson to Forbes (1 December, 1747) reprinted in Allardyce, *Historical Papers* (i), p. 298.

278 ACA Parcel L/S/3; Speck, *The Butcher*, p. 164.

279 Millar, ed., *Forfeited Estates Papers*, pp. xii-xiii, 360-364. See also Annette Smith's *Jacobite Estates of the '45* (Edinburgh, 2003).

280 McDonnell of Glengarry to Anon. (14 November, 1746), SPS.54/34/22b; Fletcher to Newcastle (15 November, 1746) SPS.54/34/22a. There is no further evidence to show that Glengarry's estate was purchased by the crown.

unwanted inhabitants from that property, or at the very least transform the estates into something 'properly organised'.<sup>281</sup> As occurred after the Fifteen, the valuation of leases on annexed estates was largely incomprehensible to anyone but the tenants and landlords, which tempted corruption and was all but impossible to determine precisely.<sup>282</sup> Any large purchases like this obviously would incur considerable investment, but it was thought that the generosity shown by the government in doing so would eventually cause the improvements to be 'received with Universal Applause and with deep conviction of the Goodness of the present Royal Family'.<sup>283</sup>

The balance between harshness and clemency within government policy after the Forty-five was most assuredly weighted differently than that in response to the Fifteen, but was punishment for rebellion in its later years exponentially more ghastly given the tenure and threat of Jacobitism by that time? Perhaps expectedly, it is a two-sided issue. The militarily-actuated retributions in Scotland, according to Lenman, were indeed unprecedented: 'for the first time the Highlands and Islands were at the mercy of the British government'.<sup>284</sup> He and other scholars have lain the onus for this squarely at the feet of the Duke of Cumberland, noting that the recalcitrance of Highland communities who refused to surrender upon the Duke's proclamations awakened a pronounced barbarity with an anti-Scottish cast which was meted out to both the disaffected and disobedient British army troops under Cumberland's command.<sup>285</sup> The policies of influential statesmen, however, had likely counselled the Duke's actions. Even the level-headed Lord President Duncan Forbes had conceded to him that 'the abuse of lenity shown in the prosecution of the last rebellion' furthered the necessity of severely punishing the leaders of the Forty-five. Yet Forbes was also concerned that overt action against the plebeians would only strengthen the Jacobite cause.<sup>286</sup> The relatively small number of executions, which were mostly carried out on Scots of high station, Englishmen,

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281 Smith, 'The Forfeited Estates Papers', p. 4-5. See also the 1752 Annexing Act (25 George II c. 41). Note the text explicitly states the act was created 'to the purpose of civilizing the Inhabitants upon the said estates'.

282 Millar, ed., *Forfeited Estates Papers*, pp. xv, xxxii; Sankey, *Jacobite Prisoners of the 1715 Rebellion*, pp. 138-143.

283 Hints Towards the Settlement of the Forfeited Estates in the Highlands (13 December, 1752), NLS Adv.MS. 19.1.35 f. 22. Sankey points out that in 1715, the government underestimated the degree to which Jacobite estate managers had already improved agricultural practices of their tenants, *Jacobite Prisoners of the 1715 Rebellion*, p. 148. No doubt this was a salient factor in 1746, as well.

284 Lenman, *Jacobite Risings in Britain*, p. 261; Speck, *The Butcher*, p. 170.

285 Lenman, *Jacobite Risings in Britain*, pp. 261-265, 289; Plank, *Rebellion and Savagery*, pp. 57-76; Speck, *The Butcher*, pp. 166-171; Cumberland to Newcastle (30 April, 1746) reprinted in *More Culloden Papers* (v), pp. 71-72.

286 Duncan Forbes quoted in Speck, *The Butcher*, p. 168; *ibid.*, p. 199. See also SPS.54/34/9d.

and deserters from the King's army, bear out this concern. Instead, the vast majority of sentences that were administered removed common rebels from the realm so they could not again rise in arms, and most of those who were captured were subsequently released rather than punished. It can therefore be considered that the 'official' legal policies directly related to justice, viewable in the public eye and printed in the newspapers of the time, were decidedly restrained. Meanwhile, the brutal acts of retribution upon rural communities in Scotland – whether disaffected or not – went unnoticed by the majority of the public, covered up by reports of Cumberland's 'paternal way, with soft admonitions, and a promise of pardon and protection to all common people that at would bring in their arms, and submit to mercy'.<sup>287</sup>

Bob Harris suggests that commerce was 'the principal vehicle' for expressing British patriotism in the middle of the century. Taken to a logical conclusion, the serious interruptions to trade occasioned by the Jacobites throughout most areas of the nation were likely perceived by many as a direct threat to the welfare of Britain and even to the core of British identity.<sup>288</sup> Together with the menace of rampant confessional corruption occasioned by Jacobite-inclined Catholics and non-juring Episcopalians, the Jacobites were seen by Hanoverian loyalists and devout Presbyterian church-goers as not just rebels but as the incarnation of everything that could unseat the security and prosperity of the norm. In that sense, the wide scope of Jacobite 'cause' by 1745 actually worked against the movement itself by casting its varied sources of support as incurable strains of disaffection. As William Speck observes, however, it was not only the government's retributive measures after Culloden that prevented another Jacobite attempt from occurring. Rather, in addition to the lack of further dedicated martial support from France, it was the thin appeal of the tenets of Jacobitism, however broadly spread, that failed to again take hold of the practical plebeian mindset.<sup>289</sup> Especially when it meant that even more suffering would follow yet another rising – whether officially or unofficially.

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287 *The History of the Rebellion in 1745 and 1746 Extracted from the Scots Magazine* (Aberdeen, 1755), p. 232. See also Speck, *The Butcher*, p. 182.

288 Harris, *Politics and the Nation*, pp. 149-150; Strachan, 'Scotland's Military Identity', pp. 321-325. Contrast this with 'North British' as opposed to Anglo-British identity in Kidd, 'North Britishness', pp. 361-365.

289 Speck, *The Butcher*, pp. 183, 188; McLynn, *France and the Jacobite Rising of 1745*, p. 232. Zimmerman argues that Jacobitism survived in good health (in exile) until 1759, but this was surely not reflected in the plebeian communities in Britain, *The Jacobite Movement in Scotland and in Exile*, passim.

## CHAPTER VI: CONCLUSION

### FROM THE BOTTOM UP

By choosing to explore concerns about the popular constituency of late Jacobitism, this study bucks the trend set forth by much of the movement's historical scholarship. That trend became established partly because the contribution of the commoners was arguably less influential and nowhere near as dynamic as that of the political elites. Jacobitism was of course sustained and transmitted by the ideologically-minded aristocracy who used the plebeian masses as expendable footmen for the cause. Risings, rebellions, and revolutions almost always employ this model, as do sovereign nations with stable governments and large armies to enforce and defend their policies. While state armies are more or less composed of paid volunteers and revolutions are embodied by a populace seeking comprehensive change from within, they usually share the characteristics of somewhat competent leadership and a system of material support.<sup>1</sup> This does not, however, preclude the common people from being politically aware or otherwise educated to the larger goals of the polity. In the case of the Jacobites, this means that some surely understood the implications of a Stuart revival, whether desirable or not. Paul Monod has shown irrefutably that Jacobite-inspired sentiment was on public display in lower- and middle-class protests across England as late as 1760.<sup>2</sup> But we must ask whether the 'trickle' of Jacobite rhetoric and symbolism in those locales was an effective gauge of the Stuart cause's appeal or rather a broader expression of anti-Hanoverianism used to provoke the established government.<sup>3</sup> Though they were likely related or developed from similar disappointments, limited protests and riots throughout the eighteenth century did not equate to armed insurrection. The Forty-five most certainly did.

As evidenced by the ruthlessness employed by Cumberland in suppressing targeted areas of resistance from 1746, it is obvious that the administration was very concerned about the propensity of its subjects to once again rise in arms. But

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1 The Covenanters, for example, had both while the Jacobites in 1745 had neither.

2 Monod, *Jacobitism and the English People*, pp. 195-232.

3 *Ibid.*, p. 48, 195; Rogers, 'Riot and Popular Jacobitism', pp. 83-85; Whatley, *Scottish Society*, pp. 187-188.

officials repeatedly demonstrated that they were much less worried about the effectiveness of the common people without the influential elites to organise them.<sup>4</sup> The fact that Wade's and Cumberland's indemnities gave plebeians numerous chances to surrender their arms and return home relatively unscathed, while those of high status were precluded from the same, speaks to this. Schemes to garrison the Highlands with government troops were drawn up with the express purposes of obliging recalcitrant communities into compliance with proscription laws and apprehending 'such Rebel Gentlemen as are yet lurking'.<sup>5</sup> Leo Gooch goes so far as to say that the total absence of Northumbrian Jacobites in 1745 was due to the fact that no peers or men of station there were committed to the cause, as they had been in 1715.<sup>6</sup>

So why focus on the commoners? For one, few others seem to be interested in doing so. Through its historiography, the maxims of Jacobitism are comfortably represented by the ideologies of the 'movers and shakers', but there is often interpretive conflict between the beliefs of these elites and those of the mythologised 'patriots' that marched to war behind them. Daniel Szechi rightfully points out the arrogance of the risings, in which a 'section of the community convinced of their own superior righteousness' imposed themselves on a far less committed but far larger populace.<sup>7</sup> Commitment is the critical term here. Thanks to generations of romanticisation, the army under Charles Edward is generally considered by the public to have been a committed force of volunteers fighting for a singular cause infused by the clear moral high ground. It is certain that Charles himself also saw it that way, as evidenced by his pained response to his council of war after the chiefs insisted on a retreat from Derby:

I am often hit in the teeth, that this is an army of volunteers, and consequently very different from one composed of mercenaries. What one would naturally expect from an army whose chief officers consist of gentlemen of rank and fortune, and who came into it merely upon motives of duty and honour, is more zeal, more resolution, and more good manners, than in those that fight merely for pay. [...] Every one knew before he engaged in this cause what he was to expect in case it miscarried, and should have stayed at home if he could not face death in

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4 SPS.54/32/55; 54/33/23b; List of Gentlemen in Rebellion from Argyll, NLS MS.17522 f. 65; Report on the Conditions of the Clans in Scotland (15 October, 1745), SPS.54/34/9d; Whatley, *Scottish Society*, p. 188; Szechi, 'Cam Ye O'er Frae France?', p. 364.

5 Campbell of Airds' Scheme (3 October, 1746), SPS 54/34/37a; Albemarle to Newcastle (6 December, 1746), SPS.54/34/37a; SPS.54/32/13.

6 Gooch, *The Desperate Faction?*, pp. 158-170.

7 Szechi, *1715*, pp. 3-4.

any shape.<sup>8</sup>

The Prince may have been convinced of his cause, but the developed ideologies of one man and one dynasty were not convincing enough to carry the commitment of his constituency past a most terrible defeat at Culloden. There were supporters and sycophants from the start, of course, and their devotion and sacrifice through it all are impressive, if somewhat lacking in self-preservation. The previous chapters have shown, however, that well before the last battle, the bulk of Charles Edward's 'adherents' were not so inclined to lay down their lives for the cause unless compelled to do so. Many did indeed attempt to stay home – elites and commoners alike – regardless of whether they knew what to expect if things went awry.

This does not have to be only interpreted as a failure of the general populace to grasp its place within the machinations of statecraft, nor does it mean that there were not principled folks brought up in a tradition of loyalty to the exiled kings. It is likewise not a confirmation that all of Britain was content under Union, or that the suffocating prejudice against the Episcopal Church in Scotland might not find relief and toleration from a Stuart once again upon the throne. Rather, as evidenced by examinations of motivation, constituency, recruitment, and consequences, there were myriad influences that determined plebeian commitment to Jacobitism during the Forty-five, whether fleeting or sustained. Against this must be held the fact that later Jacobitism represented a scale of differing goals to different people, and could be expressed in a variety of manners that did not always have to include violence. For those goals to succeed in any meaningful way, however, a military coup was the only one that really mattered.

In any era, the willingness of common people to wage war is predicated upon their balance of comfort versus discomfort, as well as weighing the consequences of such actions against the actions themselves.<sup>9</sup> While the last Jacobite rising was in many ways a threat – to the established government, to the fortunes of the committed elites, to the welfare of British citizens, and to the legacy of the Stuarts – it was just as threatening to those who were called to fight within it. As described in Chapter IV, it is therefore a contention of this study that the popular constituency within the army was shaped by a number of disparate factors, many of which included some measure of compulsion. Whether that was played out in the relationships between contracted tenants and their landlords or physically

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<sup>8</sup> Charles Edward's Response to Committee of Chiefs (7 January, 1746) reprinted in Blaikie, *Itinerary*, pp. 74-75.

<sup>9</sup> As noted in Szechi, *1715*, p. 3.

imposed by armed recruiters upon those unable to resist, evidence shows that sacrificing its lives and welfare in the rising was not always in the public's interests. Many tried to contest such situations even while they were happening, as well as afterward in court, and both Jacobite recruiters and government intelligence prove this was far more common than allowed by most modern scholars. It is really no surprise that untrained, unprepared, and arguably unconcerned civilians would balk at picking up arms for either side in a civil war. In the sage words of Leah Leneman when describing the ambivalence of the Atholl tenants who were courted by both rebel and government recruiters, many plebeians likely thought '*a plague on both your houses* and did their best just to survive'.<sup>10</sup>

## A FAREWELL TO ARMS

On 8 November 1747, Charles Edward Stuart received a letter from Frederick the Great, King of Prussia, expressing a measured blend of sorrow and admiration for the Prince's efforts in Britain:

All Europe was astonished at the greatness of your Enterprise for tho' Alexr the Great and other Heroe's have Conquer'd Kingdoms with Inferior Arms you are the only one who ever engaged in such an Attempt without any.<sup>11</sup>

This was exaggeration, of course, but nonetheless indicative of how the Forty-five was perceived from the Continent, in this particular case by an accomplished monarch and military mind with numerous successful wars already under his belt. The fact remains that on the scale of popular conflicts in eighteenth-century Europe, this one was an irritation rather than a laceration. Numerically, including endorsement from both the civilian and martial sectors, it was significantly smaller than earlier Jacobite efforts in 1689 and 1715 and minuscule compared to other revolutionary movements in France and America just a few decades later. Very little material support was conjured either in Britain or from rebel allies in France, and a proper apparatus of government was not implemented that could ensure a smooth transition for the people who would be governed. Edward Furgol describes how the Covenanters 'pulled Scotland from military incoherence into the military revolution', but the Jacobites in 1745 thoroughly failed to do so.<sup>12</sup> Perhaps this is

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<sup>10</sup> Leneman, *Living in Atholl*, pp. 221-225.

