ВАЛЬТЕР СКОТТ

THE HEART OF MID-LOTHIAN, VOLUME 1

Вальтер Скотт

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Содержание

Walter Scott
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THE HEART OF MID-LOTHIAN

Hear, Land o' Cakes and brither Scots,
Frae Maidenkirk to Johnny Groat's,
If there's a hole in a' your coats,
I rede ye tent it;
A chiel's amang you takin' notes,
An' faith he'll prent it!

Burns.

EDITOR'S INTRODUCTION TO THE HEART OF MID-LOTHIAN

SCOTT began to work on "The Heart of Mid-Lothian" almost before he had completed "Rob Roy." On Nov. 10, 1817, he writes to Archibald Constable announcing that the negotiations for the sale of the story to Messrs. Longman have fallen through, their firm declining to relieve the Ballantynes of their worthless "stock." "So you have the staff in your own hands, and, as you are on the spot, can manage it your own way. Depend on it that, barring unforeseen illness or death, these will be the best volumes which have appeared. I pique myself on the first tale, which is called 'The Heart of Mid-Lothian.'" Sir Walter had thought of adding a romance, "The Regalia," on the Scotch royal insignia, which had been rediscovered in the Castle of Edinburgh. This story he never wrote. Mr. Cadell was greatly pleased at ousting the Longmans – "they have themselves to blame for the want of the Tales, and may grumble as they choose: we have Taggy by the tail, and, if we have influence to keep the best author of the day, we ought to do it." – [Archibald Constable, iii. 104.]

Though contemplated and arranged for, "The Heart of Mid-Lothian" was not actually taken in hand till shortly after Jan. 15, 1818, when Cadell writes that the tracts and pamphlets on the affair of Porteous are to be collected for Scott. "The author

was in great glee.. he says that he feels very strong with what he has now in hand." But there was much anxiety concerning Scott's health. "I do not at all like this illness of Scott's," said James Ballantyne to Hogg. "I have eften seen him look jaded of late, and am afraid it is serious." "Hand your tongue, or I'll gar you measure your length on the pavement," replied Hogg. "You fause, down-hearted loon, that ye are, you daur to speak as if Scott were on his death-bed! It cannot be, it must not be! I will not suffer you to speak that gait." Scott himself complains to Charles Kirkpatrick Sharpe of "these damned spasms. The merchant Abudah's hag was a henwife to them when they give me a real night of it."

"The Heart of Mid-Lothian," in spite of the author's malady, was published in June 1818. As to its reception, and the criticism which it received, Lockhart has left nothing to be gleaned. Contrary to his custom, he has published, but without the writer's name, a letter from Lady Louisa Stuart, which really exhausts what criticism can find to say about the new novel. "I have not only read it myself," says Lady Louisa, "but am in a house where everybody is tearing it out of each other's hands, and talking of nothing else." She preferred it to all but "Waverley," and congratulates him on having made "the perfectly good character the most interesting… Had this very story been conducted by a common hand, Effie would have attracted all our concern and sympathy, Jeanie only cold approbation. Whereas Jeanie, without youth, beauty, genius, warns passions, or any other novel-

perfection, is here our object from beginning to end." Lady Louisa, with her usual frankness, finds the Edinburgh lawyers tedious, in the introduction, and thinks that Mr. Saddletree "will not entertain English readers." The conclusion "flags"; "but the chief fault I have to find relates to the reappearance and shocking fate of the boy. I hear on all sides 'Oh, I do not like that!' I cannot say what I would have had instead, but I do not like it either; it is a lame, huddled conclusion. I know you so well in it, by-the-by! You grow tired yourself, want to get rid of the story, and hardly care how." Lady Lousia adds that Sir George Staunton would never have hazarded himself in the streets of Edinburgh. "The end of poor Madge Wildfire is most pathetic. The meeting at Muschat's Cairn tremendous. Dumbiedikes and Rory Beau are delightful… I dare swear many of your readers never heard of the Duke of Argyle before." She ends: "If I had known nothing, and the whole world had told me the contrary, I should have found you out in that one parenthesis, 'for the man was mortal, and had been a schoolmaster.'"

Lady Louisa omits a character who was probably as essential to Scott's scheme as any – Douce Davie Deans, the old Cameronian. He had almost been annoyed by the criticism of his Covenanters in "Old Mortality," "the heavy artillery out of the Christian Instructor or some such obscure field work," and was determined to "tickle off" another. There are signs of a war between literary Cavaliers and literary Covenanters at this time, after the discharge of Dr. McCrie's "heavy artillery." Charles

Kirkpatrick Sharpe was presented by Surtees of Mainsforth with a manuscript of Kirkton's unprinted "History of the Church of Scotland." This he set forth to edite, with the determination not to "let the Whig dogs have the best of it." Every Covenanting scandal and absurdity, such as the old story of Mess David Williamson – "Dainty Davie" – and his remarkable prowess, and presence of mind at Cherrytrees, was raked up, and inserted in notes to Kirkton. Scott was Sharpe's ally in this enterprise. "I had in the persons of my forbears a full share, you see, of religious persecution.. for all my greatgrandfathers were under the ban, and I think there were hardly two of them out of jail at once." "I think it would be most scandalous to let the godly carry it oft thus." "It" seems to have been the editing of Kirkton. "It is very odd the volume of Wodrow, containing the memoir of Russell concerning the murder, is positively vanished from the library" (the Advocates' Library). "Neither book nor receipt is to be found: surely they have stolen it in the fear of the Lord." The truth seems to have been that Cavaliers and Covenanters were racing for the manuscripts wherein they found smooth stones of the brook to pelt their opponents withal. Soon after Scott writes: "It was not without exertion and trouble that I this day detected Russell's manuscript (the account of the murder of Sharpe by one of the murderers), also Kirkton and one or two others, which Mr. McCrie had removed from their place in the library and deposited in a snug and secret corner." The Covenanters had made a raid on the ammunition of the Cavaliers. "I have given,"

adds Sir Walter, "an infernal row on the subject of hiding books in this manner." Sharpe replies that the "villainous biographer of John Knox" (Dr. McCrie), "that canting rogue," is about to edite Kirkton. Sharpe therefore advertised his own edition at once, and edited Kirkton by forced marches as it were. Scott reviewed the book in the Quarterly (Jan. 1818). He remarked that Sharpe "had not escaped the censure of these industrious literary gentlemen of opposite principles, who have suffered a work always relied upon as one of their chief authorities to lie dormant for a hundred and forty years." Their "querulous outcries" (probably from the field-work of the Christian Instructor) he disregards. Among the passions of this literary "bicker," which Scott allowed to amuse him, was Davie Deans conceived. Scott was not going to be driven by querulous outcries off the Covenanting field, where he erected another trophy. This time he was more friendly to the "True Blue Presbyterians." His Scotch patriotism was one of his most earnest feelings, the Covenanters, at worst, were essentially Scotch, and he introduced a new Cameronian, with all the sterling honesty, the Puritanism, the impracticable ideas of the Covenant, in contact with changed times, and compelled to compromise.

He possessed a curious pamphlet, Haldane's "Active Testimony of the true blue Presbyterians" (12mo, 1749). It is a most impartial work, "containing a declaration and testimony against the late unjust invasion of Scotland by Charles, Pretended Prince of Wales, and William, Pretended Duke of Cumberland."

Everything and everybody not Covenanted, the House of Stuart, the House of Brunswick, the House of Hapsburg, Papists, Prelatists and Turks, are cursed up hill and down dale, by these worthy survivors of the Auld Leaven. Everybody except the authors, Haldane and Leslie, "has broken the everlasting Covenant." The very Confession of Westminster is arraigned for its laxity. "The whole Civil and Judicial Law of God," as given to the Jews (except the ritual, polygamy, divorce, slavery, and so forth), is to be maintained in the law of Scotland. Sins are acknowledged, and since the Covenant every political step – Cromwell's Protectorate, the Restoration, the Revolution, the accession of the "Dukes of Hanover" – has been a sin. A Court of Elders is to be established to put in execution the Law of Moses. All offenders against the Kirk are to be "capitally punished." Stage plays are to be suppressed by the successors of the famous convention at Lanark, Anno 1682. Toleration of all religions is "sinful," and "contrary to the word of God." Charles Edward and the Duke of Cumberland are cursed. "Also we reckon it a great vice in Charles, his foolish Pity and Lenity, in sparing these profane, blasphemous Redcoats, that Providence delivered into his hand, when, by putting them to death, this poor land might have been eased of the heavy burden of these vermin of Hell." The Auld Leaven swore terribly in Scotland. The atrocious cruelties of Cumberland after Culloden are stated with much frankness and power. The German soldiers are said to have carried off "a vast deal of Spoil and Plunder into Germany," and

the Redcoats had Plays and Diversions (cricket, probably) on the Inch of Perth, on a Sabbath. "The Hellish, Pagan, Juggler plays are set up and frequented with more impudence and audacity than ever." Only the Jews, "our elder Brethren," are exempted from the curses of Haldane and Leslie, who promise to recover for them the Holy Land. "The Massacre in Edinburgh" in 1736, by wicked Porteous, calls for vengeance upon the authors and abettors thereof. The army and navy are "the most wicked and flagitious in the Universe." In fact, the True Blue Testimony is very active indeed, and could be delivered, thanks to hellish Toleration, with perfect safety, by Leslie and Haldane. The candour of their eloquence assuredly proves that Davie Deans is not overdrawn; indeed, he is much less truculent than those who actually were testifying even after his decease.

In "The Heart of Mid-Lothian" Scott set himself to draw his own people at their best. He had a heroine to his hand in Helen Walker, "a character so distinguished for her undaunted love of virtue," who, unlike Jeanie Deans, "lived and died in poverty, if not want." In 1831 he erected a pillar over her grave in the old Covenanting stronghold of Irongray. The inscription ends —

> Respect the Grave of Poverty,
> When combined with Love of Truth
> *And Dear Affection.*

The sweetness, the courage, the spirit, the integrity of Jeanie Deans have made her, of all Scott's characters, the dearest to her countrymen, and the name of Jeanie was given to many

children, in pious memory of the blameless heroine. The foil to her, in the person of Effie, is not less admirable. Among Scott's qualities was one rare among modern authors: he had an affectionate toleration for his characters. If we compare Effie with Hetty in "Adam Bede," this charming and genial quality of Scott's becomes especially striking. Hetty and Dinah are in very much the same situation and condition as Effie and Jeanie Deans. But Hetty is a frivolous little animal, in whom vanity and silliness do duty for passion: she has no heart: she is only a butterfly broken on the wheel of the world. Doubtless there are such women in plenty, yet we feel that her creator persecutes her, and has a kind of spite against her. This was impossible to Scott. Effie has heart, sincerity, passion, loyalty, despite her flightiness, and her readiness, when her chance comes, to play the fine lady. It was distasteful to Scott to create a character not human and sympathetic on one side or another. Thus his robber "of milder mood," on Jeanie's journey to England, is comparatively a good fellow, and the scoundrel Ratcliffe is not a scoundrel utterly. "'To make a Lang tale short, I canna undertake the job. It gangs against my conscience.' 'Your conscience, Rat?' said Sharpitlaw, with a sneer, which the reader will probably think very natural upon the occasion. 'Ou ay, sir,' answered Ratcliffe, calmly, 'just my conscience; a body has a conscience, though it may be ill wunnin at it. I think mine's as weel out o' the gate as maist folk's are; and yet it's just like the noop of my elbow, it whiles gets a bit dirl on a corner.'" Scott insists on leaving his worst people

in possession of something likeable, just as he cannot dismiss even Captain Craigengelt without assuring us that Bucklaw made a provision for his necessities. This is certainly a more humane way of writing fiction than that to which we are accustomed in an age of humanitarianism. Nor does Scott's art suffer from his kindliness, and Effie in prison, with a heart to be broken, is not less pathetic than the heartless Hetty, in the same condemnation.

As to her lover, Robertson, or Sir George Staunton, he certainly verges on the melodramatic. Perhaps we know too much about the real George Robertson, who was no heir to a title in disguise, but merely a "stabler in Bristol" accused "at the instance of Duncan Forbes, Esq. of Culloden, his Majesty's advocate, for the crimes of Stouthrieff, Housebreaking, and Robbery." Robertson "kept an inn in Bristo, at Edinburgh, where the Newcastle carrier commonly did put up," and is believed to have been a married man. It is not very clear that the novel gains much by the elevation of the Bristo innkeeper to a baronetcy, except in so far as Effie's appearance in the character of a great lady is entertaining and characteristic, and Jeanie's conquest of her own envy is exemplary. The change in social rank calls for the tragic conclusion, about which almost every reader agrees with the criticism of Lady Louisa Stuart and her friends. Thus the novel "filled more pages" than Mr. Jedediah Cleishbotham had "opined," and hence comes a languor which does not beset the story of "Old Mortality." Scott's own love of adventure and of stirring incidents at any cost is an excellent quality in a novelist,

but it does, in this instance, cause him somewhat to dilute those immortal studies of Scotch character which are the strength of his genius. The reader feels a lack of reality in the conclusion, the fatal encounter of the father and the lost son, an incident as old as the legend of Odysseus. But this is more than atoned for by the admirable part of Madge Wildfire, flitting like a *feu follet* up and down among the douce Scotch, and the dour rioters. Madge Wildfire is no repetition of Meg Merrilies, though both are unrestrained natural things, rebels against the settled life, musical voices out of the past, singing forgotten songs of nameless minstrels. Nowhere but in Shakspeare can we find such a distraught woman as Madge Wildfire, so near akin to nature and to the moods of "the bonny lady Moon." Only he who created Ophelia could have conceived or rivalled the scene where Madge accompanies the hunters of Staunton on the moonlit hill and sings her warnings to the fugitive.