<sup>11</sup> Frederick II to Charles Edward (8 November, 1747), NLS MS.20774, ff. 176-177.

<sup>12</sup> Furgol, 'Scotland Turned Sweden', p. 148.

not a fair comparison, however, as the leaders of the Covenanting movement had all of these issues and more accounted for. With three times as many soldiers, organised provincial governments, support from the established church, and proper armaments and training gathered both domestically and from abroad, it is perchance no wonder this earlier revolution succeeded. Yet even without these resources, the final Jacobite rising managed to vex the established church and state and dominate Whig policy even as Britain fought a larger, more costly war in Europe.<sup>13</sup> The scale of government response after the hostilities ceased, however tempered with superficial leniency, speaks to the seriousness of the crisis even as some scholars take for granted that the Forty-five was from the beginning bound to fail.<sup>14</sup>

On the front lines of this crisis, as well as in the cross-hairs of government depredations, were the plebeians who were considered to be Jacobites, despite what they considered themselves. Some 12-14,000 marched with rebel regiments, many of which subsequently broke ranks to return home to attend more pressing responsibilities than fomenting revolution. Thousands more supported the army in any way they could by using their occupational skill where it was needed, while countless others secretly met behind closed doors and talked of better times for the nation, the church, and the homestead. Hundreds were killed in battle, suffered through terrible illness in prison, or were shipped to far-away colonies where the rigours of servitude might foster an early death. Still more were released after being seized by the authorities and subjected to stringent examination, allowed to return to homes either acquired by the government or still smouldering from the torches of British army soldiers.

Despite the rebellion's enduring association with the Highlands, these commoners came from all parts of Scotland and beyond, including England, Ireland, France, and Spain, and they represented a wide array of backgrounds distributed across class divides. Some joined voluntarily because they passionately believed in the feasibility of Scotland outwith the Union, and others went along because they believed what they had been told. More yet found no real common ground between the struggle of the Stuarts and their own, but identified with the

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13 Whatley, *Scottish Society*, p. 5; Macinnes, 'Scottish Jacobitism', p. 72; Rogers, 'Riot and Popular Jacobitism', pp. 70-71; Wells and Wills, 'Revolution, Restoration, and Debt Repudiation', pp. 425-427.

14 As posited by Black, *Culloden and the '45*, p. 201. See Lenman, *Jacobite Risings in Britain*, pp. 250-259, for example.

inextricable political connections of their faith.<sup>15</sup> As has been shown, a great many joined because they had no other choice in the matter. For all the drawing power of these many principles during the rising, however, ironically it was not ideological Jacobitism that died at Culloden or during the suppression of the Forty-five in the months afterward. Rather, what perished in full on 16 April 1746 was the practicality of Jacobitism, and the option to express it as a vehicle for challenging the status quo. Without the plebeian constituents to support yet another attempt, together with the rapid integration of the modern within traditionally disaffected regions, the resisting of Hanoverian policy by Jacobite elites would take a back seat to imperial aspirations and rampant commercialism facilitated by and within the British state.<sup>16</sup>

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<sup>15</sup> Monod, *Jacobitism and the English People*, p. 323; Speck, *The Butcher*, p. 198.

<sup>16</sup> Macinnes, *Clanship*, pp. 203-205, 233-234.

# APPENDIX I

## NOTES ON TECHNICAL METHODOLOGY

The database used as the tool of consolidation and reference in this study differs in a number of ways from many of those currently available for academic and public use online.<sup>1</sup> Rather than being simply a holding-place for transcribed, interpreted data that is comprehensively taken as the authority on its subject properties, the model that has been built to study Jacobite prosopography, this iteration of which is called *The Jacobite Database of 1745* (JDB1745), is based upon a distributed authority source-persona premise. In such a model, data from all sources within the scope of the study are entered, even if they are conflicting sources, without authoritative judgments made upon the properties themselves as they are entered, within reason. In this sense, the distributed authority model is a method of studying Jacobitism in context as opposed to simply being a mechanised tool used to compile and crunch altered data. What emerges from this model is an objective meta-resource that allows contrast and comparison of information relative to each particular researcher's query methods.<sup>2</sup> In this case, these research methods focus on the topics and themes explored by this thesis.

In order to populate the database with enough property information to present a cohesive and topical study, a three-tiered methodology was devised to gather and enter the data chosen for inclusion.<sup>3</sup> First, numerous printed lists of persons connected with Jacobitism were digitally catalogued, beginning with the most relevant and referenced sources used by scholars of the subject. These first sources are the most efficient for building up a core of data to work with, as they contain large numbers of alleged Jacobites with numerous personal factoids spread over a wide breadth of categories. Second, both manuscript and published sources

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1 For some prominent examples of historical databases currently in use, see the following: The Medieval and Renaissance Italy Prosopographical Data Project <<http://www.slu.edu/departments-of-history/departments-projects>>; Prosopography of the Byzantine World <<http://blog.pbw.cch.kcl.ac.uk>>; People of Medieval Scotland 1093-1314 <<http://www.poms.ac.uk>>; Open Domesday <<http://domesdaymap.co.uk>>; Scotland, Scandinavia and Northern European Biographical Database <<http://www.st-andrews.ac.uk/history/ssne/>>; Irish in Europe Project <<http://www.irishineurope.ie>>, Bomb Sight: Mapping the WW2 Bomb Census <<http://bombsight.org>>.

2 As with every well-defined taxonomy, authority records can be provided based upon the consensus of the sources, but not at the expense of any of the sources' informational integrity.

3 For the purposes of this database methodology, the terms *properties*, *elements*, and *fields* refer to the record's characteristic metadata while the *values* are the characteristics and information relative to a particular record. For more on this classification scheme, see Miller, *Metadata for Digital Collections* (New York, 2011), p. 28-29.

known to contain a significant number of named Jacobite participants were entered, regardless of overlap with the previous sources or with each other. Third, a vast selection of diverse primary sources were scanned for Jacobite-related names not only to add further persons to the corpus of data, but also as a sort of control for the first two tiers of entry. This tertiary entry scheme includes, for example, trial records, prison receipts, burgh and council minute books, personal correspondence, and other items from various archives.<sup>4</sup>

A few words should be stated about the normalisation of the data contained within this study, as the methodology of organisation and analysis are central to the nature of this particular database and, therefore, of the results that it offers. It would be most efficient to describe this normalisation in terms of structure/taxonomy, interpretation, and data functionality. A much more detailed evaluation of this could be described, but a brief encapsulation must suffice for the purposes of this thesis. The taxonomical organisation of the included data was created to feature all elements of information that are given in any of the sources that were used. Rather than submit to a 'square-peg/round-hole' methodology that pre-determines the type of information included from the sources, JDB1745 is built upon a survey of extant categories of information present across all sources. For instance, because at least one manuscript list used in the study approximates estate values of prominent Jacobite personalities, a field for measuring estate values will be present for all all entries within the database, even if that information is currently unknown.<sup>5</sup> This ensures the most comprehensive survey possible of the included data with the broadest number of categories of information, regardless of whether it is being used at this stage of the project.

As well, the specific data drawn from the sources in this study are done so with as little modification as possible, preserving the context for analysis rather than skewing the data through interpretation during the entry process. This concept of 'clean' data is central to the creation of JDB1745 and reinforces a need for the historical database to present information in a contextually-appropriate manner. To this end, data fields are entered without correcting the misspellings and informational errors made by the original recorder. Marginalia are preserved and

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<sup>4</sup> All three tiers are outlined in detail in Chapter I: Introduction, pp. 20-26.

<sup>5</sup> For example, Estimates of Yearly Rents of Persons Concerned in the Rebellion (28 February, 1746), SPS. 54/28/47d.

abbreviations are retained throughout.<sup>6</sup> Fields for research notes and interpretation are present within the database's interface, but not at the cost of the integrity of the original sources. A fundamental part of the normalisation process, then, is coding authority structures for names, place-names, and occupations, just to name a few operable categories. As an example for our purposes, all occurrences of *shoemaker* must be able to be accessed, regardless of spelling or abbreviation, and also must include all instances and variations of *cobbler*, *cordwainer*, and *bootmaker*. To address this, a customised variation of the Booth-Armstrong occupational classification matrix was adopted, with relevant additions and subtractions due to our period of study being a century earlier than that of the model.<sup>7</sup> Name thesauri were created for equating the dozens of forms of similar surnames as they have been written, and demographic analysis would be biased or inaccurate without doing the same using standardised onomastic conventions, when possible, to determine locale.<sup>8</sup> In the case of place-names, granularity is limited by comprehension of the places in question. Therefore, while there are known quantities of counties and parishes, smaller steadings like estates and farms might not be able to be positively identified.

Lastly with regard to methodology, the target functionality of the data becomes vital as part of the normalisation schema. The first and most important part of developing a historical database is having a firm grasp on its scope and eventual aims.<sup>9</sup> Ensuring that the included data is functional to these aims by providing relevant information in a manner that is useful to the researcher was paramount even as the sources were being gathered and entered. Very little information present in these particular sources was left out from entry, as virtually all of it is usable in some manner for historical study and has found some way to be included in this analysis of the Jacobite constituency. It is important to note, however, that the project's intention and its implementation of data functionality is not limited by this particular thesis. JDB1745 is designed to be an objective database instead of an interpretive one; rather than being created with a particular thesis in mind, it is a device available to discover and challenge limitless theses.

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<sup>6</sup> The exception to this is the practice of notating 'ditto's' within lists of information, usually written as *do*. As the database entries do not necessarily follow the same hierarchical positioning as found in the original source, this would make searching such entries impossible. Instead, an exact copy of the data that was repeated is used in its stead.

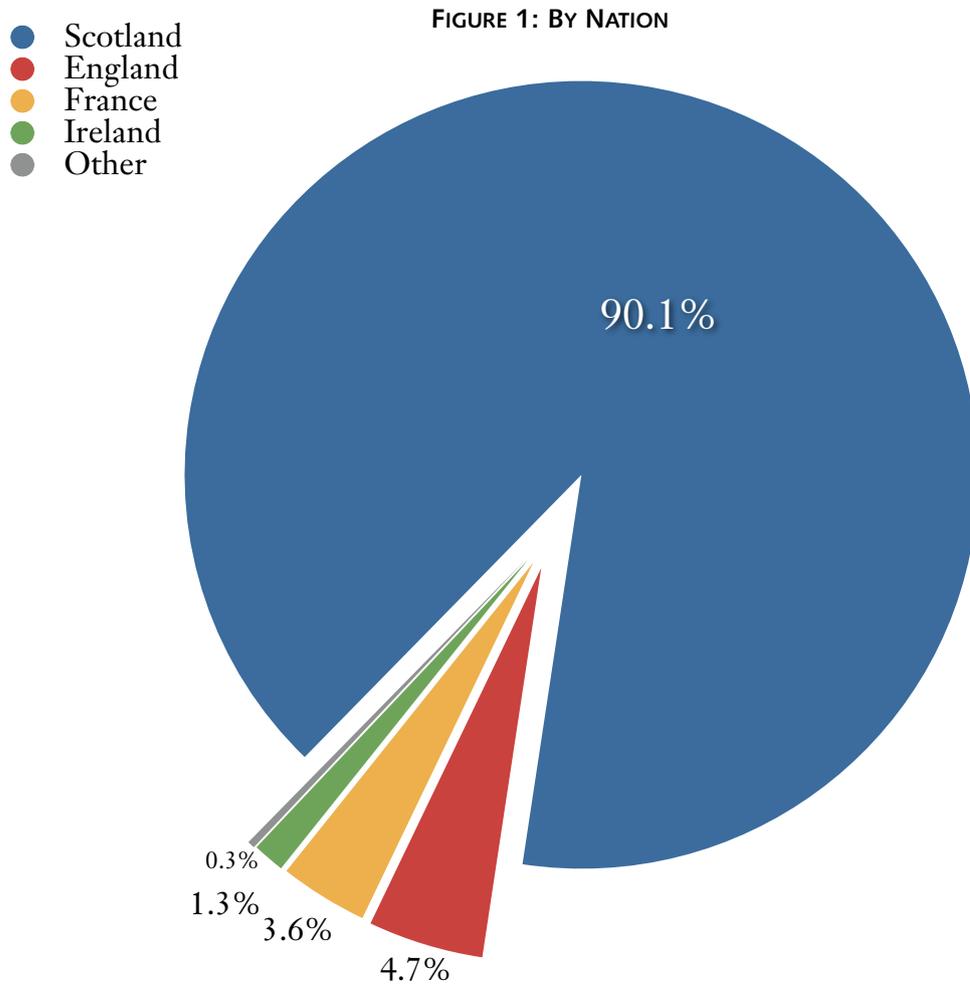
<sup>7</sup> W.A. Armstrong, 'The Use of Information about Occupation' in E.A. Wrigley, ed., *Nineteenth-Century Society: Essays in the Use of Quantitative Methods for the Study of Social Data*, (Cambridge, 1972), pp. 191–310.

<sup>8</sup> See sections on coding occupational and nominal data in Charles Harvey and Jon Press, *Databases in Historical Research* (Basingstoke, 1996) pp. 226–231.

<sup>9</sup> *Ibid.*, p. 105.

# APPENDIX II

## JACOBITE CONSTITUENCY BY NATION 1745-6\*



\*Taken from a sample size that consists of 62.6% of existing data.

# APPENDIX III

## JACOBITE CONSTITUENCY IN SCOTLAND 1745-6\*

FIGURE 1: BY REGION

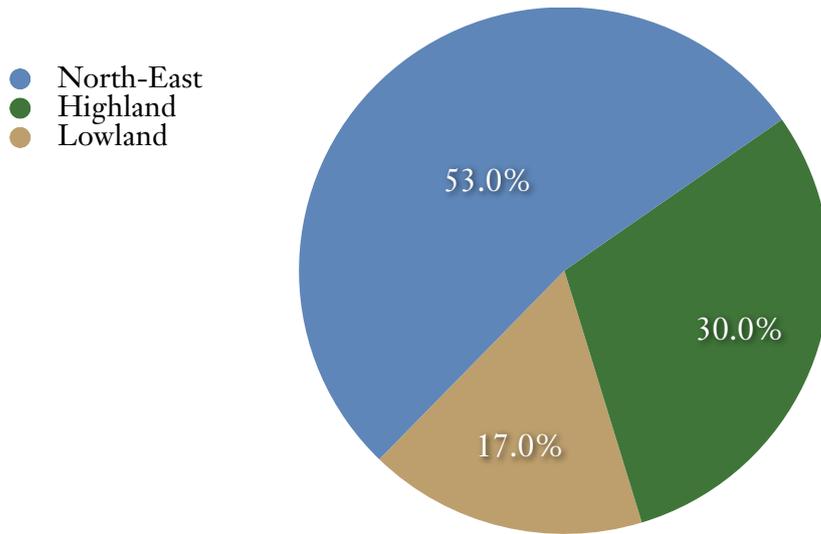
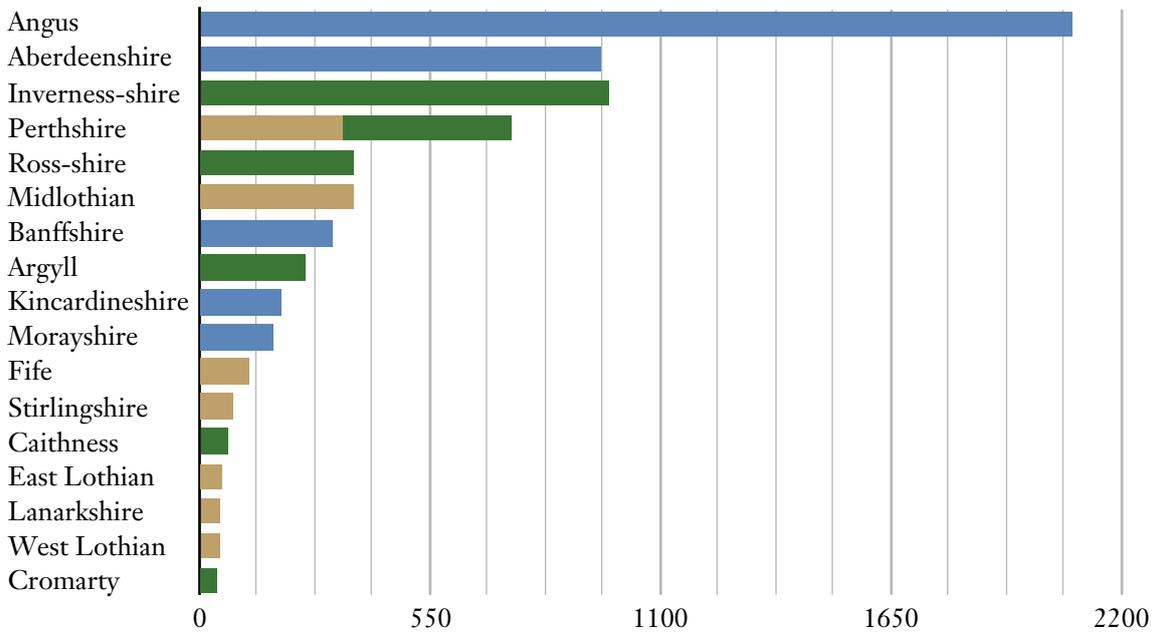


FIGURE 2: BY COUNTY

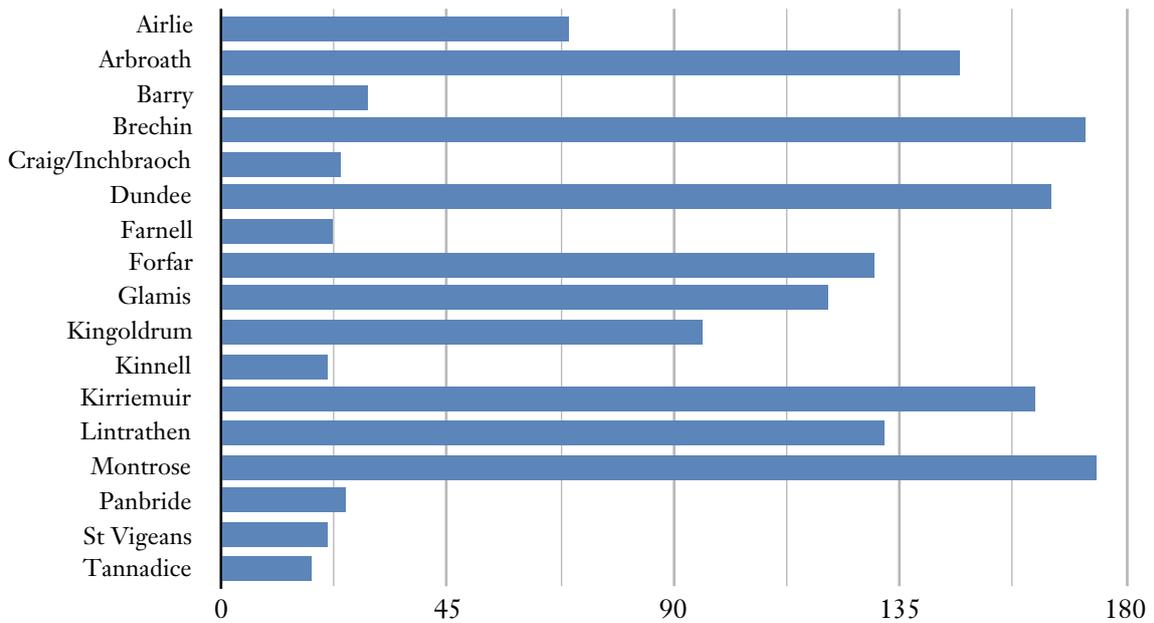


\*Figures taken from both martial and civilian records from 92.7% of location data. Only counties above .6% are shown.

# APPENDIX IV

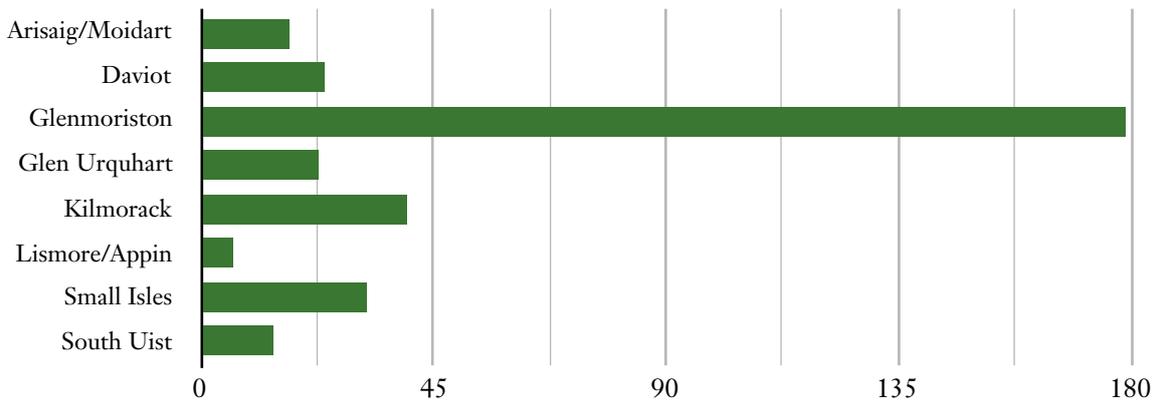
## JACOBITE CONSTITUENCY IN ANGUS AND INVERNESS-SHIRE 1745-6

FIGURE 1: BY PARISH, ANGUS\*



\*Taken from a sample size of 2087 records. Only parishes above 1% are shown.

FIGURE 2: BY PARISH, INVERNESS-SHIRE\*

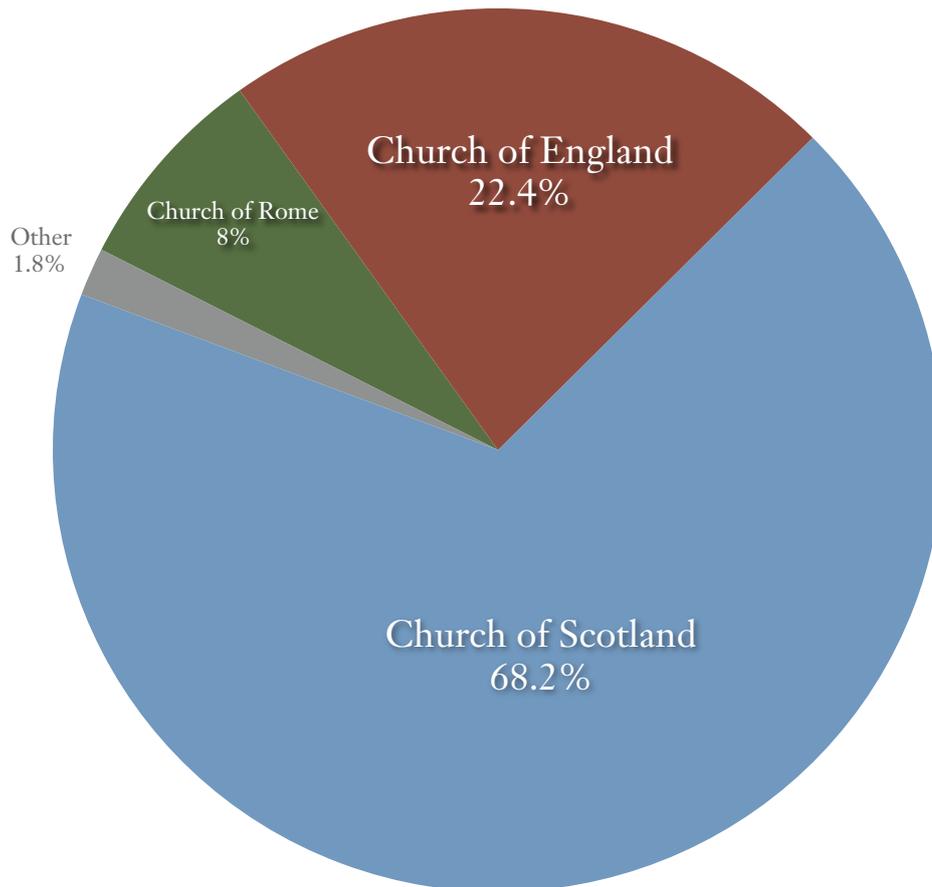


\*Taken from a sample size of 360 records. Only parishes above 1.5% are shown.

# APPENDIX V

## JACOBITE CONSTITUENCY BY FAITH 1745-6

FIGURE 1: FROM THE CARLISLE LIST\*



\*Source: Gildart to Sharpe (26 October 1746), SPD.36/88/33d.

It should be explicitly stated that the figures above reflect those from a single list of prisoners captured at Carlisle in the winter of 1745. It should not be interpreted as a proportionate measure of faith within the Jacobite constituency. Rather, it is a rare tally of self-described confessional allegiance from a small cross-section of Jacobite martial support as recorded by government officials in October 1746. In this case, 'Church of England' probably refers to both Anglicans and non-juring Scots Episcopalians. It is possible that some persons simultaneously belonged to both an official and a dissenting congregation, thereby inflating the percentage of Church of Scotland citations. Total sample size is 170.