> When the glede's in the blue cloud,
> The lavrock lies still;
> When the hound's in the green-wood,
> The hind keeps the hill.
> There's a bloodhound ranging Tinwald wood,
> There's harness glancing sheen;
> There's a maiden sits on Tinwald brae,
> And she sings loud between.
> O sleep ye sound, Sir James, she said,
> When ye suld rise and ride?

There's twenty men, wi' bow and blade,
Are seeking where ye hide.

The madness of Madge Wildfire has its parallel in the wildness of Goethe's Marguerite, both of them lamenting the lost child, which, to Madge's fancy, is now dead, now living in a dream. But the gloom that hangs about Muschat's Cairn, the ghastly vision of "crying up Ailie Muschat, and she and I will hae a grand bouking-washing, and bleach our claise in the beams of the bonny Lady Moon," have a terror beyond the German, and are unexcelled by Webster or by Ford. "But the moon, and the dew, and the night-wind, they are just like a caller kail-blade laid on my brow; and whiles I think the moon just shines on purpose to pleasure me, when naebody sees her but mysell." Scott did not deal much in the facile pathos of the death-bed, but that of Madge Wildfire has a grace of poetry, and her latest song is the sweetest and wildest of his lyrics, the most appropriate in its setting. When we think of the contrasts to her – the honest, dull good-nature of Dumbiedikes; the common-sense and humour of Mrs. Saddletree; the pragmatic pedantry of her husband; the Highland pride, courage, and absurdity of the Captain of Knockdander – when we consider all these so various and perfect creations, we need not wonder that Scott was "in high glee" over "The Heart of Mid-Lothian," "felt himself very strong," and thought that these would be "the best volumes that have appeared." The difficulty, as usual, is

to understand how, in all this strength, he permitted himself to be so careless over what is really by far the easiest part of the novelist's task – the construction. But so it was; about "The Monastery" he said, "it was written with as much care as the rest, that is, with no care at all." His genius flowed free in its own unconscious abundance: where conscious deliberate workmanship was needed, "the forthright craftsman's hand," there alone he was lax and irresponsible. In Shakspeare's case we can often account for similar incongruities by the constraint of the old plot which he was using; but Scott was making his own plots, or letting them make themselves. "I never could lay down a plan, or, having laid it down, I never could adhere to it; the action of composition always diluted some passages and abridged or omitted others; and personages were rendered important or insignificant, not according to their agency in the original conception of the plan, but according to the success or otherwise with which I was able to bring them out. I only tried to make that which I was actually writing diverting and interesting, leaving the rest to fate.. When I chain my mind to ideas which are purely imaginative – for argument is a different thing – it seems to me that the sun leaves the landscape, that I think away the whole vivacity and spirit of my original conception, and that the results are cold, tame, and spiritless."

In fact, Sir Walter was like the Magician who can raise spirits that, once raised, dominate him. Probably this must ever be the case, when an author's characters are not puppets but real

creations. They then have a will and a way of their own; a free-will which their creator cannot predetermine and correct. Something like this appears to have been Scott's own theory of his lack of constructive power. No one was so assured of its absence, no one criticised it more severely than he did himself. The Edinburgh Review about this time counselled the "Author of Waverley" to attempt a drama, doubting only his powers of compression. Possibly work at a drama might have been of advantage to the genius of Scott. He was unskilled in selection and rejection, which the drama especially demands. But he detested the idea of writing for actors, whom he regarded as ignorant, dull, and conceited. "I shall not fine and renew a lease of popularity upon the theatre. To write for low, ill-informed, and conceited actors, whom you must please, for your success is necessarily at their mercy, I cannot away with," he wrote to Southey. "Avowedly, I will never write for the stage; if I do, 'call me horse,'" he remarks to Terry. He wanted "neither the profit nor the shame of it." "I do not think that the character of the audience in London is such that one could have the least pleasure in pleasing them." He liked helping Terry to "Terryfy" "The Heart of Mid-Lothian," and his other novels, but he had no more desire than a senator of Rome would have had to see his name become famous by the Theatre. This confirmed repulsion in one so learned in the dramatic poets is a curious trait in Scott's character. He could not accommodate his genius to the needs of the stage, and that crown which has most potently allured most

men of genius he would have thrust away, had it been offered to him, with none of Caesar's reluctance. At the bottom of all this lay probably the secret conviction that his genius was his master, that it must take him where it would, on paths where he was compelled to follow. Terse and concentrated, of set purpose, he could not be. A notable instance of this inability occurs in the Introductory Chapter to "The Heart of Mid-Lothian," which has probably frightened away many modern readers. The Advocate and the Writer to the Signet and the poor Client are persons quite uncalled for, and their little adventure at Gandercleugh is unreal. Oddly enough, part of their conversation is absolutely in the manner of Dickens.

"'I think,' said I… 'the metropolitan county may, in that case, be said to have a sad heart.'

"'Right as my glove, Mr. Pattieson,' added Mr. Hardie; 'and a close heart, and a hard heart – Keep it up, Jack.'

"'And a wicked heart, and a poor heart,' answered Halkit, doing his best.

"'And yet it may be called in some sort a strong heart, and a high heart,' rejoined the advocate. 'You see I can put you both out of heart.'"

Fortunately we have no more of this easy writing, which makes such very melancholy reading.

The narrative of the Porteous mob, as given by the novelist, is not, it seems, entirely accurate. Like most artists, Sir Walter took the liberty of "composing" his picture. In his "Illustrations of

the Author of Waverley" (1825) Mr. Robert Chambers records the changes in facts made by Scott. In the first place, Wilson did not attack his guard, and enable Robertson to escape, after the sermon, but as soon as the criminals took their seats in the pew. When fleeing out, Robertson tripped over "the plate," set on a stand to receive alms and oblations, whereby he hurt himself, and was seen to stagger and fall in running down the stairs leading to the Cowgate. Mr. McQueen, Minister of the New Kirk, was coming up the stairs. He conceived it to be his duty to set Robertson on his feet again, "and covered his retreat as much as possible from the pursuit of the guard." Robertson ran up the Horse Wynd, out at Potter Row Port, got into the King's Park, and headed for the village of Duddingston, beside the loch on the south-east of Arthur's Seat. He fainted after jumping a dyke, but was picked up and given some refreshment. He lay in hiding till he could escape to Holland.

The conspiracy to hang Porteous did not, in fact, develop in a few hours, after his failure to appear on the scaffold. The Queen's pardon (or a reprieve) reached Edinburgh on Thursday, Sept. 2; the Riot occurred on the night of Sept. 7. The council had been informed that lynching was intended, thirty-six hours before the fatal evening, but pronounced the reports to be "caddies' clatters." Their negligence, of course, must have increased the indignation of the Queen. The riot, according to a very old man, consulted by Mr. Chambers, was headed by two butchers, named Cumming, "tall, strong, and exceedingly handsome men, who

dressed in women's clothes as a disguise." The rope was tossed out of a window in a "small wares shop" by a woman, who received a piece of gold in exchange. This extravagance is one of the very few points which suggest that people of some wealth may have been concerned in the affair. Tradition, according to Charles Kirkpatrick Sharpe, believed in noble leaders of the riot. It is certain that several witnesses of good birth and position testified very strongly against Porteous, at his trial.

According to Hogg, Scott's "fame was now so firmly established that he cared not a fig for the opinion of his literary friends beforehand." He was pleased, however, by the notice of "Ivanhoe," "The Heart of Mid-Lothian," and "The Bride of Lammermoor" in the Edinburgh Review of 1820, as he showed by quoting part of its remarks. The Reviewer frankly observed "that, when we began with one of these works, we were conscious that we never knew how to leave off. The Porteous mob is rather heavily described, and the whole part of George Robertson, or Staunton, is extravagant and displeasing. The final catastrophe is needlessly improbable and startling." The critic felt that he must be critical, but his praise of Effie and Jeanie Deans obviously comes from his heart.

Jeanie's character "is superior to anything we can recollect in the history of invention.. a remarkable triumph over the greatest of all difficulties in the conduct of a fictitious narrative." The critique ends with "an earnest wish that the Author would try his hand in the lore of Shakspeare"; but, wiser than the woers of Penelope, Scott

refused to make that perilous adventure.
ANDREW LANG.

An essay by Mr. George Ormond, based on manuscripts in the Edinburgh Record office (Scottish Review, July, 1892), adds little to what is known about the Porteous Riot. It is said that Porteous was let down alive, and hanged again, more than once, that his arm was broken by a Lochaber axe, and that a torch was applied to the foot from which the shoe had fallen. A pamphlet of 1787 says that Robertson became a spy on smugglers in Holland, returned to London, procured a pardon through the Butcher Cumberland, and "at last died in misery in London." It is plain that Colonel Moyle might have rescued Porteous, but he was naturally cautious about entering the city gates without a written warrant from the civil authorities.

TO THE BEST OF PATRONS,

A PLEASED AND INDULGENT READER

JEDEDIAH CLEISHBOTHAM

WISHES HEALTH, AND INCREASE, AND CONTENTMENT

Courteous Reader,

If ingratitude comprehendeth every vice, surely so foul a stain worst of all beseemeth him whose life has been devoted to instructing youth in virtue and in humane letters. Therefore have I chosen, in this prolegomenon, to unload my burden of thanks at thy feet, for the favour with which thou last kindly entertained the Tales of my Landlord. Certes, if thou hast chuckled over their factious and festivous descriptions, or hadst thy mind filled with pleasure at the strange and pleasant turns of fortune which they record, verily, I have also simpered when I beheld a second storey with attics, that has arisen on the basis of my small domicile at Gandercleugh, the walls having been aforehand pronounced

by Deacon Barrow to be capable of enduring such an elevation. Nor has it been without delectation that I have endued a new coat (snuff-brown, and with metal buttons), having all nether garments corresponding thereto. We do therefore lie, in respect of each other, under a reciprocation of benefits, whereof those received by me being the most solid (in respect that a new house and a new coat are better than a new tale and an old song), it is meet that my gratitude should be expressed with the louder voice and more preponderating vehemence. And how should it be so expressed? – Certainly not in words only, but in act and deed. It is with this sole purpose, and disclaiming all intention of purchasing that pendicle or poffle of land called the Carlinescroft, lying adjacent to my garden, and measuring seven acres, three roods, and four perches, that I have committed to the eyes of those who thought well of the former tomes, these four additional volumes of the Tales of my Landlord. Not the less, if Peter Prayfort be minded to sell the said poffle, it is at his own choice to say so; and, peradventure, he may meet with a purchaser: unless (gentle reader) the pleasing pourtraictures of Peter Pattieson, now given unto thee in particular, and unto the public in general, shall have lost their favour in thine eyes, whereof I am no way distrustful. And so much confidence do I repose in thy continued favour, that, should thy lawful occasions call thee to the town of Gandercleugh, a place frequented by most at one time or other in their lives, I will enrich thine eyes with a sight of those precious manuscripts whence thou hast derived so

much delectation, thy nose with a snuff from my mull, and thy palate with a dram from my bottle of strong waters, called by the learned of Gandercleugh, the Dominie's Dribble o' Drink.

It is there, O highly esteemed and beloved reader, thou wilt be able to bear testimony, through the medium of thine own senses, against the children of vanity, who have sought to identify thy friend and servant with I know not what inditer of vain fables; who hath cumbered the world with his devices, but shrunken from the responsibility thereof. Truly, this hath been well termed a generation hard of faith; since what can a man do to assert his property in a printed tome, saving to put his name in the title-page thereof, with his description, or designation, as the lawyers term it, and place of abode? Of a surety I would have such sceptics consider how they themselves would brook to have their works ascribed to others, their names and professions imputed as forgeries, and their very existence brought into question; even although, peradventure, it may be it is of little consequence to any but themselves, not only whether they are living or dead, but even whether they ever lived or no. Yet have my maligners carried their uncharitable censures still farther.

These cavillers have not only doubted mine identity, although thus plainly proved, but they have impeached my veracity and the authenticity of my historical narratives! Verily, I can only say in answer, that I have been cautelous in quoting mine authorities. It is true, indeed, that if I had hearkened with only one ear, I might have rehearsed my tale with more

acceptation from those who love to hear but half the truth. It is, it may hap, not altogether to the discredit of our kindly nation of Scotland, that we are apt to take an interest, warm, yea partial, in the deeds and sentiments of our forefathers. He whom his adversaries describe as a perjured Prelatist, is desirous that his predecessors should be held moderate in their power, and just in their execution of its privileges, when truly, the unimpassioned peruser of the annals of those times shall deem them sanguinary, violent, and tyrannical. Again, the representatives of the suffering Nonconformists desire that their ancestors, the Cameronians, shall be represented not simply as honest enthusiasts, oppressed for conscience' sake, but persons of fine breeding, and valiant heroes. Truly, the historian cannot gratify these predilections. He must needs describe the cavaliers as proud and high-spirited, cruel, remorseless, and vindictive; the suffering party as honourably tenacious of their opinions under persecution; their own tempers being, however, sullen, fierce, and rude; their opinions absurd and extravagant; and their whole course of conduct that of persons whom hellebore would better have suited than prosecutions unto death for high-treason. Natheless, while such and so preposterous were the opinions on either side, there were, it cannot be doubted, men of virtue and worth on both, to entitle either party to claim merit from its martyrs. It has been demanded of me, Jedediah Cleishbotham, by what right I am entitled to constitute myself an impartial judge of their discrepancies of opinions, seeing (as it is stated)

that I must necessarily have descended from one or other of the contending parties, and be, of course, wedded for better or for worse, according to the reasonable practice of Scotland, to its dogmata, or opinions, and bound, as it were, by the tie matrimonial, or, to speak without metaphor, *ex jure sanguinis,* to maintain them in preference to all others.

But, nothing denying the rationality of the rule, which calls on all now living to rule their political and religious opinions by those of their great-grandfathers, and inevitable as seems the one or the other horn of the dilemma betwixt which my adversaries conceive they have pinned me to the wall, I yet spy some means of refuge, and claim a privilege to write and speak of both parties with impartiality. For, O ye powers of logic! when the Prelatists and Presbyterians of old times went together by the ears in this unlucky country, my ancestor (venerated be his memory!) was one of the people called Quakers, and suffered severe handling from either side, even to the extenuation of his purse and the incarceration of his person.

Craving thy pardon, gentle Reader, for these few words concerning me and mine, I rest, as above expressed, thy sure and obligated friend,[1]

J. C. GANDERCLEUGH, this 1st of April, 1818.

[1] Author's connection with Quakerism.

INTRODUCTION TO THE HEART OF MID-LOTHIAN – (1830)

The author has stated, in the preface to the Chronicles of the Canongate, 1827, that he received from an anonymous correspondent an account of the incident upon which the following story is founded. He is now at liberty to say, that the information was conveyed to him by a late amiable and ingenious lady, whose wit and power of remarking and judging of character still survive in the memory of her friends. Her maiden name was Miss Helen Lawson, of Girthhead, and she was wife of Thomas Goldie, Esq. of Craigmuie, Commissary of Dumfries.

Her communication was in these words: —

"I had taken for summer lodgings a cottage near the old Abbey of Lincluden. It had formerly been inhabited by a lady who had pleasure in embellishing cottages, which she found perhaps homely and even poor enough; mine, therefore, possessed many marks of taste and elegance unusual in this species of habitation in Scotland, where a cottage is literally what its name declares.

"From my cottage door I had a partial view of the old Abbey before mentioned; some of the highest arches were seen over, and some through, the trees scattered along a lane which led down to the ruin, and the strange fantastic shapes of almost all those old ashes accorded wonderfully well with the building they at once

shaded and ornamented.

"The Abbey itself from my door was almost on a level with the cottage; but on coming to the end of the lane, it was discovered to be situated on a high perpendicular bank, at the foot of which run the clear waters of the Cluden, where they hasten to join the sweeping Nith,

'Whose distant roaring swells and fa's.'

As my kitchen and parlour were not very far distant, I one day went in to purchase some chickens from a person I heard offering them for sale. It was a little, rather stout-looking woman, who seemed to be between seventy and eighty years of age; she was almost covered with a tartan plaid, and her cap had over it a black silk hood, tied under the chin, a piece of dress still much in use among elderly women of that rank of life in Scotland; her eyes were dark, and remarkably lively and intelligent; I entered into conversation with her, and began by asking how she maintained herself, etc.

"She said that in winter she footed stockings, that is, knit feet to country-people's stockings, which bears about the same relation to stocking-knitting that cobbling does to shoe-making, and is of course both less profitable and less dignified; she likewise taught a few children to read, and in summer she whiles reared a few chickens.

"I said I could venture to guess from her face she had never been married. She laughed heartily at this, and said, 'I maun hae the queerest face that ever was seen, that ye could guess that.

Now, do tell me, madam, how ye cam to think sae?' I told her it was from her cheerful disengaged countenance. She said, 'Mem, have ye na far mair reason to be happy than me, wi' a gude husband and a fine family o' bairns, and plenty o' everything? for me, I'm the puirest o' a' puir bodies, and can hardly contrive to keep mysell alive in a' the wee bits o' ways I hae tell't ye.' After some more conversation, during which I was more and more pleased with the old womans sensible conversation, and the *naivete* of her remarks, she rose to go away, when I asked her name. Her countenance suddenly clouded, and she said gravely, rather colouring, 'My name is Helen Walker; but your husband kens weel about me.'

"In the evening I related how much I had been pleased, and inquired what was extraordinary in the history of the poor woman. Mr. – said, there were perhaps few more remarkable people than Helen Walker. She had been left an orphan, with the charge of a sister considerably younger than herself, and who was educated and maintained by her exertions. Attached to herby so many ties, therefore, it will not be easy to conceive her feelings, when she found that this only sister must be tried by the laws of her country for child-murder, and upon being called as principal witness against her. The counsel for the prisoner told Helen, that if she could declare that her sister had made any preparations, however slight, or had given her any intimation on the subject, that such a statement would save her sister's life, as she was the principal witness against her. Helen said, 'It is impossible for me

to swear to a falsehood; and, whatever may be the consequence, I will give my oath according to my conscience.'

"The trial came on, and the sister was found guilty and condemned; but in Scotland six weeks must elapse between the sentence and the execution, and Helen Walker availed herself of it. The very day of her sister's condemnation she got a petition drawn, stating the peculiar circumstances of the case, and that very night set out on foot to London.

"Without introduction or recommendation, with her simple (perhaps ill-expressed) petition, drawn up by some inferior clerk of the court, she presented herself, in her tartan plaid and country attire, to the late Duke of Argyle, who immediately procured the pardon she petitioned for, and Helen returned with it on foot just in time to save her sister.

"I was so strongly interested by this narrative, that I determined immediately to prosecute my acquaintance with Helen Walker; but as I was to leave the country next day, I was obliged to defer it till my return in spring, when the first walk I took was to Helen Walker's cottage.

"She had died a short time before. My regret was extreme, and I endeavoured to obtain some account of Helen from an old woman who inhabited the other end of her cottage. I inquired if Helen ever spoke of her past history – her journey to London, etc., 'Na,' the old woman said, 'Helen was a wily body, and whene'er ony o' the neebors asked anything about it, she aye turned the conversation.'

"In short, every answer I received only tended to increase my regret, and raise my opinion of Helen Walker, who could unite so much prudence with so much heroic virtue."

This narrative was inclosed in the following letter to the author, without date or signature —

"Sir, – The occurrence just related happened to me twenty-six years ago. Helen Walker lies buried in the churchyard of Irongray, about six miles from Dumfries. I once proposed that a small monument should have been erected to commemorate so remarkable a character, but I now prefer leaving it to you to perpetuate her memory in a more durable manner."

The reader is now able to judge how far the author has improved upon, or fallen short of, the pleasing and interesting sketch of high principle and steady affection displayed by Helen Walker, the prototype of the fictitious Jeanie Deans. Mrs. Goldie was unfortunately dead before the author had given his name to these volumes, so he lost all opportunity of thanking that lady for her highly valuable communication. But her daughter, Miss Goldie, obliged him with the following additional information: —

"Mrs. Goldie endeavoured to collect further particulars of Helen Walker, particularly concerning her journey to London, but found this nearly impossible; as the natural dignity of her character, and a high sense of family respectability, made her so indissolubly connect her sister's disgrace with her own exertions, that none of her neighbours durst ever question her upon the

subject. One old woman, a distant relation of Helen's, and who is still living, says she worked an harvest with her, but that she never ventured to ask her about her sister's trial, or her journey to London; 'Helen,' she added, 'was a lofty body, and used a high style o' language.' The same old woman says, that every year Helen received a cheese from her sister, who lived at Whitehaven, and that she always sent a liberal portion of it to herself, or to her father's family. This fact, though trivial in itself, strongly marks the affection subsisting between the two sisters, and the complete conviction on the mind of the criminal that her sister had acted solely from high principle, not from any want of feeling, which another small but characteristic trait will further illustrate. A gentleman, a relation of Mrs. Goldie's, who happened to be travelling in the North of England, on coming to a small inn, was shown into the parlour by a female servant, who, after cautiously shutting the door, said, 'Sir, I'm Nelly Walker's sister.' Thus practically showing that she considered her sister as better known by her high conduct than even herself by a different kind of celebrity.

"Mrs. Goldie was extremely anxious to have a tombstone and an inscription upon it erected in Irongray Churchyard; and if Sir Walter Scott will condescend to write the last, a little subscription could be easily raised in the immediate neighbourhood, and Mrs. Goldie's wish be thus fulfilled."

It is scarcely necessary to add that the request of Miss Goldie will be most willingly complied with, and without the necessity

of any tax on the public.[2] Nor is there much occasion to repeat how much the author conceives himself obliged to his unknown correspondent, who thus supplied him with a theme affording such a pleasing view of the moral dignity of virtue, though unaided by birth, beauty, or talent. If the picture has suffered in the execution, it is from the failure of the author's powers to present in detail the same simple and striking portrait exhibited in Mrs. Goldie's letter.

Abbotsford, April 1, 1830.

[2] Tombstone to Helen Walker.

POSTSCRIPT

Although it would be impossible to add much to Mrs. Goldie's picturesque and most interesting account of Helen Walker, the prototype of the imaginary Jeanie Deans, the Editor may be pardoned for introducing two or three anecdotes respecting that excellent person, which he has collected from a volume entitled, *Sketches from Nature,* by John M'Diarmid, a gentleman who conducts an able provincial paper in the town of Dumfries.

Helen was the daughter of a small farmer in a place called Dalwhairn, in the parish of Irongray; where, after the death of her father, she continued, with the unassuming piety of a Scottish peasant, to support her mother by her own unremitted labour and privations; a case so common, that even yet, I am proud to say, few of my countrywomen would shrink from the duty.

Helen Walker was held among her equals *pensy,* that is, proud or conceited; but the facts brought to prove this accusation seem only to evince a strength of character superior to those around her. Thus it was remarked, that when it thundered, she went with her work and her Bible to the front of the cottage, alleging that the Almighty could smite in the city as well as in the field.

Mr. M'Diarmid mentions more particularly the misfortune of her sister, which he supposes to have taken place previous to 1736. Helen Walker, declining every proposal of saving her relation's life at the expense of truth, borrowed a sum of money

sufficient for her journey, walked the whole distance to London barefoot, and made her way to John Duke of Argyle. She was heard to say, that, by the Almighty strength, she had been enabled to meet the Duke at the most critical moment, which, if lost, would have caused the inevitable forfeiture of her sister's life.

Isabella, or Tibby Walker, saved from the fate which impended over her, was married by the person who had wronged her (named Waugh), and lived happily for great part of a century, uniformly acknowledging the extraordinary affection to which she owed her preservation.

Helen Walker died about the end of the year 1791, and her remains are interred in the churchyard of her native parish of Irongray, in a romantic cemetery on the banks of the Cairn. That a character so distinguished for her undaunted love of virtue, lived and died in poverty, if not want, serves only to show us how insignificant, in the sight of Heaven, are our principal objects of ambition upon earth.

INTRODUCTORY

So down thy hill, romantic Ashbourn, glides
The Derby dilly, carrying six insides.

Frere.

The times have changed in nothing more (we follow as we were wont the manuscript of Peter Pattieson) than in the rapid conveyance of intelligence and communication betwixt one part of Scotland and another. It is not above twenty or thirty years, according to the evidence of many credible witnesses now alive, since a little miserable horse-cart, performing with difficulty a journey of thirty miles *per diem,* carried our mails from the capital of Scotland to its extremity. Nor was Scotland much more deficient in these accommodations than our rich sister had been about eighty years before. Fielding, in his Tom Jones, and Farquhar, in a little farce called the Stage-Coach, have ridiculed the slowness of these vehicles of public accommodation. According to the latter authority, the highest bribe could only induce the coachman to promise to anticipate by half-an-hour the usual time of his arrival at the Bull and Mouth.