# APPENDIX VI

## JACOBITE CONSTITUENCY, FAITH BY COUNTY 1745-6\*

FIGURE 1: FROM THE CARLISLE LIST, FAITH BY COUNTY

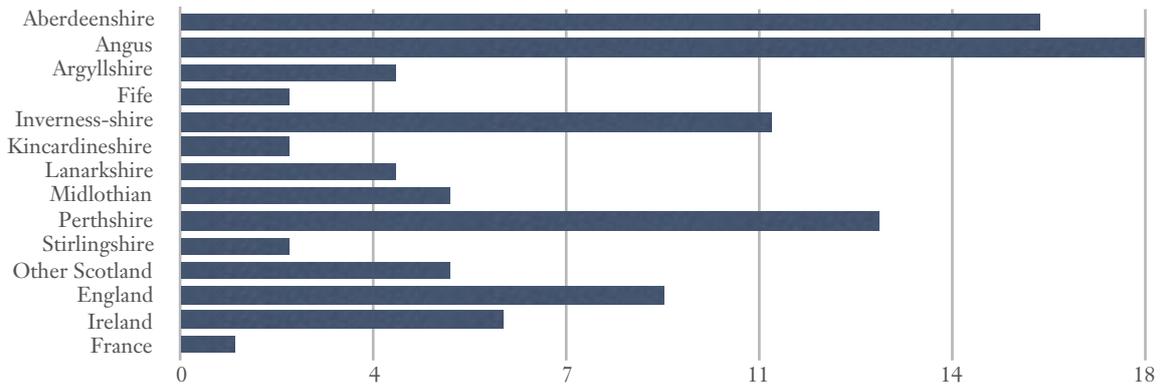


FIGURE 2: FROM THE CARLISLE LIST, CHURCH OF SCOTLAND BY COUNTY

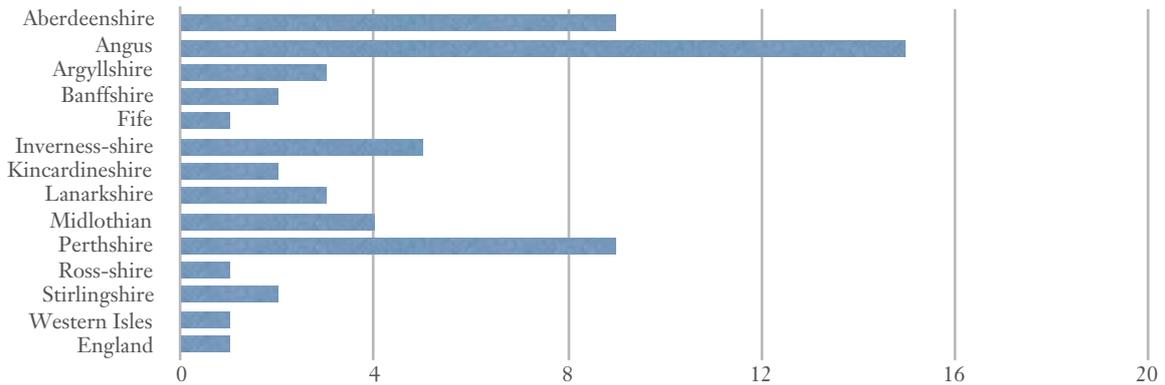
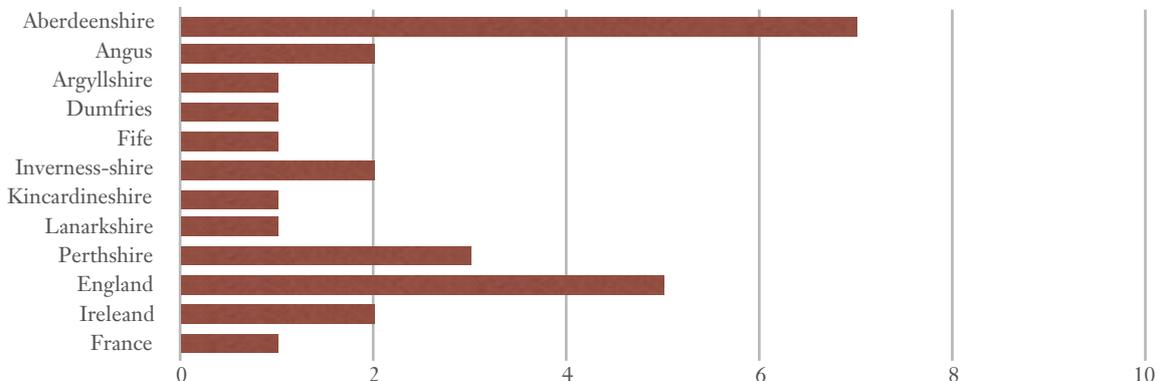


FIGURE 3: FROM THE CARLISLE LIST, CHURCH OF ENGLAND BY COUNTY

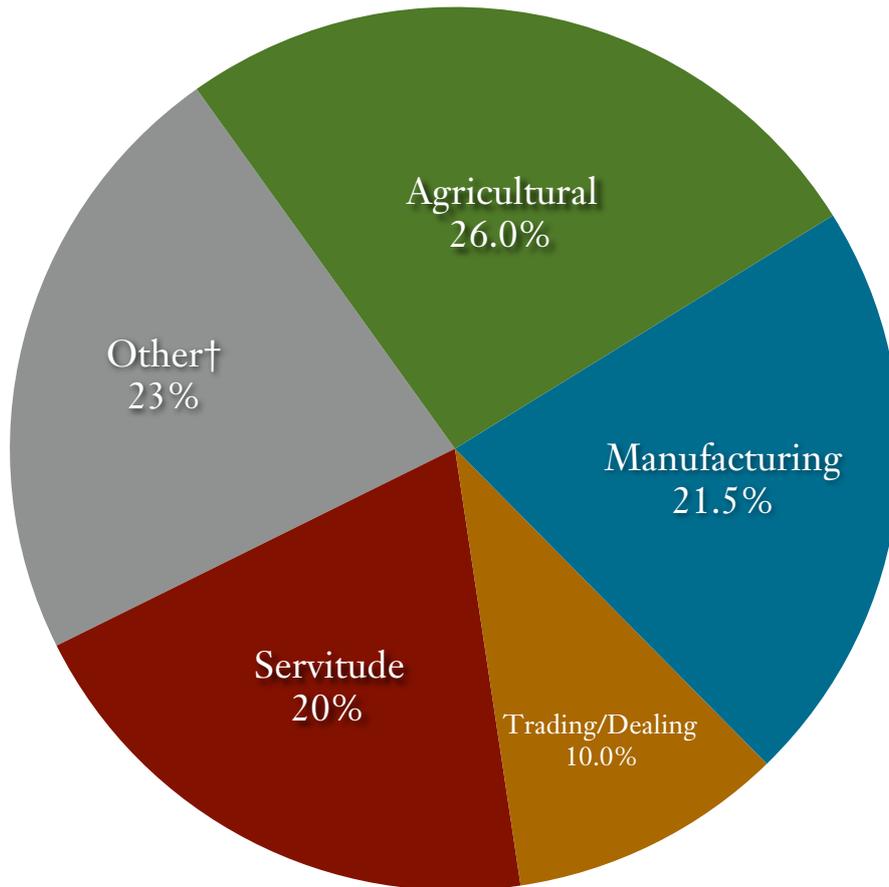


\*Source: Gildart to Sharpe (26 October 1746), SPD.36/88/33d, cross-referenced with likely location data from JDB1745. Total sample size is 170.

# APPENDIX VII

## JACOBITE CONSTITUENCY BY OCCUPATION 1745-6

FIGURE 1: OCCUPATION BY GENERAL SECTOR\*



\*Taken from a sample size that consists of 63% of existing data. Sectors are based upon a custom variation of the Booth-Armstrong classification scheme. See Appendix I: Notes on Technical Methodology for more.

†This includes the sectors of Transportation, Government, etc., and also non-occupations, such as Beggar and Gentry.

# APPENDIX VIII

## JACOBITE OCCUPATION BY SECTOR 1745-6\*

FIGURE 1: OCCUPATION BY SECTOR, AGRICULTURAL

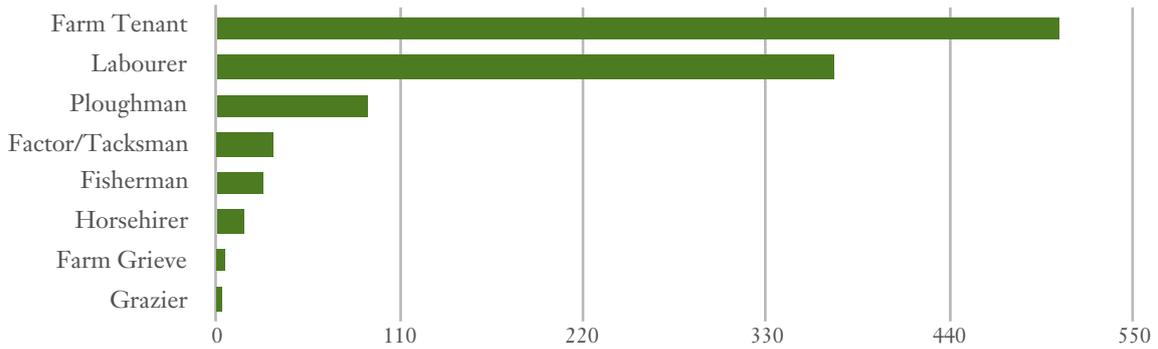


FIGURE 2: OCCUPATION BY SECTOR, MANUFACTURING

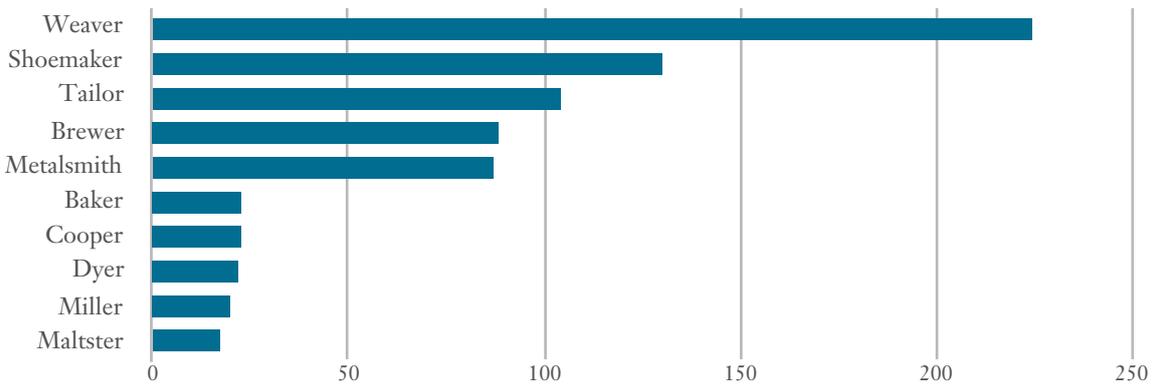
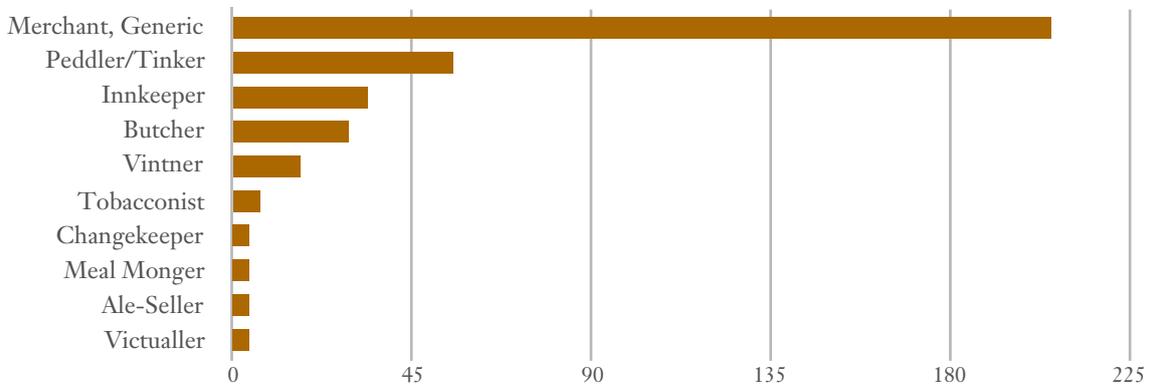


FIGURE 3: OCCUPATION BY SECTOR, TRADING & DEALING



\*Only identifiable occupation counts of four or higher are included in these figures.

# APPENDIX IX

## JACOBITE CONSTITUENCY BY REGIMENT 1745-6

FIGURE 1: CONSTITUENCY BY REGIMENT\*

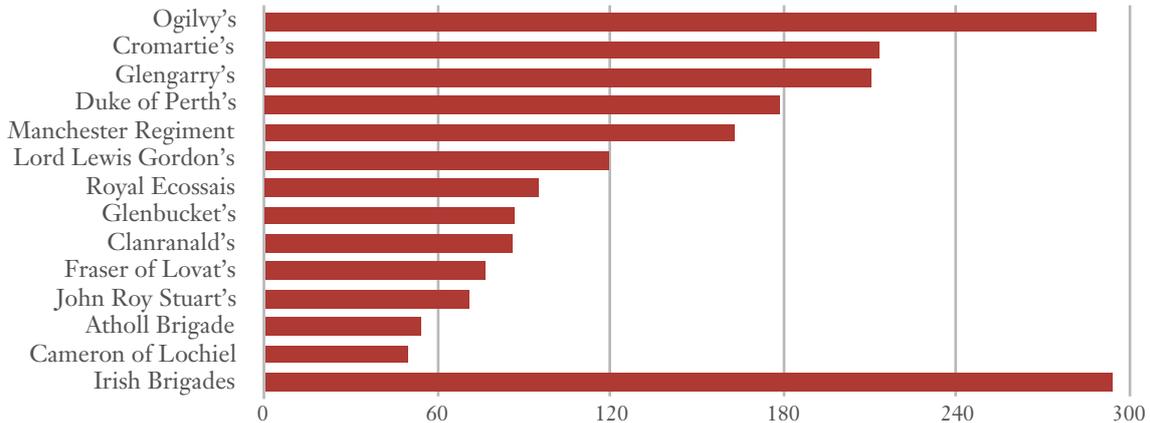


FIGURE 2: COMPARISON OF REGIMENTAL STRENGTHS AND RECORDS†

Regiment Name	Stated Regiment Sizes	Records Provided	Representative %
Atholl Brigade	900	444	49.3%
Cameron of Lochiel's	900	116	12.8%
Duke of Perth's	750	362	48.2%
Earl of Cromartie's	200	281	140%
Fraser of Lovat's (with Chisholms)	500	182	36.4%
Gordon of Glenbucket's	400	109	27.2%
Lady Mackintosh's	300	232	77.3%
Lord Lewis Gordon's	800	202	25.2%
Lord Ogilvy's	900	751	83.4%
Macdonald of Clanranald	350	178	50.8%
Macdonell of Glengarry's	900	373	41.4%
Macdonell of Keppoch's	400	214	53.5%
Macpherson of Cluny's	400	290	72.5%
Manchester Regiment	300	166	55.3%
Stewarts of Appin	300	193	64.3%

\*Taken from a sample size that consists of 40% of existing data. Only regimental representation above 2% is shown.

†Source: Alastair Livingstone, Christian W.H. Aikman, and Betty Stuart Hart, eds., *No Quarter Given: The Muster Roll of Prince Charles Edward Stuart's Army 1745-56* (4th Edition, Aberdeen, 2001). Stated Regiment Sizes are taken either at the time of the Battle of Falkirk or otherwise are the highest maximum number noted. A representative sample of fifteen regiments is shown.

FIGURE 3: COMPARISON OF REGIMENTAL RECORDS, JDB1745

Regiment Name	Records ( <i>No Quarter Given</i> )	Records (JDB1745)
Atholl Brigade	444	54
Cameron of Lochiel's	116	50
Duke of Perth's	362	179
Earl of Cromartie's	281	213
Fraser of Lovat's (with Chisholms)	182	83
Gordon of Glenbucket's	109	87
Lady Mackintosh's	232	25
Lord Lewis Gordon's	202	119
Lord Ogilvy's	751	288 (+630)*
Macdonald of Clanranald	178	86
Macdonell of Glengarry's	373	210
Macdonell of Keppoch's	214	30
Macpherson of Cluny's	290	2
Manchester Regiment	166	163
Stewarts of Appin	193	27

\*630 records are added with the inclusion of Mackintosh's *Muster Roll of Forfarshire*.

FIGURE 4: COMPARISON OF REGIMENTAL RECORDS, HISTORIOGRAPHICAL\*

Regiment Name	<i>No Quarter Given</i>	<i>Prisoners of the '45</i>	McCann	Reid	Duffy
Atholl Brigade	900	600	2690	600	900
Cameron of Lochiel's	900	800	1000-1200	800	900
Duke of Perth's	750	750	300	750	750
Earl of Cromartie's	200	200	420-460	200	200
Fraser of Lovat's (with Chisholms)	500	400-700	700-800	300	500
Gordon of Glenbucket's	400	300-400	1000-1480†	300	400
Lady Mackintosh's	300	400-600	200	200	300
Lord Lewis Gordon's	800	800	1000-1480†	550	550
Lord Ogilvy's	900	700	900	500	900
Macdonald of Clanranald	350	350	400-450	350	350
Macdonell of Glengarry's	900	800-1200	860	800	900
Macdonell of Keppoch's	400	500	600	400	400
Macpherson of Cluny's	400	300-400	400	300	400
Manchester Regiment	300	300	-	200	250
Stewarts of Appin	300	300	310	300	300

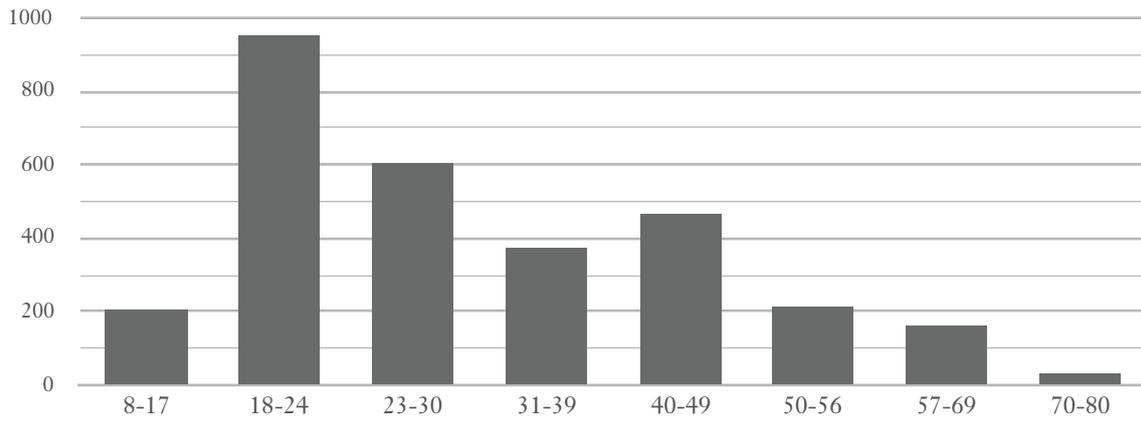
\*Added sources: Seton and Arnot, *The Prisoners of the '45* (3 vols., Edinburgh, 1928); Jean McCann, 'The Organisation of the Jacobite Army, 1745-1746' (unpublished PhD thesis, University of Edinburgh, 1963); Stuart Reid, *1745: A Military History of the Last Jacobite Rising* (Kent, 1996); Christopher Duffy, *The '45: Bonnie Prince Charlie and the Untold Story of the Jacobite Rising* (London, 2003).

†Note that McCann combines the numbers of Lewis Gordon and Glenbucket. She does not include any figure for the Manchester Regiment.

# APPENDIX X

## JACOBITE CONSTITUENCY BY AGE 1745-6

FIGURE 1: CONSTITUENCY BY AGE BRACKET\*



\*Taken from a sample size consisting of 3017 records. As stated in Chapter III: Constituency, 86.7% of the total falls within the bounds of what can be considered 'fighting age' according to Alexander Webster. The average age of all included records is thirty-two.

# APPENDIX XI

## LIST OF JACOBITES IN FRASERBURGH

FIGURE 1: FLETCHER OF SALTOUN PAPERS MS.17522 F. 55\*

A List of those that Recruited Men & took up Arms In Our Districk of Frasersburgh for the Rebellion done by way of Alphabet In the Surnames  
Frasersburgh 27th of May 1746

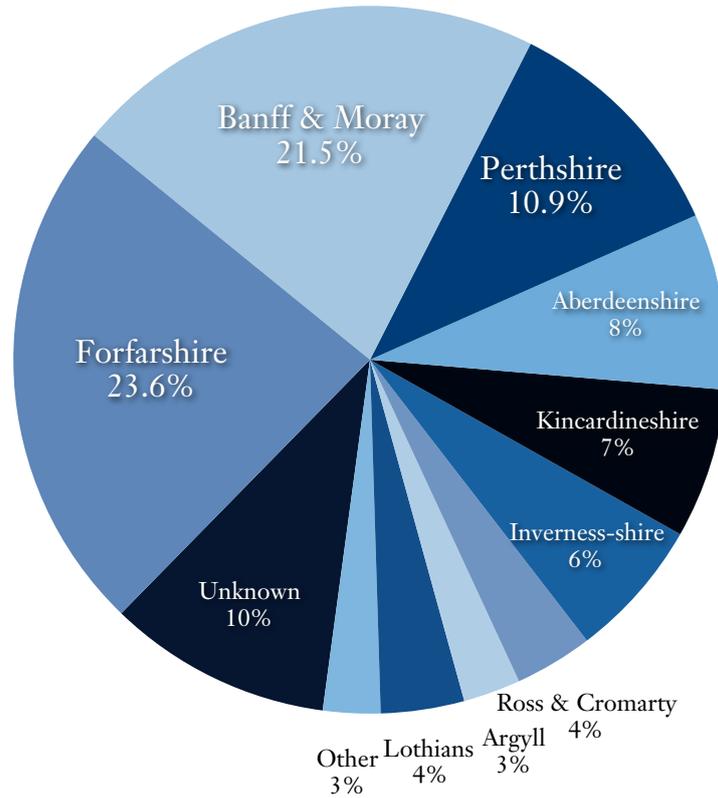
Persons Names	Designation	Places of Abode	The Circumstances Relating to each of ye Rebels
Robert Anderson	A sayler	Frasersburgh	A Recruit Among the Rebels
Alexander Craig	*** to the Lord Pitsligo	Rosarty	A Volunteer Among the Rebels
John Cruckshank	Phisian	Frasersburgh	A Volunteer Among the Rebels
John Carno	A Wright	Frasersburgh	A Recruit Among the Rebels
James Catto	A Wright	Frasersburgh	A Recruit Among the Rebels
William Chalmers	A Baxter	Frasersburgh	A Principall Ringleader that took Capt Grant at Philorth
George Chein	A Sailor	Frasersburgh	Assisting the taking of Capt Grant
William Crystie	A Sailor	Frasersburgh	On the Gaird wt those that took Capt Grant
William Cummine	A Saylor	Frasersburgh	A Recruit Among the Rebels
John Colly	A Porter	Frasersburgh	A Carrier to the Rebels with Letters
— Forbes	Lord Pitsligo	att Pitsligo	A Principall Officer Among the Rebels
William Fraser	Brother to Inveralachy	att Inveralachy	A Recruiting Officer Among the Rebels
Alexr Falconer	A Porter	Frasersburgh	A Recruit Among the Rebels
John Gordon	Son to Kinellen	Frasersburgh	A Volunteer Among the Rebels
— Gordon	of Loggie	att Loggie	A Recruiting Officer Among the Rebels
Alexander Gill	Shipp Master	Frasersburgh	A Principall Ring Leader that took Captain Grant
John Mathison	A Carier	Frasersburgh	Assisting the taking of Captain Grant
Alexr Morsion	Sailor	Frasersburgh	Assisting the taking of Captain Grant
John Meders	Black Smith	Frasersburgh	Being prest Against his Will by the Rebels
James Mackcloud	A Sailor	Frasersburgh	Ane Assistant to a Recruiting Officer here
James Murray	A Merchant	Frasersburgh	Went wt Provisions to the Rebels
James Mathew	A Shoe Maker	Frasersburgh	A Drummer to the Rebels at Recruiting
Robert Middleton	A Porter	Frasersburgh	A Carrier to the Rebels with Letters
Andrew Nedrie Eldr	A Wiver	Frasersburgh	Assisting the taking of Captain Grant
Andrew Nedrie Ygr	A Wiver	Frasersburgh	A Recruit Among the Rebels
— Ogilvie	of Achiris	att Achiris	A Recruiting Officer Among the Rebels
— Ogilvies two Brothers	of Achiris	-	Recruiting Officers Among the Rebels
Lachlan Ogilvie	Butcher	att Boynly	Ane Assistant to the Recruiting Officers here
William Pirie	A Porter	Frasersburgh	One of the Gaird on Captain Grant
John Pennie	A Wright	Frasersburgh	A Recruit Among the Rebels
Alexander Ramsay	A Merchant	att Rosarty	A Recruiting Officer Among the Rebels
George Sim	A Whyt Fisher	Frasersburgh	A Recruit Among the Rebels
Alexander Sarris	A Merchant	Frasersburgh	Aiding & Assisting to all the Recruiting Officers here
Alexr Whyt Younger	Wedsetter	of Ardlyhill	A Recruiting Officer here Among the Rebels
George Watson	Shoe Maker	Frasersburgh	A Principall Ring Leader that took Captain Grant
James Ferrier	A Sailor	Frasersburgh	A Principall Ring Leader that took Captain Grant

\*Source: NLS MS.17522 f. 55. This list illustrates how government administrators used specific terms of description for alleged Jacobite rebels. The above list clearly distinguishes between those who participated in recruitment (at least ten), recruits themselves (at least eight), and those termed 'volunteers' (three). Presumably many of the others were also voluntarily aiding the Jacobites, though it is not quite clear how these terms were used. Curiously, only one person is specifically noted to have been explicitly forced, leaving the definitions of 'recruit' versus 'volunteer' unclear. Cross-referencing these names with trial results is not conclusive at this time.

# APPENDIX XII

## JACOBITE IMPRESSMENT 1745-6

FIGURE 1: IMPRESSMENT BY PARISH\*



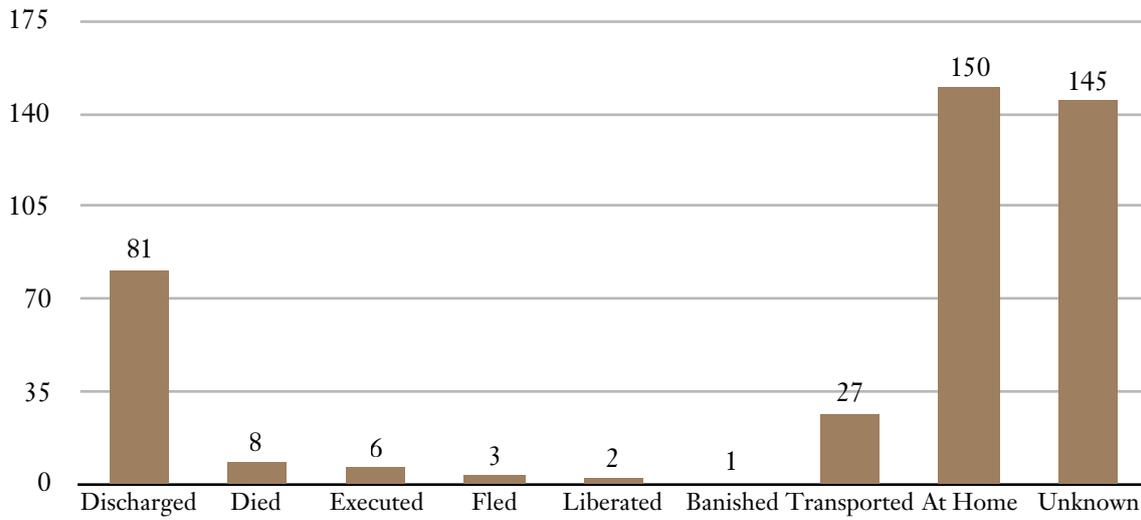
\*Taken from a sample size consisting of 423 records from *The Prisoners of the '45* and *Rosebery's List*.