But in both countries these ancient, slow, and sure modes of conveyance are now alike unknown; mail-coach races against mail-coach, and high-flyer against high-flyer, through the most

remote districts of Britain. And in our village alone, three post-coaches, and four coaches with men armed, and in scarlet cassocks, thunder through the streets each day, and rival in brilliancy and noise the invention of the celebrated tyrant: —

> Demens, qui nimbos et non imitabile fulmen,
> AEre et cornipedum pulsu, simularat, equorum.

Now and then, to complete the resemblance, and to correct the presumption of the venturous charioteers, it does happen that the career of these dashing rivals of Salmoneus meets with as undesirable and violent a termination as that of their prototype. It is on such occasions that the Insides and Outsides, to use the appropriate vehicular phrases, have reason to rue the exchange of the slow and safe motion of the ancient Fly-coaches, which, compared with the chariots of Mr. Palmer, so ill deserve the name. The ancient vehicle used to settle quietly down, like a ship scuttled and left to sink by the gradual influx of the waters, while the modern is smashed to pieces with the velocity of the same vessel hurled against breakers, or rather with the fury of a bomb bursting at the conclusion of its career through the air. The late ingenious Mr. Pennant, whose humour it was to set his face in stern opposition to these speedy conveyances, had collected, I have heard, a formidable list of such casualties, which, joined to the imposition of innkeepers, whose charges the passengers had no time to dispute, the sauciness of the coachman, and

the uncontrolled and despotic authority of the tyrant called the guard, held forth a picture of horror, to which murder, theft, fraud, and peculation, lent all their dark colouring. But that which gratifies the impatience of the human disposition will be practised in the teeth of danger, and in defiance of admonition; and, in despite of the Cambrian antiquary, mail-coaches not only roll their thunders round the base of Penman-Maur and Cader-Idris, but

> Frighted Skiddaw hears afar
> The rattling of the unscythed car.

And perhaps the echoes of Ben Nevis may soon be awakened by the bugle, not of a warlike chieftain, but of the guard of a mail-coach.

It was a fine summer day, and our little school had obtained a half-holiday, by the intercession of a good-humoured visitor.[3]

I expected by the coach a new number of an interesting periodical publication, and walked forward on the highway to meet it, with the impatience which Cowper has described as actuating the resident in the country when longing for intelligence from the mart of news. —

> The grand debate,
> The popular harangue, – the tart reply, —

[3] His honour Gilbert Goslinn of Gandercleugh; for I love to be precise in matters of importance. – J. C.

The logic, and the wisdom, and the wit,
And the loud laugh, – I long to know them all; —
I burn to set the imprisoned wranglers free,
And give them voice and utterance again.

It was with such feelings that I eyed the approach of the new coach, lately established on our road, and known by the name of the Somerset, which, to say truth, possesses some interest for me, even when it conveys no such important information. The distant tremulous sound of its wheels was heard just as I gained the summit of the gentle ascent, called the Goslin-brae, from which you command an extensive view down the valley of the river Gander. The public road, which comes up the side of that stream, and crosses it at a bridge about a quarter of a mile from the place where I was standing, runs partly through enclosures and plantations, and partly through open pasture land. It is a childish amusement perhaps, – but my life has been spent with children, and why should not my pleasures be like theirs? – childish as it is then, I must own I have had great pleasure in watching the approach of the carriage, where the openings of the road permit it to be seen. The gay glancing of the equipage, its diminished and toy-like appearance at a distance, contrasted with the rapidity of its motion, its appearance and disappearance at intervals, and the progressively increasing sounds that announce its nearer approach, have all to the idle and listless spectator, who has nothing more important to attend to, something of awakening interest. The ridicule may attach to me, which is flung upon many

an honest citizen, who watches from the window of his villa the passage of the stage-coach; but it is a very natural source of amusement notwithstanding, and many of those who join in the laugh are perhaps not unused to resort to it in secret.

On the present occasion, however, fate had decreed that I should not enjoy the consummation of the amusement by seeing the coach rattle past me as I sat on the turf, and hearing the hoarse grating voice of the guard as he skimmed forth for my grasp the expected packet, without the carriage checking its course for an instant. I had seen the vehicle thunder down the hill that leads to the bridge with more than its usual impetuosity, glittering all the while by flashes from a cloudy tabernacle of the dust which it had raised, and leaving a train behind it on the road resembling a wreath of summer mist. But it did not appear on the top of the nearer bank within the usual space of three minutes, which frequent observation had enabled me to ascertain was the medium time for crossing the bridge and mounting the ascent. When double that space had elapsed, I became alarmed, and walked hastily forward. As I came in sight of the bridge, the cause of delay was too manifest, for the Somerset had made a summerset in good earnest, and overturned so completely, that it was literally resting upon the ground, with the roof undermost, and the four wheels in the air. The "exertions of the guard and coachman," both of whom were gratefully commemorated in the newspapers, having succeeded in disentangling the horses by cutting the harness, were now proceeding to extricate the

insides by a sort of summary and Caesarean process of delivery, forcing the hinges from one of the doors which they could not open otherwise. In this manner were two disconsolate damsels set at liberty from the womb of the leathern conveniency. As they immediately began to settle their clothes, which were a little deranged, as may be presumed, I concluded they had received no injury, and did not venture to obtrude my services at their toilette, for which, I understand, I have since been reflected upon by the fair sufferers. The *outsides,* who must have been discharged from their elevated situation by a shock resembling the springing of a mine, escaped, nevertheless, with the usual allowance of scratches and bruises, excepting three, who, having been pitched into the river Gander, were dimly seen contending with the tide like the relics of AEneas's shipwreck, —

Rari apparent mantes in gurgite vasto.

I applied my poor exertions where they seemed to be most needed, and with the assistance of one or two of the company who had escaped unhurt, easily succeeded in fishing out two of the unfortunate passengers, who were stout active young fellows; and, but for the preposterous length of their greatcoats, and the equally fashionable latitude and longitude of their Wellington trousers, would have required little assistance from any one. The third was sickly and elderly, and might have perished but for the efforts used to preserve him.

When the two greatcoated gentlemen had extricated themselves from the river, and shaken their ears like huge

water-dogs, a violent altercation ensued betwixt them and the coachman and guard, concerning the cause of their overthrow. In the course of the squabble, I observed that both my new acquaintances belonged to the law, and that their professional sharpness was likely to prove an overmatch for the surly and official tone of the guardians of the vehicle. The dispute ended in the guard assuring the passengers that they should have seats in a heavy coach which would pass that spot in less than half-an-hour, provided it were not full. Chance seemed to favour this arrangement, for when the expected vehicle, arrived, there were only two places occupied in a carriage which professed to carry six. The two ladies who had been disinterred out of the fallen vehicle were readily admitted, but positive objections were stated by those previously in possession to the admittance of the two lawyers, whose wetted garments being much of the nature of well-soaked sponges, there was every reason to believe they would refund a considerable part of the water they had collected, to the inconvenience of their fellow-passengers. On the other hand, the lawyers rejected a seat on the roof, alleging that they had only taken that station for pleasure for one stage, but were entitled in all respects to free egress and regress from the interior, to which their contract positively referred. After some altercation, in which something was said upon the edict *Nautae caupones stabularii,* the coach went off, leaving the learned gentlemen to abide by their action of damages.

They immediately applied to me to guide them to the next

village and the best inn; and from the account I gave them of the Wallace Head, declared they were much better pleased to stop there than to go forward upon the terms of that impudent scoundrel the guard of the Somerset. All that they now wanted was a lad to carry their travelling bags, who was easily procured from an adjoining cottage; and they prepared to walk forward, when they found there was another passenger in the same deserted situation with themselves. This was the elderly and sickly-looking person, who had been precipitated into the river along with the two young lawyers. He, it seems, had been too modest to push his own plea against the coachman when he saw that of his betters rejected, and now remained behind with a look of timid anxiety, plainly intimating that he was deficient in those means of recommendation which are necessary passports to the hospitality of an inn.

I ventured to call the attention of the two dashing young blades, for such they seemed, to the desolate condition of their fellow-traveller. They took the hint with ready good-nature.

"O, true, Mr. Dunover," said one of the youngsters, "you must not remain on the pave' here; you must go and have some dinner with us – Halkit and I must have a post-chaise to go on, at all events, and we will set you down wherever suits you best."

The poor man, for such his dress, as well as his diffidence, bespoke him, made the sort of acknowledging bow by which says a Scotsman, "It's too much honour for the like of me;" and followed humbly behind his gay patrons, all three besprinkling

the dusty road as they walked along with the moisture of their drenched garments, and exhibiting the singular and somewhat ridiculous appearance of three persons suffering from the opposite extreme of humidity, while the summer sun was at its height, and everything else around them had the expression of heat and drought. The ridicule did not escape the young gentlemen themselves, and they had made what might be received as one or two tolerable jests on the subject before they had advanced far on their peregrination.

"We cannot complain, like Cowley," said one of them, "that Gideon's fleece remains dry, while all around is moist; this is the reverse of the miracle."

"We ought to be received with gratitude in this good town; we bring a supply of what they seem to need most," said Halkit.

"And distribute it with unparalleled generosity," replied his companion; "performing the part of three water-carts for the benefit of their dusty roads."

"We come before them, too," said Halkit, "in full professional force – counsel and agent" —

"And client," said the young advocate, looking behind him; and then added, lowering his voice, "that looks as if he had kept such dangerous company too long."

It was, indeed, too true, that the humble follower of the gay young men had the threadbare appearance of a worn-out litigant, and I could not but smile at the conceit, though anxious to conceal my mirth from the object of it.

When we arrived at the Wallace Inn, the elder of the Edinburgh gentlemen, and whom I understood to be a barrister, insisted that I should remain and take part of their dinner; and their inquiries and demands speedily put my landlord and his whole family in motion to produce the best cheer which the larder and cellar afforded, and proceed to cook it to the best advantage, a science in which our entertainers seemed to be admirably skilled. In other respects they were lively young men, in the hey-day of youth and good spirits, playing the part which is common to the higher classes of the law at Edinburgh, and which nearly resembles that of the young Templars in the days of Steele and Addison. An air of giddy gaiety mingled with the good sense, taste, and information which their conversation exhibited; and it seemed to be their object to unite the character of men of fashion and lovers of the polite arts. A fine gentleman, bred up in the thorough idleness and inanity of pursuit, which I understand is absolutely necessary to the character in perfection, might in all probability have traced a tinge of professional pedantry which marked the barrister in spite of his efforts, and something of active bustle in his companion, and would certainly have detected more than a fashionable mixture of information and animated interest in the language of both. But to me, who had no pretensions to be so critical, my companions seemed to form a very happy mixture of good-breeding and liberal information, with a disposition to lively rattle, pun, and jest, amusing to a grave man, because it is what he himself can least easily command.

The thin pale-faced man, whom their good-nature had brought into their society, looked out of place as well as out of spirits; sate on the edge of his seat, and kept the chair at two feet distance from the table; thus incommoding himself considerably in conveying the victuals to his mouth, as if by way of penance for partaking of them in the company of his superiors. A short time after dinner, declining all entreaty to partake of the wine, which circulated freely round, he informed himself of the hour when the chaise had been ordered to attend; and saying he would be in readiness, modestly withdrew from the apartment.

"Jack," said the barrister to his companion, "I remember that poor fellow's face; you spoke more truly than you were aware of; he really is one of my clients, poor man."

"Poor man!" echoed Halkit – "I suppose you mean he is your one and only client?"

"That's not my fault, Jack," replied the other, whose name I discovered was Hardie. "You are to give me all your business, you know; and if you have none, the learned gentleman here knows nothing can come of nothing."

"You seem to have brought something to nothing though, in the case of that honest man. He looks as if he were just about to honour with his residence the Heart of Mid-Lothian."

"You are mistaken – he is just delivered from it. – Our friend here looks for an explanation. Pray, Mr. Pattieson, have you been in Edinburgh?"

I answered in the affirmative.

"Then you must have passed, occasionally at least, though probably not so faithfully as I am doomed to do, through a narrow intricate passage, leading out of the north-west corner of the Parliament Square, and passing by a high and antique building with turrets and iron grates,

> Making good the saying odd,
> 'Near the church and far from God'" —

Mr. Halkit broke in upon his learned counsel, to contribute his moiety to the riddle – "Having at the door the sign of the Red man" —

"And being on the whole," resumed the counsellor interrupting his friend in his turn, "a sort of place where misfortune is happily confounded with guilt, where all who are in wish to get out" —

"And where none who have the good luck to be out, wish to get in," added his companion.

"I conceive you, gentlemen," replied I; "you mean the prison."

"The prison," added the young lawyer – "You have hit it – the very reverend Tolbooth itself; and let me tell you, you are obliged to us for describing it with so much modesty and brevity; for with whatever amplifications we might have chosen to decorate the subject, you lay entirely at our mercy, since the Fathers Conscript of our city have decreed that the venerable edifice itself shall not remain in existence to confirm or to confute its."