FIGURE 2: COMPARATIVE IMPRESSMENT RATIOS\*

Parish/Property	County	Attested By	Total Joined	Total Forced	%
Alvie	Inverness-shire	William Gordon, Minister	43	40	93%
Morvern	Argyll	Unknown	37	10	27%
Urquhart	Inverness-shire	John Grant, Minister	19	13	68.4%
Glenmoriston	Inverness-shire	William Grant, Minister	68	45	66.2%
Buchanan	Stirlingshire	16 Unique Witnesses	20	20	100%

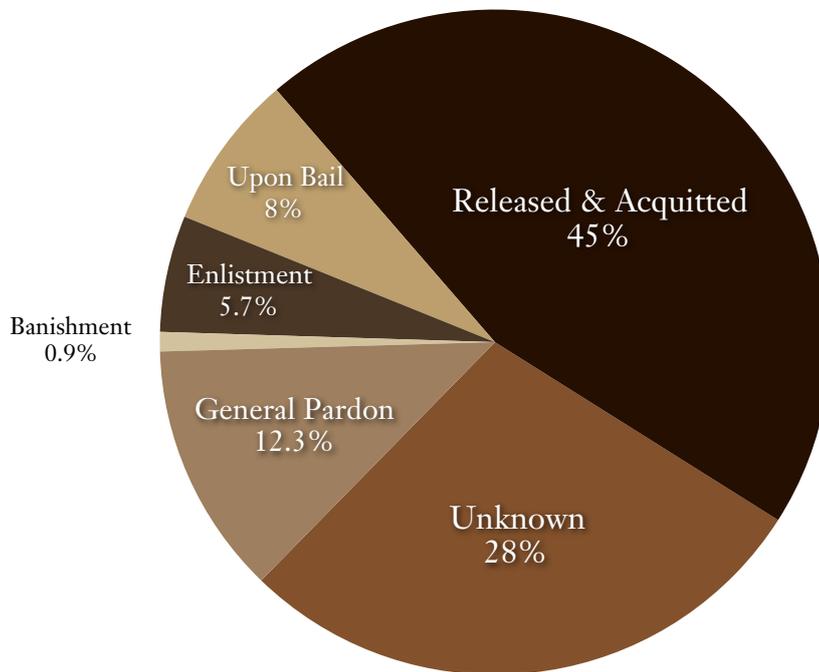
\*Sources: SPD.36/83/105-106; NLS MS.3730 f. 69; Mackay, *Urquhart and Glenmoriston*, pp. 494-498; NRS GD. 220/6/1661/1-4, 11-19. Compare with Pittock's assertion that 'individual records largely bear out' that impressment ratios are extremely low across Scotland, *Myth*, pp.88-89.

**FIGURE 3: IMPRESSMENT BY INDICTMENT\***



\*Taken from a sample size consisting of 423 records from *The Prisoners of the '45* and *Rosebery's List*.

**FIGURE 4: RELEASE CRITERIA FOR IMPRESSMENT\***

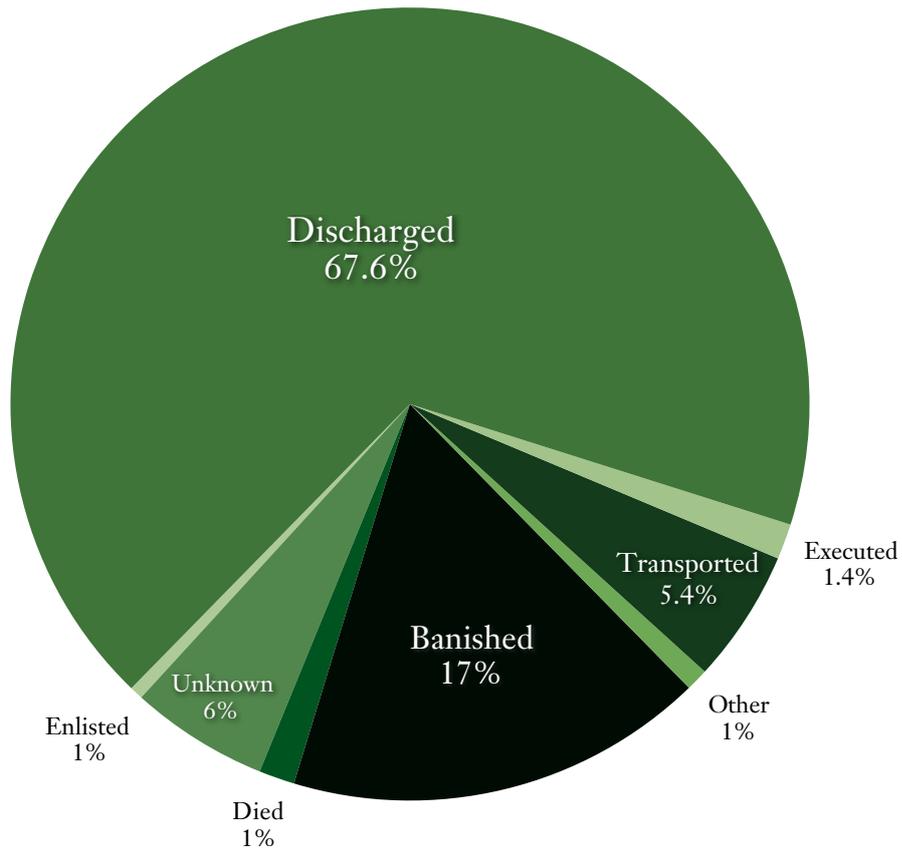


\*Taken from a sample size consisting of 81 records from *The Prisoners of the '45* and *Rosebery's List*. There is little definition of variance between specific terms of release; 'liberated', 'acquitted', 'discharged', and 'released' all appear to have similar connotations. For the purposes of this study they are combined into Released & Acquitted. One unfortunate forced man (Alexander Buchanan) is not represented in this graph, having been acquitted but mistakenly transported, *P45* (ii), pp. 58-59.

# APPENDIX XIII

## PRISONERS IN FRENCH SERVICE 1745-7

FIGURE 1: PRISONERS IN FRENCH SERVICE BY INDICTMENT\*

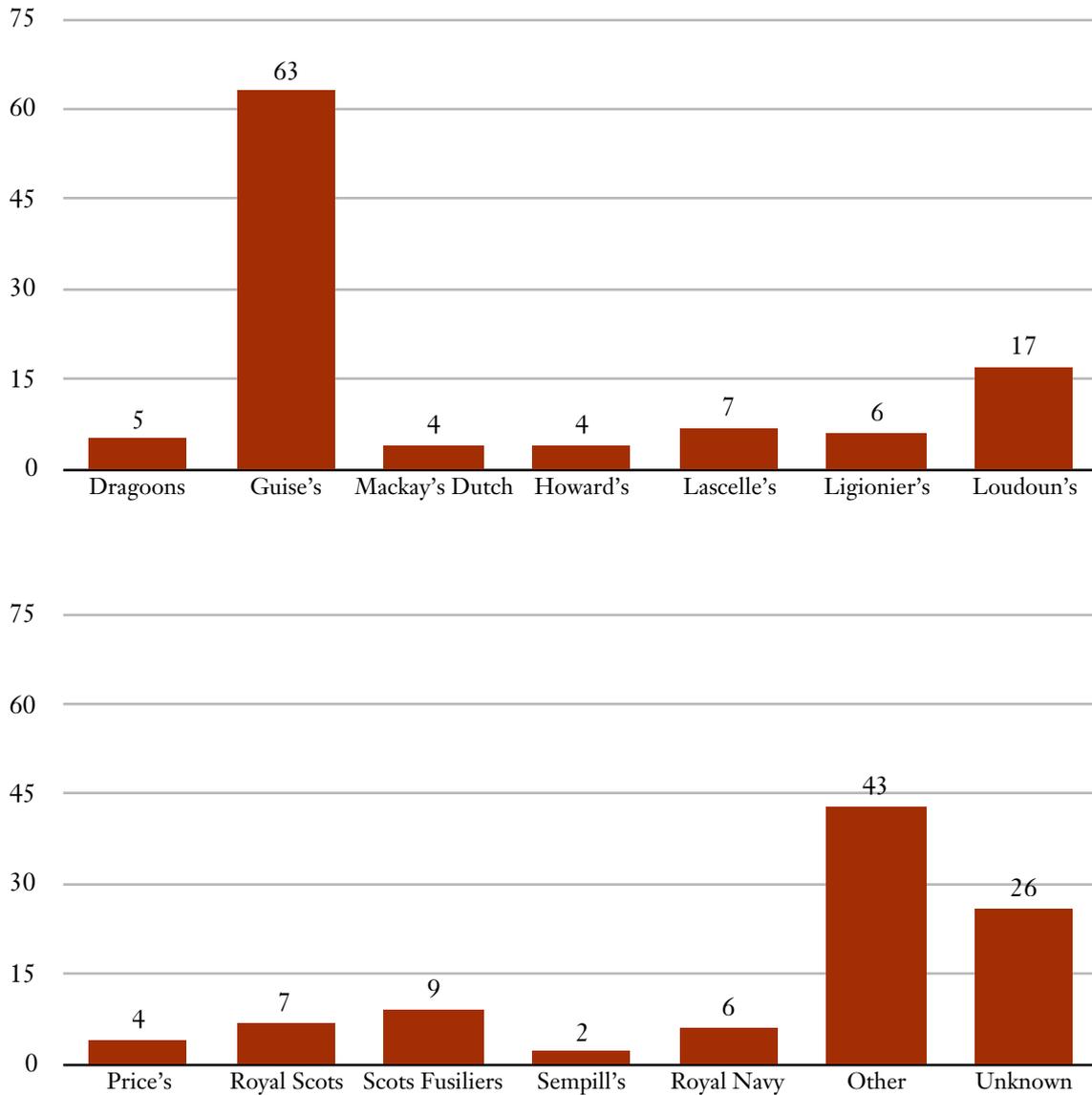


\*Taken from a sample size consisting of 553 records. Discharged includes those released on pardon and those returned to France. Banished, in this case, likely meant permanently from Britain, but some records show banishment to the Americas, which are in this graph classified as transportations. 'Other' includes those handed over to British authorities (deserters), escaped, and one prisoner released on bail, which was unusual for a prisoner of war.

# APPENDIX XIV

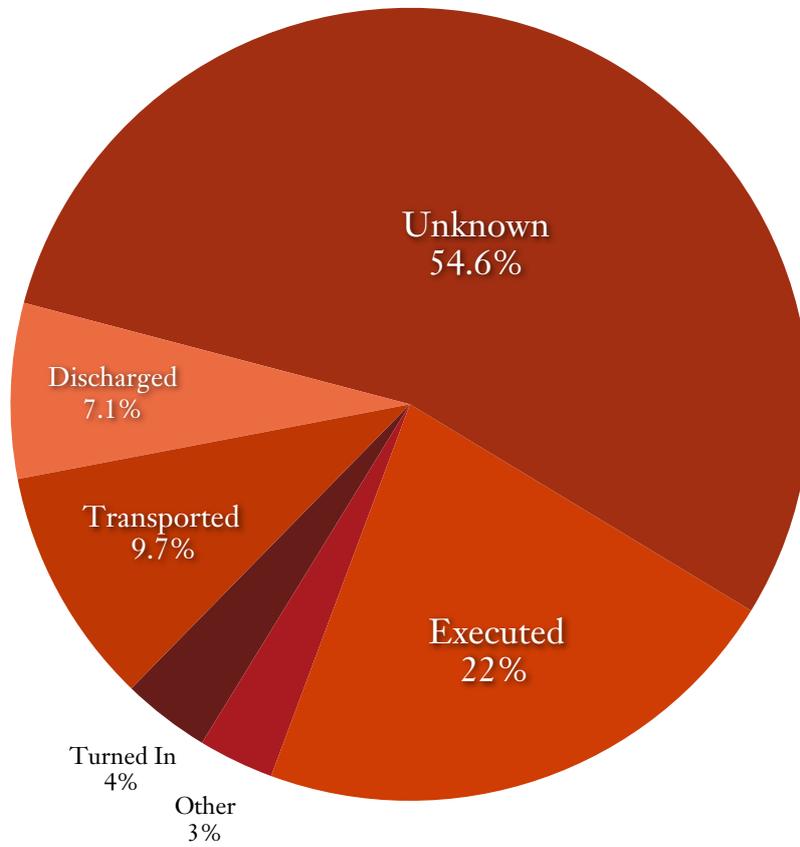
## BRITISH ARMY DESERTERS IN JACOBITE SERVICE 1745-7

FIGURE 1: BRITISH DESERTERS BY REGIMENT\*



\*Taken from a sample size consisting of 203 records. Other contains soldiers from numerous regiments in quantities of under four. Those from the Royal Navy are estimated as such from their trial records.

FIGURE 2: BRITISH DESERTERS BY INDICTMENT\*



\*Taken from a sample size consisting of 203 records.