"Then the Tolbooth of Edinburgh is called the Heart of Mid-Lothian?" said I.

"So termed and reputed, I assure you."

"I think," said I, with the bashful diffidence with which a man lets slip a pun in presence of his superiors, "the metropolitan county may, in that case, be said to have a sad heart."

"Right as my glove, Mr. Pattieson," added Mr. Hardie; "and a close heart, and a hard heart – Keep it up, Jack."

"And a wicked heart, and a poor heart," answered Halkit, doing his best.

"And yet it may be called in some sort a strong heart, and a high heart," rejoined the advocate. "You see I can put you both out of heart."

"I have played all my hearts," said the younger gentleman.

"Then we'll have another lead," answered his companion. – "And as to the old and condemned Tolbooth, what pity the same honour cannot be done to it as has been done to many of its inmates. Why should not the Tolbooth have its 'Last Speech, Confession, and Dying Words?' The old stones would be just as conscious of the honour as many a poor devil who has dangled like a tassel at the west end of it, while the hawkers were shouting a confession the culprit had never heard of."

"I am afraid," said I, "if I might presume to give my opinion, it would be a tale of unvaried sorrow and guilt."

"Not entirely, my friend," said Hardie; "a prison is a world within itself, and has its own business, griefs, and joys, peculiar

to its circle. Its inmates are sometimes short-lived, but so are soldiers on service; they are poor relatively to the world without, but there are degrees of wealth and poverty among them, and so some are relatively rich also. They cannot stir abroad, but neither can the garrison of a besieged fort, or the crew of a ship at sea; and they are not under a dispensation quite so desperate as either, for they may have as much food as they have money to buy, and are not obliged to work, whether they have food or not."

"But what variety of incident," said I (not without a secret view to my present task), "could possibly be derived from such a work as you are pleased to talk of?"

"Infinite," replied the young advocate. "Whatever of guilt, crime, imposture, folly, unheard-of misfortunes, and unlooked-for change of fortune, can be found to chequer life, my Last Speech of the Tolbooth should illustrate with examples sufficient to gorge even the public's all-devouring appetite for the wonderful and horrible. The inventor of fictitious narratives has to rack his brains for means to diversify his tale, and after all can hardly hit upon characters or incidents which have not been used again and again, until they are familiar to the eye of the reader, so that the development, *enle'vement,* the desperate wound of which the hero never dies, the burning fever from which the heroine is sure to recover, become a mere matter of course. I join with my honest friend Crabbe, and have an unlucky propensity to hope, when hope is lost, and to rely upon the cork-jacket, which carries the heroes of romance safe through all the billows of affliction."

He then declaimed the following passage, rather with too much than too little emphasis: —

> Much have I feared, but am no more afraid,
> When some chaste beauty by some wretch betrayed,
> Is drawn away with such distracted speed,
> That she anticipates a dreadful deed.
> Not so do I – Let solid walls impound
> The captive fair, and dig a moat around;
> Let there be brazen locks and bars of steel,
> And keepers cruel, such as never feel;
> With not a single note the purse supply,
> And when she begs, let men and maids deny;
> Be windows there from which she dare not fall,
> And help so distant, 'tis in vain to call;
> Still means of freedom will some Power devise,
> And from the baffled ruffian snatch his prize.

"The end of uncertainty," he concluded, "is the death of interest; and hence it happens that no one now reads novels."

"Hear him, ye gods!" returned his companion. "I assure you, Mr. Pattieson, you will hardly visit this learned gentleman, but you are likely to find the new novel most in repute lying on his table, – snugly intrenched, however, beneath Stair's Institutes, or an open volume of Morrison's Decisions."

"Do I deny it?" said the hopeful jurisconsult, "or wherefore should I, since it is well known these Delilahs seduce my wisers and my betters? May they not be found lurking amidst the

multiplied memorials of our most distinguished counsel, and even peeping from under the cushion of a judge's arm-chair? Our seniors at the bar, within the bar, and even on the bench, read novels; and, if not belied, some of them have written novels into the bargain. I only say, that I read from habit and from indolence, not from real interest; that, like ancient Pistol devouring his leek, I read and swear till I get to the end of the narrative. But not so in the real records of human vagaries – not so in the State Trials, or in the Books of Adjournal, where every now and then you read new pages of the human heart, and turns of fortune far beyond what the boldest novelist ever attempted to produce from the coinage of his brain."

"And for such narratives," I asked, "you suppose the History of the Prison of Edinburgh might afford appropriate materials?"

"In a degree unusually ample, my dear sir," said Hardie – "Fill your glass, however, in the meanwhile. Was it not for many years the place in which the Scottish parliament met? Was it not James's place of refuge, when the mob, inflamed by a seditious preacher, broke, forth, on him with the cries of 'The sword of the Lord and of Gideon – bring forth the wicked Haman?' Since that time how many hearts have throbbed within these walls, as the tolling of the neighbouring bell announced to them how fast the sands of their life were ebbing; how many must have sunk at the sound – how many were supported by stubborn pride and dogged resolution – how many by the consolations of religion? Have there not been some, who, looking back on the motives

of their crimes, were scarce able to understand how they should have had such temptation as to seduce them from virtue; and have there not, perhaps, been others, who, sensible of their innocence, were divided between indignation at the undeserved doom which they were to undergo, consciousness that they had not deserved it, and racking anxiety to discover some way in which they might yet vindicate themselves? Do you suppose any of these deep, powerful, and agitating feelings, can be recorded and perused without exciting a corresponding depth of deep, powerful, and agitating interest? – Oh! do but wait till I publish the *Causes Ce'le'bres* of Caledonia, and you will find no want of a novel or a tragedy for some time to come. The true thing will triumph over the brightest inventions of the most ardent imagination. *Magna est veritas, et praevalebit.*"

"I have understood," said I, encouraged by the affability of my rattling entertainer, "that less of this interest must attach to Scottish jurisprudence than to that of any other country. The general morality of our people, their sober and prudent habits" —

"Secure them," said the barrister, "against any great increase of professional thieves and depredators, but not against wild and wayward starts of fancy and passion, producing crimes of an extraordinary description, which are precisely those to the detail of which we listen with thrilling interest. England has been much longer a highly civilised country; her subjects have been very strictly amenable to laws administered without fear or favour, a

complete division of labour has taken place among her subjects, and the very thieves and robbers form a distinct class in society, subdivided among themselves according to the subject of the depredations, and the mode in which they carry them on, acting upon regular habits and principles, which can be calculated and anticipated at Bow Street, Hatton Garden, or the Old Bailey. Our sister kingdom is like a cultivated field, – the farmer expects that, in spite of all his care, a certain number of weeds will rise with the corn, and can tell you beforehand their names and appearance. But Scotland is like one of her own Highland glens, and the moralist who reads the records of her criminal jurisprudence, will find as many curious anomalous facts in the history of mind, as the botanist will detect rare specimens among her dingles and cliffs."

"And that's all the good you have obtained from three perusals of the Commentaries on Scottish Criminal Jurisprudence?" said his companion. "I suppose the learned author very little thinks that the facts which his erudition and acuteness have accumulated for the illustration of legal doctrines, might be so arranged as to form a sort of appendix to the half-bound and slip-shod volumes of the circulating library."

"I'll bet you a pint of claret," said the elder lawyer, "that he will not feel sore at the comparison. But as we say at the bar, 'I beg I may not be interrupted;' I have much more to say, upon my Scottish collection of *Causes Ce'le'bres.* You will please recollect the scope and motive given for the contrivance and

execution of many extraordinary and daring crimes, by the long civil dissensions of Scotland – by the hereditary jurisdictions, which, until 1748, rested the investigation of crises in judges, ignorant, partial, or interested – by the habits of the gentry, shut up in their distant and solitary mansion-houses, nursing their revengeful Passions just to keep their blood from stagnating – not to mention that amiable national qualification, called the *perfervidum ingenium Scotorum,* which our lawyers join in alleging as a reason for the severity of some of our enactments. When I come to treat of matters so mysterious, deep, and dangerous, as these circumstances have given rise to, the blood of each reader shall be curdled, and his epidermis crisped into goose skin. – But, hist! – here comes the landlord, with tidings, I suppose, that the chaise is ready."

It was no such thing – the tidings bore, that no chaise could be had that evening, for Sir Peter Plyem had carried forward my landlord's two pairs of horses that morning to the ancient royal borough of Bubbleburgh, to look after his interest there. But as Bubbleburgh is only one of a set of five boroughs which club their shares for a member of parliament, Sir Peter's adversary had judiciously watched his departure, in order to commence a canvass in the no less royal borough of Bitem, which, as all the world knows, lies at the very termination of Sir Peter's avenue, and has been held in leading-strings by him and his ancestors for time immemorial. Now Sir Peter was thus placed in the situation of an ambitious monarch, who, after

having commenced a daring inroad into his enemy's territories, is suddenly recalled by an invasion of his own hereditary dominions. He was obliged in consequence to return from the half-won borough of Bubbleburgh, to look after the half-lost borough of Bitem, and the two pairs of horses which had carried him that morning to Bubbleburgh were now forcibly detained to transport him, his agent, his valet, his jester, and his hard-drinker, across the country to Bitem. The cause of this detention, which to me was of as little consequence as it may be to the reader, was important enough to my companions to reconcile them to the delay. Like eagles, they smelled the battle afar off, ordered a magnum of claret and beds at the Wallace, and entered at full career into the Bubbleburgh and Bitem politics, with all the probable "Petitions and complaints" to which they were likely to give rise.

In the midst of an anxious, animated, and, to me, most unintelligible discussion, concerning provosts, bailies, deacons, sets of boroughs, leets, town-clerks, burgesses resident and non-resident, all of a sudden the lawyer recollected himself. "Poor Dunover, we must not forget him;" and the landlord was despatched in quest of the *pauvre honteux,* with an earnestly civil invitation to him for the rest of the evening. I could not help asking the young gentlemen if they knew the history of this poor man; and the counsellor applied himself to his pocket to recover the memorial or brief from which he had stated his cause.

"He has been a candidate for our *remedium miserabile,*" said

Mr. Hardie, "commonly called a *cessio bonorum.* As there are divines who have doubted the eternity of future punishments, so the Scotch lawyers seem to have thought that the crime of poverty might be atoned for by something short of perpetual imprisonment. After a month's confinement, you must know, a prisoner for debt is entitled, on a sufficient statement to our Supreme Court, setting forth the amount of his funds, and the nature of his misfortunes, and surrendering all his effects to his creditors, to claim to be discharged from prison."

"I had heard," I replied, "of such a humane regulation."

"Yes," said Halkit, "and the beauty of it is, as the foreign fellow said, you may get the *cessio,* when the *bonorums* are all spent – But what, are you puzzling in your pockets to seek your only memorial among old play-bills, letters requesting a meeting of the Faculty, rules of the Speculative Society,[4] syllabus' of lectures – all the miscellaneous contents of a young advocate's pocket, which contains everything but briefs and bank-notes?

Can you not state a case of *cessio* without your memorial? Why, it is done every Saturday. The events follow each other as regularly as clock-work, and one form of condescendence might suit every one of them."

"This is very unlike the variety of distress which this gentleman stated to fall under the consideration of your judges," said I.

"True," replied Halkit; "but Hardie spoke of criminal

[4] [A well-known debating club in Edinburgh.]

jurisprudence, and this business is purely civil. I could plead a *cessio* myself without the inspiring honours of a gown and three-tailed periwig – Listen. – My client was bred a journeyman weaver – made some little money – took a farm – (for conducting a farm, like driving a gig, comes by nature) – late severe times – induced to sign bills with a friend, for which he received no value – landlord sequestrates – creditors accept a composition – pursuer sets up a public-house – fails a second time – is incarcerated for a debt of ten pounds seven shillings and sixpence – his debts amount to blank – his losses to blank – his funds to blank – leaving a balance of blank in his favour. There is no opposition; your lordships will please grant commission to take his oath."

Hardie now renounced this ineffectual search, in which there was perhaps a little affectation, and told us the tale of poor Dunover's distresses, with a tone in which a degree of feeling, which he seemed ashamed of as unprofessional, mingled with his attempts at wit, and did him more honour. It was one of those tales which seem to argue a sort of ill-luck or fatality attached to the hero. A well-informed, industrious, and blameless, but poor and bashful man, had in vain essayed all the usual means by which others acquire independence, yet had never succeeded beyond the attainment of bare subsistence. During a brief gleam of hope, rather than of actual prosperity, he had added a wife and family to his cares, but the dawn was speedily overcast. Everything retrograded with him towards the verge of the miry

Slough of Despond, which yawns for insolvent debtors; and after catching at each twig, and experiencing the protracted agony of feeling them one by one elude his grasp, he actually sunk into the miry pit whence he had been extricated by the professional exertions of Hardie.

"And, I suppose, now you have dragged this poor devil ashore, you will leave him half naked on the beach to provide for himself?" said Halkit. "Hark ye," – and he whispered something in his ear, of which the penetrating and insinuating words, "Interest with my Lord," alone reached mine.

"It is *pessimi exempli,*" said Hardie, laughing, "to provide for a ruined client; but I was thinking of what you mention, provided it can be managed – But hush! here he comes."

The recent relation of the poor man's misfortunes had given him, I was pleased to observe, a claim to the attention and respect of the young men, who treated him with great civility, and gradually engaged him in a conversation, which, much to my satisfaction, again turned upon the *Causes Ce'le'bres* of Scotland. Imboldened by the kindness with which he was treated, Mr. Dunover began to contribute his share to the amusement of the evening. Jails, like other places, have their ancient traditions, known only to the inhabitants, and handed down from one set of the melancholy lodgers to the next who occupy their cells. Some of these, which Dunover mentioned, were interesting, and served to illustrate the narratives of remarkable trials, which Hardie had at his finger-ends, and which his companion was also well skilled

in. This sort of conversation passed away the evening till the early hour when Mr. Dunover chose to retire to rest, and I also retreated to take down memorandums of what I had learned, in order to add another narrative to those which it had been my chief amusement to collect, and to write out in detail. The two young men ordered a broiled bone, Madeira negus, and a pack of cards, and commenced a game at picquet.

Next morning the travellers left Gandercleugh. I afterwards learned from the papers that both have been since engaged in the great political cause of Bubbleburgh and Bitem, a summary case, and entitled to particular despatch; but which, it is thought, nevertheless, may outlast the duration of the parliament to which the contest refers. Mr. Halkit, as the newspapers informed me, acts as agent or solicitor; and Mr. Hardie opened for Sir Peter Plyem with singular ability, and to such good purpose, that I understand he has since had fewer play-bills and more briefs in his pocket. And both the young gentlemen deserve their good fortune; for I learned from Dunover, who called on me some weeks afterwards, and communicated the intelligence with tears in his eyes, that their interest had availed to obtain him a small office for the decent maintenance of his family; and that, after a train of constant and uninterrupted misfortune, he could trace a dawn of prosperity to his having the good fortune to be flung from the top of a mail-coach into the river Gander, in company with an advocate and a writer to the Signet. The reader will not perhaps deem himself equally obliged to the accident, since

it brings upon him the following narrative, founded upon the conversation of the evening.

CHAPTER FIRST

Whoe'er's been at Paris must needs know the Gre've,
The fatal retreat of the unfortunate brave,
Where honour and justice most oddly contribute,
To ease heroes' pains by an halter and gibbet.
There death breaks the shackles which force had put on,
And the hangman completes what the judge but began;
There the squire of the poet, and knight of the post,
Find their pains no more baulked, and their hopes no more crossed.

Prior.

In former times, England had her Tyburn, to which the devoted victims of justice were conducted in solemn procession up what is now called Oxford Street. In Edinburgh, a large open street, or rather oblong square, surrounded by high houses, called the Grassmarket, was used for the same melancholy purpose. It was not ill chosen for such a scene, being of considerable extent, and therefore fit to accommodate a great number of spectators, such as are usually assembled by this melancholy spectacle. On the other hand, few of the houses which surround it were, even in early times, inhabited by persons of fashion; so that those likely to be offended or over deeply affected by such unpleasant exhibitions were not in the way of having their quiet disturbed by

them. The houses in the Grassmarket are, generally speaking, of a mean description; yet the place is not without some features of grandeur, being overhung by the southern side of the huge rock on which the Castle stands, and by the moss-grown battlements and turreted walls of that ancient fortress.

It was the custom, until within these thirty years or thereabouts, to use this esplanade for the scene of public executions. The fatal day was announced to the public by the appearance of a huge black gallows-tree towards the eastern end of the Grassmarket. This ill-omened apparition was of great height, with a scaffold surrounding it, and a double ladder placed against it, for the ascent of the unhappy criminal and executioner. As this apparatus was always arranged before dawn, it seemed as if the gallows had grown out of the earth in the course of one night, like the production of some foul demon; and I well remember the fright with which the schoolboys, when I was one of their number, used to regard these ominous signs of deadly preparation. On the night after the execution the gallows again disappeared, and was conveyed in silence and darkness to the place where it was usually deposited, which was one of the vaults under the Parliament House, or courts of justice. This mode of execution is now exchanged for one similar to that in front of Newgate, – with what beneficial effect is uncertain. The mental sufferings of the convict are indeed shortened. He no longer stalks between the attendant clergymen, dressed in his grave-clothes, through a considerable part of the city, looking like

a moving and walking corpse, while yet an inhabitant of this world; but, as the ultimate purpose of punishment has in view the prevention of crimes, it may at least be doubted, whether, in abridging the melancholy ceremony, we have not in part diminished that appalling effect upon the spectators which is the useful end of all such inflictions, and in consideration of which alone, unless in very particular cases, capital sentences can be altogether justified.

On the 7th day of September 1736, these ominous preparations for execution were descried in the place we have described, and at an early hour the space around began to be occupied by several groups, who gazed on the scaffold and gibbet with a stern and vindictive show of satisfaction very seldom testified by the populace, whose good nature, in most cases, forgets the crime of the condemned person, and dwells only on his misery. But the act of which the expected culprit had been convicted was of a description calculated nearly and closely to awaken and irritate the resentful feelings of the multitude. The tale is well known; yet it is necessary to recapitulate its leading circumstances, for the better understanding what is to follow; and the narrative may prove long, but I trust not uninteresting even to those who have heard its general issue. At any rate, some detail is necessary, in order to render intelligible the subsequent events of our narrative.

Contraband trade, though it strikes at the root of legitimate government, by encroaching on its revenues, – though it injures

the fair trader, and debauches the mind of those engaged in it, – is not usually looked upon, either by the vulgar or by their betters, in a very heinous point of view. On the contrary, in those countries where it prevails, the cleverest, boldest, and most intelligent of the peasantry, are uniformly engaged in illicit transactions, and very often with the sanction of the farmers and inferior gentry. Smuggling was almost universal in Scotland in the reigns of George I. and II.; for the people, unaccustomed to imposts, and regarding them as an unjust aggression upon their ancient liberties, made no scruple to elude them whenever it was possible to do so.

The county of Fife, bounded by two firths on the south and north, and by the sea on the east, and having a number of small seaports, was long famed for maintaining successfully a contraband trade; and, as there were many seafaring men residing there, who had been pirates and buccaneers in their youth, there were not wanting a sufficient number of daring men to carry it on. Among these, a fellow called Andrew Wilson, originally a baker in the village of Pathhead, was particularly obnoxious to the revenue officers. He was possessed of great personal strength, courage, and cunning, – was perfectly acquainted with the coast, and capable of conducting the most desperate enterprises. On several occasions he succeeded in baffling the pursuit and researches of the king's officers; but he became so much the object of their suspicions and watchful attention, that at length he was totally ruined by repeated seizures. The

man became desperate. He considered himself as robbed and plundered; and took it into his head that he had a right to make reprisals, as he could find opportunity. Where the heart is prepared for evil, opportunity is seldom long wanting. This Wilson learned that the Collector of the Customs at Kirkcaldy had come to Pittenweem, in the course of his official round of duty, with a considerable sum of public money in his custody. As the amount was greatly within the value of the goods which had been seized from him, Wilson felt no scruple of conscience in resolving to reimburse himself for his losses, at the expense of the Collector and the revenue. He associated with himself one Robertson, and two other idle young men, whom, having been concerned in the same illicit trade, he persuaded to view the transaction in the same justifiable light in which he himself considered it. They watched the motions of the Collector; they broke forcibly into the house where he lodged, – Wilson, with two of his associates, entering the Collector's apartment, while Robertson, the fourth, kept watch at the door with a drawn cutlass in his hand. The officer of the customs, conceiving his life in danger, escaped out of his bedroom window, and fled in his shirt, so that the plunderers, with much ease, possessed themselves of about two hundred pounds of public money. The robbery was committed in a very audacious manner, for several persons were passing in the street at the time. But Robertson, representing the noise they heard as a dispute or fray betwixt the Collector and the people of the house, the worthy citizens

of Pittenweem felt themselves no way called on to interfere in behalf of the obnoxious revenue officer; so, satisfying themselves with this very superficial account of the matter, like the Levite in the parable, they passed on the opposite side of the way. An alarm was at length given, military were called in, the depredators were pursued, the booty recovered, and Wilson and Robertson tried and condemned to death, chiefly on the evidence of an accomplice.

Many thought that, in consideration of the men's erroneous opinion of the nature of the action they had committed, justice might have been satisfied with a less forfeiture than that of two lives. On the other hand, from the audacity of the fact, a severe example was judged necessary; and such was the opinion of the Government. When it became apparent that the sentence of death was to be executed, files, and other implements necessary for their escape, were transmitted secretly to the culprits by a friend from without. By these means they sawed a bar out of one of the prison-windows, and might have made their escape, but for the obstinacy of Wilson, who, as he was daringly resolute, was doggedly pertinacious of his opinion. His comrade, Robertson, a young and slender man, proposed to make the experiment of passing the foremost through the gap they had made, and enlarging it from the outside, if necessary, to allow Wilson free passage. Wilson, however, insisted on making the first experiment, and being a robust and lusty man, he not only found it impossible to get through betwixt the bars,

but, by his struggles, he jammed himself so fast, that he was unable to draw his body back again. In these circumstances discovery became unavoidable, and sufficient precautions were taken by the jailor to prevent any repetition of the same attempt. Robertson uttered not a word of reflection on his companion for the consequences of his obstinacy; but it appeared from the sequel, that Wilson's mind was deeply impressed with the recollection that, but for him, his comrade, over whose mind he exercised considerable influence, would not have engaged in the criminal enterprise which had terminated thus fatally; and that now he had become his destroyer a second time, since, but for his obstinacy, Robertson might have effected his escape. Minds like Wilson's, even when exercised in evil practices, sometimes retain the power of thinking and resolving with enthusiastic generosity. His whole thoughts were now bent on the possibility of saving Robertson's life, without the least respect to his own. The resolution which he adopted, and the manner in which he carried it into effect, were striking and unusual.

Adjacent to the tolbooth or city jail of Edinburgh, is one of three churches into which the cathedral of St. Giles is now divided, called, from its vicinity, the Tolbooth Church. It was the custom that criminals under sentence of death were brought to this church, with a sufficient guard, to hear and join in public worship on the Sabbath before execution. It was supposed that the hearts of these unfortunate persons, however hardened before against feelings of devotion, could not but be accessible to them

upon uniting their thoughts and voices, for the last time, along with their fellow-mortals, in addressing their Creator. And to the rest of the congregation, it was thought it could not but be impressive and affecting, to find their devotions mingling with those, who, sent by the doom of an earthly tribunal to appear where the whole earth is judged, might be considered as beings trembling on the verge of eternity. The practice, however edifying, has been discontinued, in consequence of the incident we are about to detail.

The clergyman, whose duty it was to officiate in the Tolbooth Church, had concluded an affecting discourse, part of which was particularly directed to the unfortunate men, Wilson and Robertson, who were in the pew set apart for the persons in their unhappy situation, each secured betwixt two soldiers of the city guard. The clergyman had reminded them, that the next congregation they must join would be that of the just, or of the unjust; that the psalms they now heard must be exchanged, in the space of two brief days, for eternal hallelujahs, or eternal lamentations; and that this fearful alternative must depend upon the state to which they might be able to bring their minds before the moment of awful preparation: that they should not despair on account of the suddenness of the summons, but rather to feel this comfort in their misery, that, though all who now lifted the voice, or bent the knee in conjunction with them, lay under the same sentence of certain death, *they* only had the advantage of knowing the precise moment at which it should be executed upon

them. "Therefore," urged the good man, his voice trembling with emotion, "redeem the time, my unhappy brethren, which is yet left; and remember, that, with the grace of Him to whom space and time are but as nothing, salvation may yet be assured, even in the pittance of delay which the laws of your country afford you."

Robertson was observed to weep at these words; but Wilson seemed as one whose brain had not entirely received their meaning, or whose thoughts were deeply impressed with some different subject; – an expression so natural to a person in his situation, that it excited neither suspicion nor surprise.

The benediction was pronounced as usual, and the congregation was dismissed, many lingering to indulge their curiosity with a more fixed look at the two criminals, who now, as well as their guards, rose up, as if to depart when the crowd should permit them. A murmur of compassion was heard to pervade the spectators, the more general, perhaps, on account of the alleviating circumstances of the case; when all at once, Wilson, who, as we have already noticed, was a very strong man, seized two of the soldiers, one with each hand, and calling at the same time to his companion, "Run, Geordie, run!" threw himself on a third, and fastened his teeth on the collar of his coat. Robertson stood for a second as if thunderstruck, and unable to avail himself of the opportunity of escape; but the cry of "Run, run!" being echoed from many around, whose feelings surprised them into a very natural interest in his behalf, he shook off the grasp of the remaining soldier, threw himself over the

pew, mixed with the dispersing congregation, none of whom felt inclined to stop a poor wretch taking his last chance for his life, gained the door of the church, and was lost to all pursuit.