# APPENDIX XV

## WITNESSES FOR PRISONERS AT NEWGATE 1746

FIGURE 1: WITNESSES BROUGHT BY REGION\*

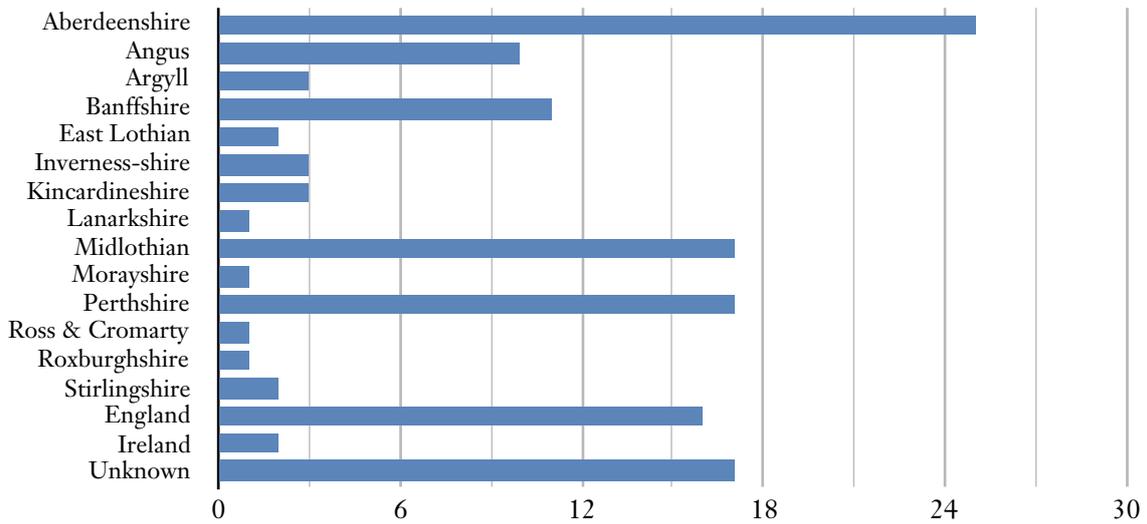
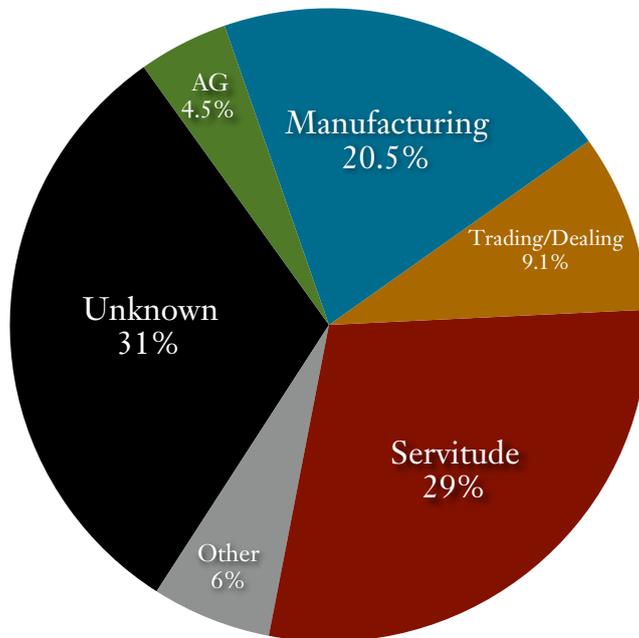


FIGURE 2: WITNESSES BY OCCUPATIONAL SECTOR



\*Taken from a sample size consisting of 132 unique witnesses. Source: TNA TS.11/760/2363.

# APPENDIX XVI

## PRISONERS ON SUSPICION 1745-7

FIGURE 1: PRISONERS ON SUSPICION BY REGION\*

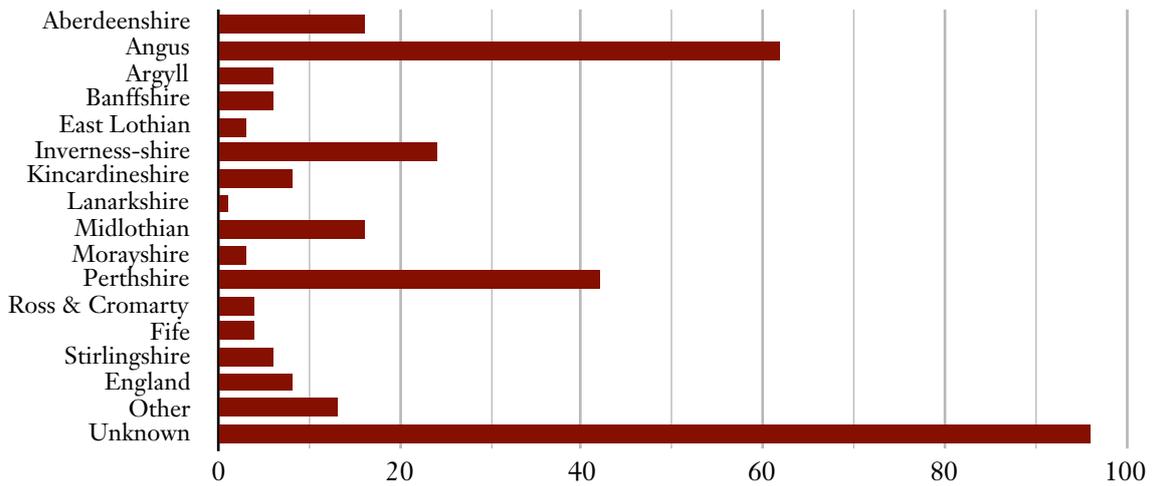
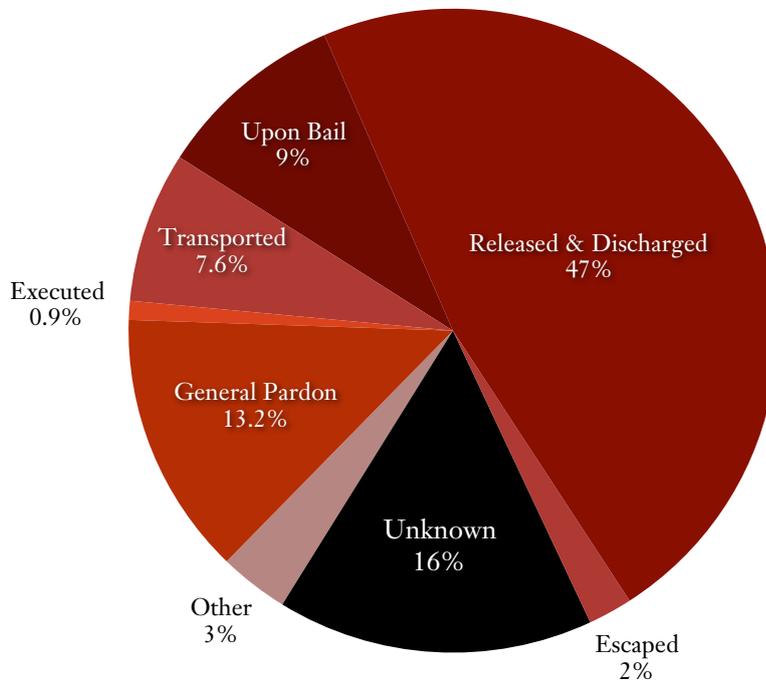


FIGURE 2: PRISONERS ON SUSPICION BY INDICTMENT



\*Taken from a sample size of 317 records. Disparity in numbers held on suspicion in England between fig. 1 and the text of Chapter V: Consequences (pp. 200-201) can be explained by conflict between calculations of named records versus general numbers supplied by governmental jail tallies.

## APPENDIX XVII

### WADE'S DECLARATION OF INDEMNITY, OCTOBER 30 1745\*

Whereas it has been represented to his Majesty, that several of his subjects, inhabiting the highlands of Scotland, and others, have been seduced by menaces and threatenings of their chiefs and superiors, to take arms, and enter into a most unnatural rebellion; his Majesty has authorised me to assure all such, who shall return to their habitations, on or before the 12th day of November next, and become faithfull to his Majesty and his government, that they shall be objects of his Majesty's clemency: but if, after this his most gracious intention being signified, they shall continue in their rebellion, they will be proceeded against with rigour suitable to the nature of their crime. Given at the camp of Newcastle upon Tyne, this 30th day of October 1745.

[signed] George Wade.

\*Printed in *Scots Magazine*, 7 (1745), pp. 537-538.

# APPENDIX XVIII

## JACOBITE TRIALS AT CARLISLE, 9-27 SEPTEMBER 1746\*

FIGURE 1: PRISONERS AT CARLISLE BY ARRAIGNMENT

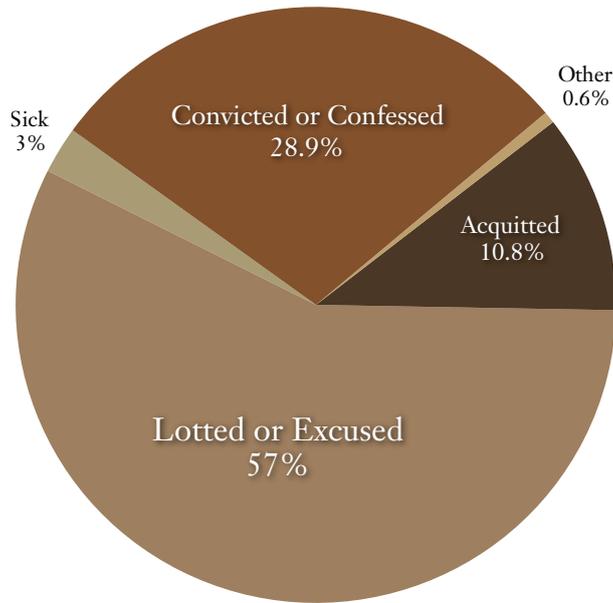
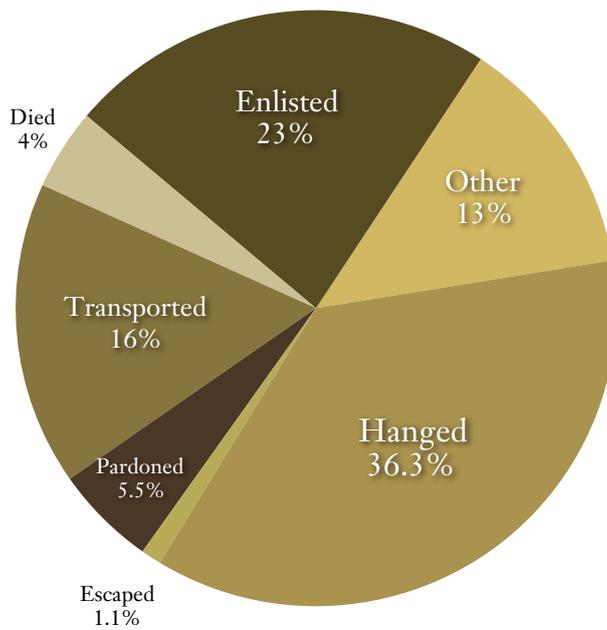


FIGURE 2: PRISONERS AT CARLISLE BY INDICTMENT



\*Arraignment total of 315 prisoners; indictment total of 91 prisoners. Sources: *P45* (i), pp. 104-108; Jarvis, *Collected Papers* (i), pp. 255-276.

# APPENDIX XIX

## JACOBITE TRIALS AT SOUTHWARK, 23 JUNE 1746-DECEMBER 1747\*

FIGURE 1: PRISONERS AT SOUTHWARK BY ARRAIGNMENT

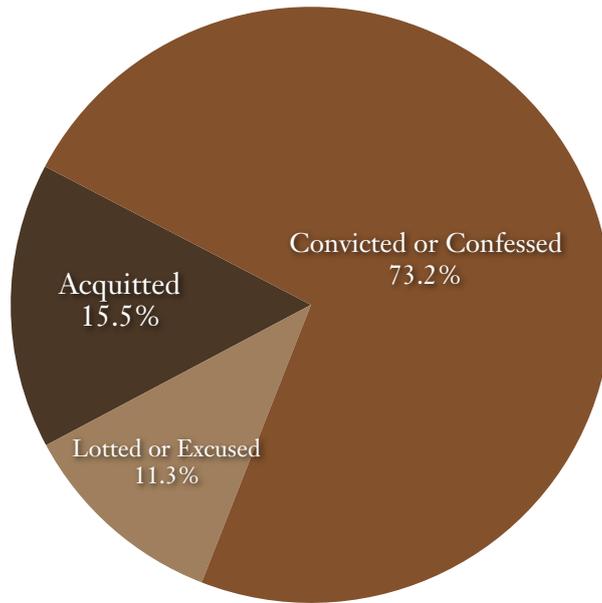
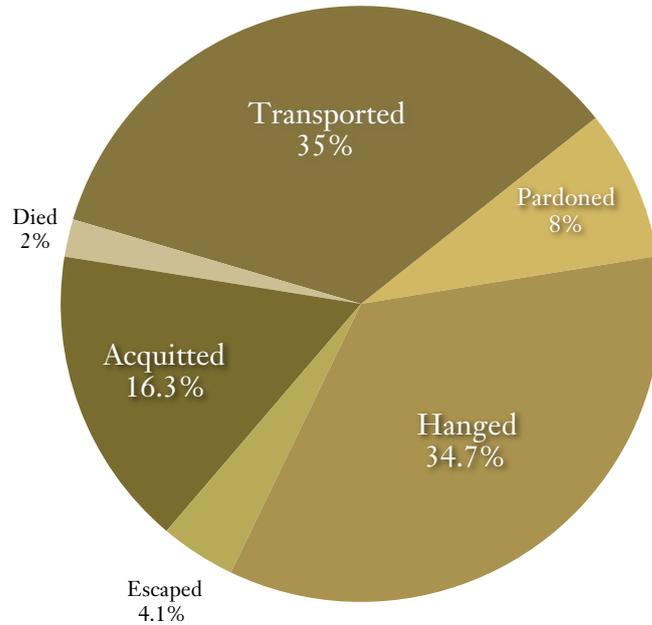


FIGURE 2: PRISONERS AT SOUTHWARK BY INDICTMENT



\*Arraignment total of 71 prisoners; indictment total of 49 prisoners. Source: *P45* (i), pp. 94-103. Note the absence of enlistments at Southwark due to the large number of Manchester Regiment trials that happened here.