The generous intrepidity which Wilson had displayed on this occasion augmented the feeling of compassion which attended his fate. The public, where their own prejudices are not concerned, are easily engaged on the side of disinterestedness and humanity, admired Wilson's behaviour, and rejoiced in Robertson's escape. This general feeling was so great, that it excited a vague report that Wilson would be rescued at the place of execution, either by the mob or by some of his old associates, or by some second extraordinary and unexpected exertion of strength and courage on his own part. The magistrates thought it their duty to provide against the possibility of disturbance. They ordered out, for protection of the execution of the sentence, the greater part of their own City Guard, under the command of Captain Porteous, a man whose name became too memorable from the melancholy circumstances of the day, and subsequent events. It may be necessary to say a word about this person, and the corps which he commanded. But the subject is of importance sufficient to deserve another chapter.

CHAPTER SECOND

And thou, great god of aquavitae!
Wha sways the empire of this city
(When fou we're sometimes capernoity),

Be thou prepared,
To save us frae that black banditti,

The City Guard!

Fergusson's Daft Days.

Captain John Porteous, a name memorable in the traditions of Edinburgh, as well as in the records of criminal jurisprudence, was the son of a citizen of Edinburgh, who endeavoured to breed him up to his own mechanical trade of a tailor. The youth, however, had a wild and irreclaimable propensity to dissipation, which finally sent him to serve in the corps long maintained in the service of the States of Holland, and called the Scotch Dutch. Here he learned military discipline; and, returning afterwards, in the course of an idle and wandering life, to his native city, his services were required by the magistrates of Edinburgh in the disturbed year 1715, for disciplining their City Guard, in which he shortly afterwards received a captain's commission. It was only by his military skill and an alert and resolute character

as an officer of police, that he merited this promotion, for he is said to have been a man of profligate habits, an unnatural son, and a brutal husband. He was, however, useful in his station, and his harsh and fierce habits rendered him formidable to rioters or disturbers of the public peace.

The corps in which he held his command is, or perhaps we should rather say *was,* a body of about one hundred and twenty soldiers divided into three companies, and regularly armed, clothed, and embodied. They were chiefly veterans who enlisted in this cogs, having the benefit of working at their trades when they were off duty. These men had the charge of preserving public order, repressing riots and street robberies, acting, in short, as an armed police, and attending on all public occasions where confusion or popular disturbance might be expected.[5]

Poor Fergusson, whose irregularities sometimes led him into unpleasant rencontres with these military conservators of public order, and who mentions them so often that he may be termed their poet laureate,[6] thus admonishes his readers, warned doubtless by his own experience: —

> "Gude folk, as ye come frae the fair,
> Bide yont frae this black squad:

[5] The Lord Provost was ex-officio commander and colonel of the corps, which might be increased to three hundred men when the times required it. No other drum but theirs was allowed to sound on the High Street between the Luckenbooths and the Netherbow.

[6] [Robert Fergusson, the Scottish Poet, born 1750, died 1774.]

There's nae sic savages elsewhere
Allowed to wear cockad."

In fact, the soldiers of the City Guard, being, as we have said, in general discharged veterans, who had strength enough remaining for this municipal duty, and being, moreover, for the greater part, Highlanders, were neither by birth, education, nor former habits, trained to endure with much patience the insults of the rabble, or the provoking petulance of truant schoolboys, and idle debauchees of all descriptions, with whom their occupation brought them into contact. On the contrary, the tempers of the poor old fellows were soured by the indignities with which the mob distinguished them on many occasions, and frequently might have required the soothing strains of the poet we have just quoted —

"O soldiers! for your ain dear sakes,
For Scotland's love, the Land o' Cakes,
Gie not her bairns sic deadly paiks,
Nor be sae rude,
Wi' firelock or Lochaber-axe,
As spill their bluid!"

On all occasions when a holiday licensed some riot and irregularity, a skirmish with these veterans was a favourite recreation with the rabble of Edinburgh. These pages may perhaps see the light when many have in fresh recollection such

onsets as we allude to. But the venerable corps, with whom the contention was held, may now be considered as totally extinct. Of late the gradual diminution of these civic soldiers reminds one of the abatement of King Lear's hundred knights. The edicts of each succeeding set of magistrates have, like those of Goneril and Regan, diminished this venerable band with the similar question, "What need we five-and-twenty? – ten? – or five?" And it is now nearly come to, "What need one?" A spectre may indeed here and there still be seen, of an old grey-headed and grey-bearded Highlander, with war-worn features, but bent double by age; dressed in an old fashioned cocked-hat, bound with white tape instead of silver lace; and in coat, waistcoat, and breeches, of a muddy-coloured red, bearing in his withered hand an ancient weapon, called a Lochaber-axe; a long pole, namely, with an axe at the extremity, and a hook at the back of the hatchet.[7]

Such a phantom of former days still creeps, I have been informed, round the statue of Charles the Second, in the Parliament Square, as if the image of a Stuart were the last refuge for any memorial of our ancient manners; and one or two others are supposed to glide around the door of the guardhouse assigned to them in the Luckenbooths, when their ancient refuge in the High Street was laid low.[8]

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[7] This hook was to enable the bearer of the Lochaber-axe to scale a gateway, by grappling the top of the door, and swinging himself up by the staff of his weapon.

[8] This ancient corps is now entirely disbanded. Their last march to do duty at Hallowfair had something in it affecting. Their drums and fifes had been wont on better days to play, on this joyous occasion, the lively tune of "Jockey to the fair;" but

But the fate of manuscripts bequeathed to friends and executors is so uncertain, that the narrative containing these frail memorials of the old Town Guard of Edinburgh, who, with their grim and valiant corporal, John Dhu (the fiercest-looking fellow I ever saw), were, in my boyhood, the alternate terror and derision of the petulant brood of the High School, may, perhaps, only come to light when all memory of the institution has faded away, and then serve as an illustration of Kay's caricatures, who has preserved the features of some of their heroes. In the preceding generation, when there was a perpetual alarm for the plots and activity of the Jacobites, some pains were taken by the magistrates of Edinburgh to keep this corps, though composed always of such materials as we have noticed, in a more effective state than was afterwards judged necessary, when their most dangerous service was to skirmish with the rabble on the king's birthday. They were, therefore, more the objects of hatred, and less that of scorn, than they were afterwards accounted.

To Captain John Porteous, the honour of his command and of his corps seems to have been a matter of high interest and importance. He was exceedingly incensed against Wilson for the affront which he construed him to have put upon his soldiers, in the effort he made for the liberation of his companion, and expressed himself most ardently on the subject. He was no less indignant at the report, that there was an

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on his final occasion the afflicted veterans moved slowly to the dirge of "The last time I came ower the muir."

intention to rescue Wilson himself from the gallows, and uttered many threats and imprecations upon that subject, which were afterwards remembered to his disadvantage. In fact, if a good deal of determination and promptitude rendered Porteous, in one respect, fit to command guards designed to suppress popular commotion, he seems, on the other, to have been disqualified for a charge so delicate, by a hot and surly temper, always too ready to come to blows and violence; a character void of principle; and a disposition to regard the rabble, who seldom failed to regale him and his soldiers with some marks of their displeasure, as declared enemies, upon whom it was natural and justifiable that he should seek opportunities of vengeance. Being, however, the most active and trustworthy among the captains of the City Guard, he was the person to whom the magistrates confided the command of the soldiers appointed to keep the peace at the time of Wilson's execution. He was ordered to guard the gallows and scaffold, with about eighty men, all the disposable force that could be spared for that duty.

But the magistrates took farther precautions, which affected Porteous's pride very deeply. They requested the assistance of part of a regular infantry regiment, not to attend upon the execution, but to remain drawn up on the principal street of the city, during the time that it went forward, in order to intimidate the multitude, in case they should be disposed to be unruly, with a display of force which could not be resisted without desperation. It may sound ridiculous in our ears, considering the

fallen state of this ancient civic corps, that its officer should have felt punctiliously jealous of its honour. Yet so it was. Captain Porteous resented, as an indignity, the introducing the Welsh Fusileers within the city, and drawing them up in the street where no drums but his own were allowed to be sounded without the special command or permission of the magistrates. As he could not show his ill-humour to his patrons the magistrates, it increased his indignation and his desire to be revenged on the unfortunate criminal Wilson, and all who favoured him. These internal emotions of jealousy and rage wrought a change on the man's mien and bearing, visible to all who saw him on the fatal morning when Wilson was appointed to suffer. Porteous's ordinary appearance was rather favourable. He was about the middle size, stout, and well made, having a military air, and yet rather a gentle and mild countenance. His complexion was brown, his face somewhat fretted with the sears of the smallpox, his eyes rather languid than keen or fierce. On the present occasion, however, it seemed to those who saw him as if he were agitated by some evil demon. His step was irregular, his voice hollow and broken, his countenance pale, his eyes staring and wild, his speech imperfect and confused, and his whole appearance so disordered, that many remarked he seemed to be *fey,* a Scottish expression, meaning the state of those who are driven on to their impending fate by the strong impulse of some irresistible necessity.

One part of his conduct was truly diabolical, if indeed it

has not been exaggerated by the general prejudice entertained against his memory. When Wilson, the unhappy criminal, was delivered to him by the keeper of the prison, in order that he might be conducted to the place of execution, Porteous, not satisfied with the usual precautions to prevent escape, ordered him to be manacled. This might be justifiable from the character and bodily strength of the malefactor, as well as from the apprehensions so generally entertained of an expected rescue. But the handcuffs which were produced being found too small for the wrists of a man so big-boned as Wilson, Porteous proceeded with his own hands, and by great exertion of strength, to force them till they clasped together, to the exquisite torture of the unhappy criminal. Wilson remonstrated against such barbarous usage, declaring that the pain distracted his thoughts from the subjects of meditation proper to his unhappy condition.

"It signifies little," replied Captain Porteous; "your pain will soon be at an end."

"Your cruelty is great," answered the sufferer. "You know not how soon you yourself may have occasion to ask the mercy which you are now refusing to a fellow-creature. May God forgive you!"

These words, long afterwards quoted and remembered, were all that passed between Porteous and his prisoner; but as they took air, and became known to the people, they greatly increased the popular compassion for Wilson, and excited a proportionate degree of indignation against Porteous; against whom, as strict, and even violent in the discharge of his unpopular office, the

common people had some real, and many imaginary causes of complaint.

When the painful procession was completed, and Wilson, with the escort, had arrived at the scaffold in the Grassmarket, there appeared no signs of that attempt to rescue him which had occasioned such precautions. The multitude, in general, looked on with deeper interest than at ordinary executions; and there might be seen, on the countenances of many, a stern and indignant expression, like that with which the ancient Cameronians might be supposed to witness the execution of their brethren, who glorified the Covenant on the same occasion, and at the same spot. But there was no attempt at violence. Wilson himself seemed disposed to hasten over the space that divided time from eternity. The devotions proper and usual on such occasions were no sooner finished than he submitted to his fate, and the sentence of the law was fulfilled.

He had been suspended on the gibbet so long as to be totally deprived of life, when at once, as if occasioned by some newly received impulse, there arose a tumult among the multitude. Many stones were thrown at Porteous and his guards; some mischief was done; and the mob continued to press forward with whoops, shrieks, howls, and exclamations. A young fellow, with a sailor's cap slouched over his face, sprung on the scaffold, and cut the rope by which the criminal was suspended. Others approached to carry off the body, either to secure for it a decent grave, or to try, perhaps, some means of resuscitation. Captain

Porteous was wrought, by this appearance of insurrection against his authority, into a rage so headlong as made him forget, that, the sentence having been fully executed, it was his duty not to engage in hostilities with the misguided multitude, but to draw off his men as fast as possible. He sprung from the scaffold, snatched a musket from one of his soldiers, commanded the party to give fire, and, as several eye-witnesses concurred in swearing, set them the example, by discharging his piece, and shooting a man dead on the spot. Several soldiers obeyed his command or followed his example; six or seven persons were slain, and a great many were hurt and wounded.

After this act of violence, the Captain proceeded to withdraw his men towards their guard-house in the High Street. The mob were not so much intimidated as incensed by what had been done. They pursued the soldiers with execrations, accompanied by volleys of stones. As they pressed on them, the rearmost soldiers turned, and again fired with fatal aim and execution. It is not accurately known whether Porteous commanded this second act of violence; but of course the odium of the whole transactions of the fatal day attached to him, and to him alone. He arrived at the guard-house, dismissed his soldiers, and went to make his report to the magistrates concerning the unfortunate events of the day.