# APPENDIX XX

## JACOBITE TRIALS AT YORK, 2-7 OCTOBER 1746\*

FIGURE 1: PRISONERS AT YORK BY ARRAIGNMENT

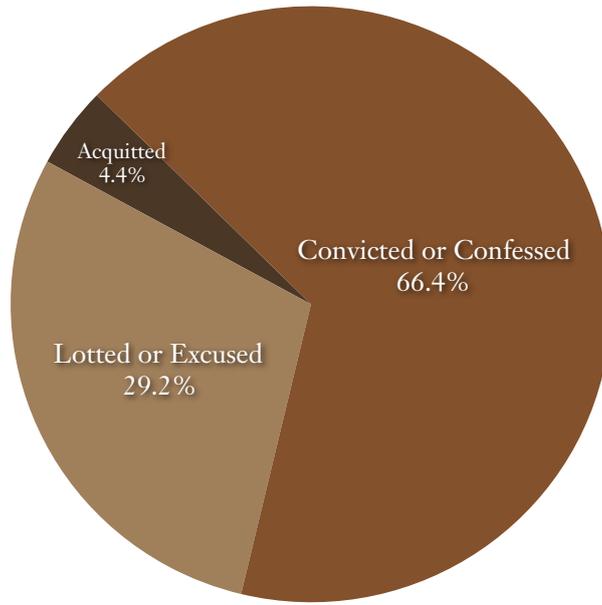
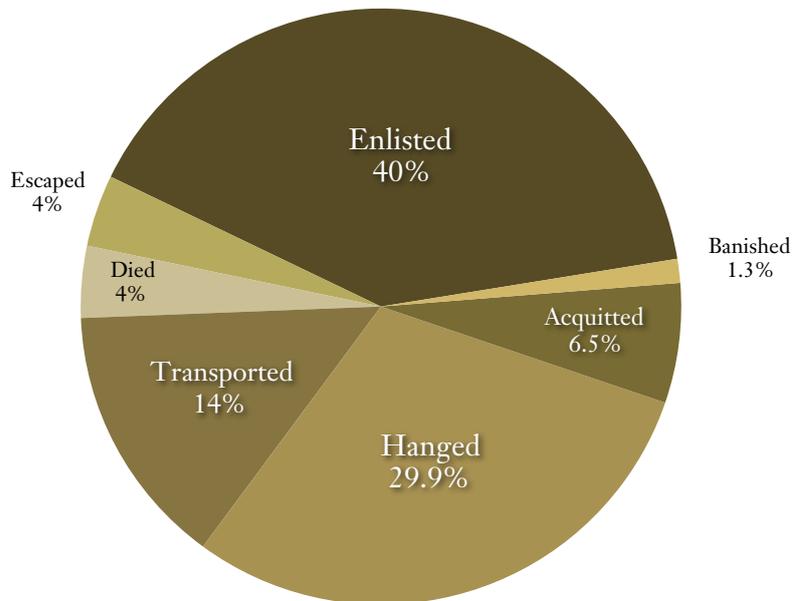


FIGURE 2: PRISONERS AT YORK BY INDICTMENT



\*Arraignment total of 113 prisoners; indictment total of 75 prisoners. Source: *P45* (i), pp. 108-110.

# APPENDIX XXI

## JACOBITE INDICTMENTS 1746-8\*

FIGURE 1: TOTAL PRISONERS BY ARRAIGNMENT

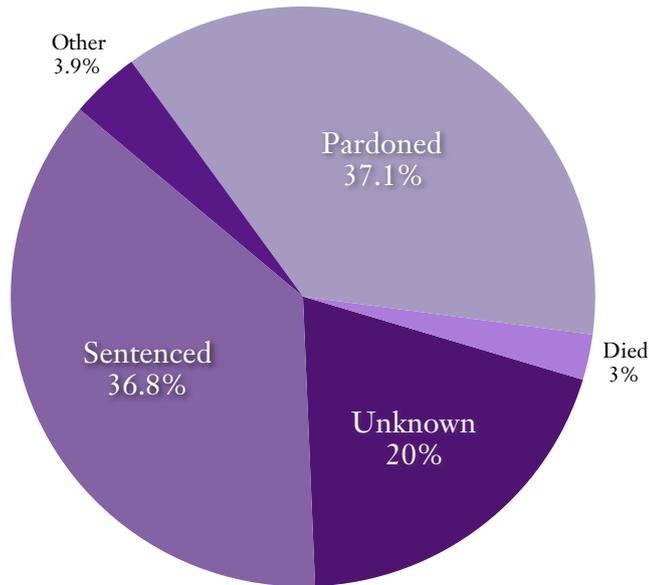
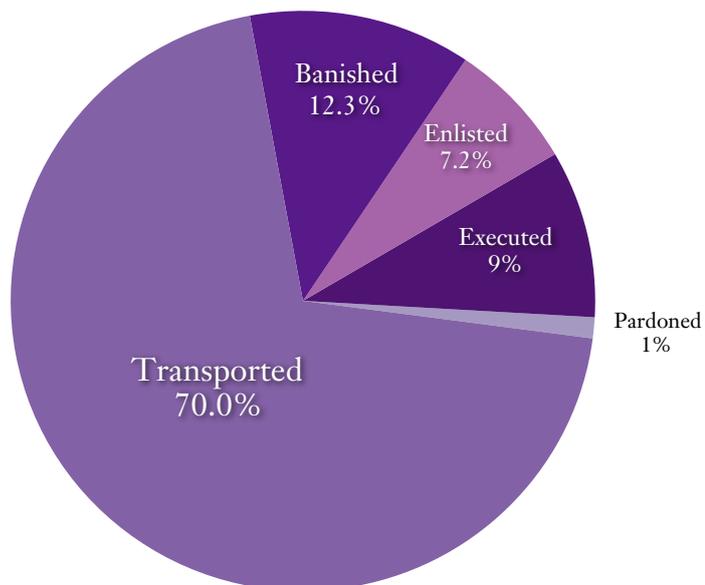


FIGURE 2: TOTAL PRISONERS BY INDICTMENT



\*Arraignment total of 3471 prisoners; indictment total of 1284 prisoners. Source: *P45* (i), pp. 40, 145, 152-156. According to Seton and Arnot's figures, only 36.8% of the total number of prisoners included in their study were given sentences, including the 15 that were formally pardoned.

# APPENDIX XXII

## JACOBITE EXECUTIONS 1746-53\*

FIGURE 1: EXECUTIONS BY RANK

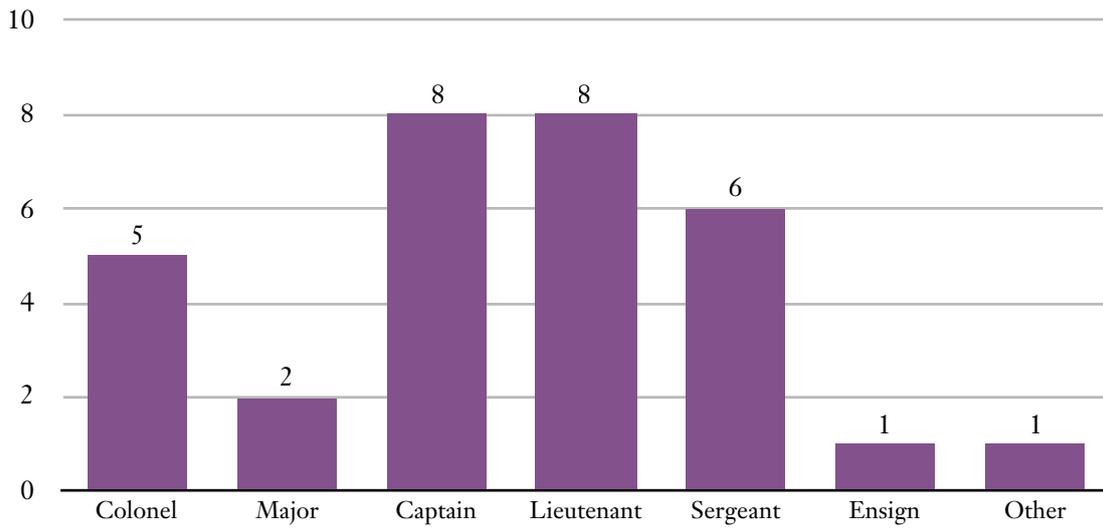
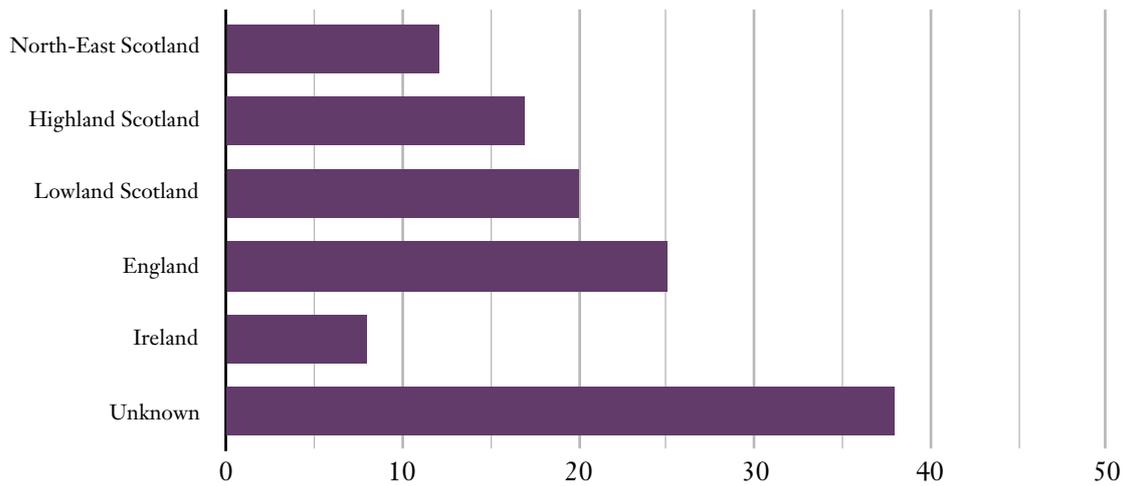


FIGURE 2: EXECUTIONS BY REGION

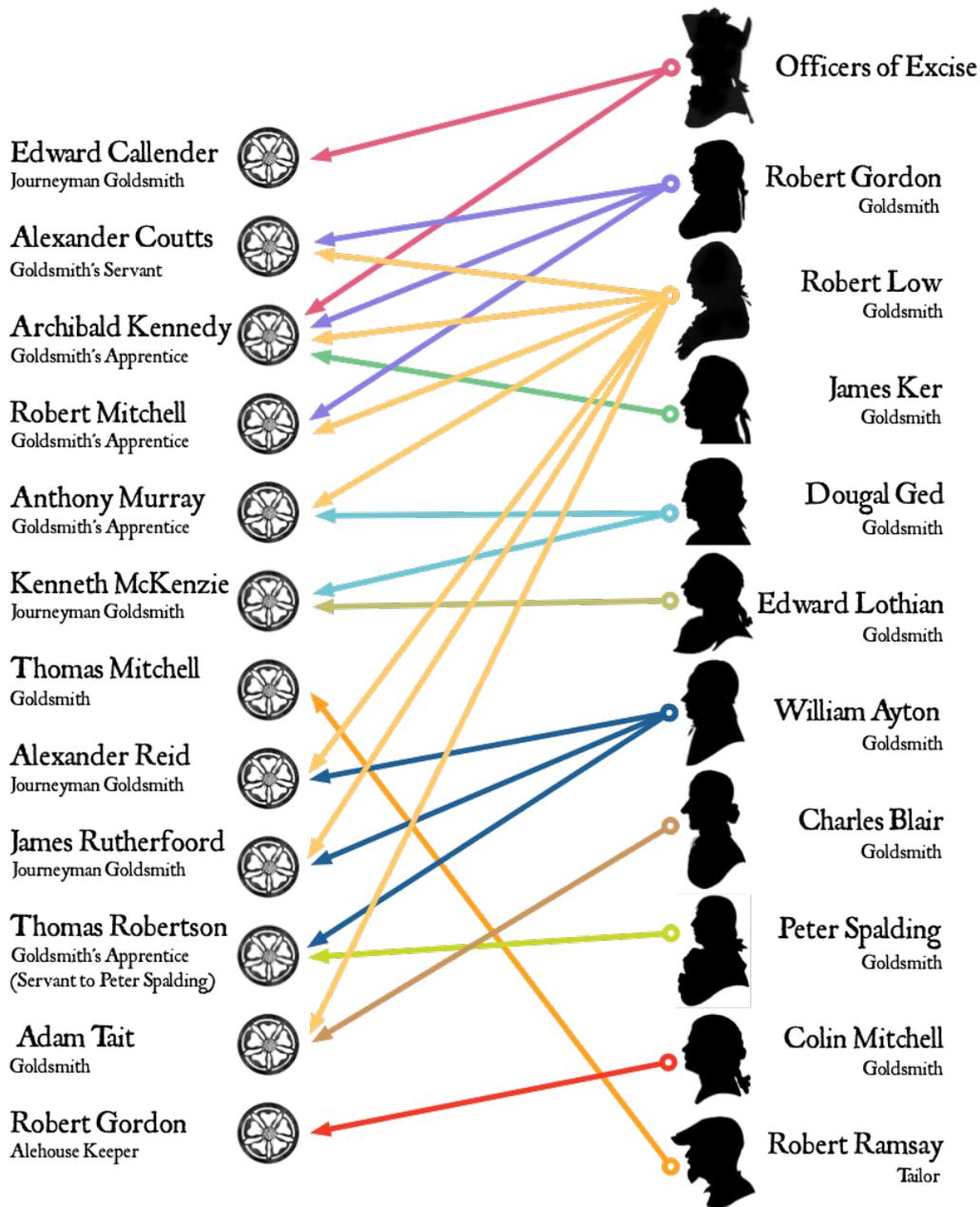


\*Includes a total of 120 executions as tallied in *P45* (i), pp. 147-151. Locales were determined by cross-referencing those records with searches in JDB1745. The majority of unknown regions are for British army deserters.

# APPENDIX XXIII

## GOLDSMITH ACCUSATIONS, EDINBURGH 1746

FIGURE 1: ACCUSATIONS OF AND BY GOLDSMITHS



\*Source: Rosebery's *List*, passim. As noted in footnote #259, Thomas Robertson, accused by his own master, is the only one who shows signs of actually being confined, but there are no witnesses nor further evidence against him.

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<sup>1</sup> I am extremely grateful to Professor Allan Macinnes for allowing me to use his transcripts from the Loudoun Scottish Collection at the Huntington Library.

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