Apparently by this time Captain Porteous had began to doubt the propriety of his own conduct, and the reception he met with from the magistrates was such as to make him still more anxious

to gloss it over. He denied that he had given orders to fire; he denied he had fired with his own hand; he even produced the fusee which he carried as an officer for examination; it was found still loaded. Of three cartridges which he was seen to put in his pouch that morning, two were still there; a white handkerchief was thrust into the muzzle of the piece, and re-turned unsoiled or blackened. To the defence founded on these circumstances it was answered, that Porteous had not used his own piece, but had been seen to take one from a soldier. Among the many who had been killed and wounded by the unhappy fire, there were several of better rank; for even the humanity of such soldiers as fired over the heads of the mere rabble around the scaffold, proved in some instances fatal to persons who were stationed in windows, or observed the melancholy scene from a distance. The voice of public indignation was loud and general; and, ere men's tempers had time to cool, the trial of Captain Porteous took place before the High Court of Justiciary. After a long and patient hearing, the jury had the difficult duty of balancing the positive evidence of many persons, and those of respectability, who deposed positively to the prisoner's commanding his soldiers to fire, and himself firing his piece, of which some swore that they saw the smoke and flash, and beheld a man drop at whom it was pointed, with the negative testimony of others, who, though well stationed for seeing what had passed, neither heard Porteous give orders to fire, nor saw him fire himself; but, on the contrary, averred that the first shot was fired by a soldier who stood close by him.

A great part of his defence was also founded on the turbulence of the mob, which witnesses, according to their feelings, their predilections, and their opportunities of observation, represented differently; some describing as a formidable riot, what others represented as a trifling disturbance such as always used to take place on the like occasions, when the executioner of the law, and the men commissioned to protect him in his task, were generally exposed to some indignities. The verdict of the jury sufficiently shows how the evidence preponderated in their minds. It declared that John Porteous fired a gun among the people assembled at the execution; that he gave orders to his soldiers to fire, by which many persons were killed and wounded; but, at the same time, that the prisoner and his guard had been wounded and beaten, by stones thrown at them by the multitude. Upon this verdict, the Lords of Justiciary passed sentence of death against Captain John Porteous, adjudging him, in the common form, to be hanged on a gibbet at the common place of execution, on Wednesday, 8th September 1736, and all his movable property to be forfeited to the king's use, according to the Scottish law in cases of wilful murder.[9]

[9] The signatures affixed to the death-warrant of Captain Porteous were – Andrew Fletcher of Milton, Lord Justice-Clerk. Sir James Mackenzie, Lord Royston. David Erskine, Lord Dun. Sir Walter Pringle, Lord Newhall. Sir Gilbert Elliot, Lord Minto.

CHAPTER THIRD

"The hour's come, but not the man."[10]

On the day when the unhappy Porteous was expected to suffer the sentence of the law, the place of execution, extensive as it is, was crowded almost to suffocation. There was not a window in all the lofty tenements around it, or in the steep and crooked street called the Bow, by which the fatal procession was to descend from the High Street, that was not absolutely filled with spectators. The uncommon height and antique appearance of these houses, some of which were formerly the property of the Knights Templars, and the Knights of St. John, and still exhibit on their fronts and gables the iron cross of these orders, gave additional effect to a scene in itself so striking. The area of the Grassmarket resembled a huge dark lake or sea of human heads, in the centre of which arose the fatal tree, tall, black, and ominous, from which dangled the deadly halter. Every object takes interest from its uses and associations, and the erect beam and empty noose, things so simple in themselves, became, on such an occasion, objects of terror and of solemn interest.

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[10] There is a tradition, that while a little stream was swollen into a torrent by recent showers, the discontented voice of the Water Spirit was heard to pronounce these words. At the some moment a man, urged on by his fate, or, in Scottish language, *fey,* arrived at a gallop, and prepared to cross the water. No remonstrance from the bystanders was of power to stop him – he plunged into the stream, and perished.Kelpie.

Amid so numerous an assembly there was scarcely a word spoken, save in whispers. The thirst of vengeance was in some degree allayed by its supposed certainty; and even the populace, with deeper feeling than they are wont to entertain, suppressed all clamorous exultation, and prepared to enjoy the scene of retaliation in triumph, silent and decent, though stern and relentless. It seemed as if the depth of their hatred to the unfortunate criminal scorned to display itself in anything resembling the more noisy current of their ordinary feelings. Had a stranger consulted only the evidence of his ears, he might have supposed that so vast a multitude were assembled for some purpose which affected them with the deepest sorrow, and stilled those noises which, on all ordinary occasions, arise from such a concourse; but if he had gazed upon their faces, he would have been instantly undeceived. The compressed lip, the bent brow, the stern and flashing eye of almost everyone on whom he looked, conveyed the expression of men come to glut their sight with triumphant revenge. It is probable that the appearance of the criminal might have somewhat changed the temper of the populace in his favour, and that they might in the moment of death have forgiven the man against whom their resentment had been so fiercely heated. It had, however, been destined, that the mutability of their sentiments was not to be exposed to this trial.

The usual hour for producing the criminal had been past for many minutes, yet the spectators observed no symptom of his appearance. "Would they venture to defraud public justice?" was

the question which men began anxiously to ask at each other. The first answer in every case was bold and positive, – "They dare not." But when the point was further canvassed, other opinions were entertained, and various causes of doubt were suggested. Porteous had been a favourite officer of the magistracy of the city, which, being a numerous and fluctuating body, requires for its support a degree of energy in its functionaries, which the individuals who compose it cannot at all times alike be supposed to possess in their own persons. It was remembered, that in the Information for Porteous (the paper, namely, in which his case was stated to the Judges of the criminal court), he had been described by his counsel as the person on whom the magistrates chiefly relied in all emergencies of uncommon difficulty. It was argued, too, that his conduct, on the unhappy occasion of Wilson's execution, was capable of being attributed to an imprudent excess of zeal in the execution of his duty, a motive for which those under whose authority he acted might be supposed to have great sympathy. And as these considerations might move the magistrates to make a favourable representation of Porteous's case, there were not wanting others in the higher departments of Government, which would make such suggestions favourably listened to.

The mob of Edinburgh, when thoroughly excited, had been at all times one of the fiercest which could be found in Europe; and of late years they had risen repeatedly against the Government, and sometimes not without temporary success.

They were conscious, therefore, that they were no favourites with the rulers of the period, and that, if Captain Porteous's violence was not altogether regarded as good service, it might certainly be thought, that to visit it with a capital punishment would render it both delicate and dangerous for future officers, in the same circumstances, to act with effect in repressing tumults. There is also a natural feeling, on the part of all members of Government, for the general maintenance of authority; and it seemed not unlikely, that what to the relatives of the sufferers appeared a wanton and unprovoked massacre, should be otherwise viewed in the cabinet of St. James's. It might be there supposed, that upon the whole matter, Captain Porteous was in the exercise of a trust delegated to him by the lawful civil authority; that he had been assaulted by the populace, and several of his men hurt; and that, in finally repelling force by force, his conduct could be fairly imputed to no other motive than self-defence in the discharge of his duty.

These considerations, of themselves very powerful, induced the spectators to apprehend the possibility of a reprieve; and to the various causes which might interest the rulers in his favour, the lower part of the rabble added one which was peculiarly well adapted to their comprehension. It was averred, in order to increase the odium against Porteous, that while he repressed with the utmost severity the slightest excesses of the poor, he not only overlooked the license of the young nobles and gentry, but was very willing to lend them the countenance of

his official authority, in execution of such loose pranks as it was chiefly his duty to have restrained. This suspicion, which was perhaps much exaggerated, made a deep impression on the minds of the populace; and when several of the higher rank joined in a petition, recommending Porteous to the mercy of the Crown, it was generally supposed he owed their favour not to any conviction of the hardship of his case, but to the fear of losing a convenient accomplice in their debaucheries. It is scarcely necessary to say how much this suspicion augmented the people's detestation of this obnoxious criminal, as well as their fear of his escaping the sentence pronounced against him.

While these arguments were stated and replied to, and canvassed and supported, the hitherto silent expectation of the people became changed into that deep and agitating murmur, which is sent forth by the ocean before the tempest begins to howl. The crowded populace, as if their motions had corresponded with the unsettled state of their minds, fluctuated to and fro without any visible cause of impulse, like the agitation of the waters, called by sailors the ground-swell. The news, which the magistrates had almost hesitated to communicate to them, were at length announced, and spread among the spectators with a rapidity like lightning. A reprieve from the Secretary of State's office, under the hand of his Grace the Duke of Newcastle, had arrived, intimating the pleasure of Queen Caroline (regent of the kingdom during the absence of George II. on the Continent), that the execution of the sentence of death pronounced against

John Porteous, late Captain-Lieutenant of the City Guard of Edinburgh, present prisoner in the Tolbooth of that city, be respited for six weeks from the time appointed for his execution.

The assembled spectators of almost all degrees, whose minds had been wound up to the pitch which we have described, uttered a groan, or rather a roar of indignation and disappointed revenge, similar to that of a tiger from whom his meal has been rent by his keeper when he was just about to devour it. This fierce exclamation seemed to forbode some immediate explosion of popular resentment, and, in fact, such had been expected by the magistrates, and the necessary measures had been taken to repress it. But the shout was not repeated, nor did any sudden tumult ensue, such as it appeared to announce. The populace seemed to be ashamed of having expressed their disappointment in a vain clamour, and the sound changed, not into the silence which had preceded the arrival of these stunning news, but into stifled mutterings, which each group maintained among themselves, and which were blended into one deep and hoarse murmur which floated above the assembly.

Yet still, though all expectation of the execution was over, the mob remained assembled, stationary, as it were, through very resentment, gazing on the preparations for death, which had now been made in vain, and stimulating their feelings, by recalling the various claims which Wilson might have had on royal mercy, from the mistaken motives on which he acted, as well as from the generosity he had displayed towards his accomplice. "This

man," they said, – "the brave, the resolute, the generous, was executed to death without mercy for stealing a purse of gold, which in some sense he might consider as a fair reprisal; while the profligate satellite, who took advantage of a trifling tumult, inseparable from such occasions, to shed the blood of twenty of his fellow-citizens, is deemed a fitting object for the exercise of the royal prerogative of mercy. Is this to be borne? – would our fathers have borne it? Are not we, like them, Scotsmen and burghers of Edinburgh?"

The officers of justice began now to remove the scaffold, and other preparations which had been made for the execution, in hopes, by doing so, to accelerate the dispersion of the multitude. The measure had the desired effect; for no sooner had the fatal tree been unfixed from the large stone pedestal or socket in which it was secured, and sunk slowly down upon the wain intended to remove it to the place where it was usually deposited, than the populace, after giving vent to their feelings in a second shout of rage and mortification, began slowly to disperse to their usual abodes and occupations.

The windows were in like manner gradually deserted, and groups of the more decent class of citizens formed themselves, as if waiting to return homewards when the streets should be cleared of the rabble. Contrary to what is frequently the case, this description of persons agreed in general with the sentiments of their inferiors, and considered the cause as common to all ranks. Indeed, as we have already noticed, it was by no means

amongst the lowest class of the spectators, or those most likely to be engaged in the riot at Wilson's execution, that the fatal fire of Porteous's soldiers had taken effect. Several persons were killed who were looking out at windows at the scene, who could not of course belong to the rioters, and were persons of decent rank and condition. The burghers, therefore, resenting the loss which had fallen on their own body, and proud and tenacious of their rights, as the citizens of Edinburgh have at all times been, were greatly exasperated at the unexpected respite of Captain Porteous.

It was noticed at the time, and afterwards more particularly remembered, that, while the mob were in the act of dispersing, several individuals were seen busily passing from one place and one group of people to another, remaining long with none, but whispering for a little time with those who appeared to be declaiming most violently against the conduct of Government. These active agents had the appearance of men from the country, and were generally supposed to be old friends and confederates of Wilson, whose minds were of course highly excited against Porteous.

If, however, it was the intention of these men to stir the multitude to any sudden act of mutiny, it seemed for the time to be fruitless. The rabble, as well as the more decent part of the assembly, dispersed, and went home peaceably; and it was only by observing the moody discontent on their brows, or catching the tenor of the conversation they held with each other, that a stranger could estimate the state of their minds. We will give

the reader this advantage, by associating ourselves with one of the numerous groups who were painfully ascending the steep declivity of the West Bow, to return to their dwellings in the Lawnmarket.

"An unco thing this, Mrs. Howden," said old Peter Plumdamas to his neighbour the rouping-wife, or saleswoman, as he offered her his arm to assist her in the toilsome ascent, "to see the grit folk at Lunnon set their face against law and gospel, and let loose sic a reprobate as Porteous upon a peaceable town!"

"And to think o' the weary walk they hae gien us," answered Mrs. Howden, with a groan; "and sic a comfortable window as I had gotten, too, just within a penny-stane-cast of the scaffold – I could hae heard every word the minister said – and to pay twalpennies for my stand, and a' for naething!"

"I am judging," said Mr. Plumdamas, "that this reprieve wadna stand gude in the auld Scots law, when the kingdom was a kingdom."

"I dinna ken muckle about the law," answered Mrs. Howden; "but I ken, when we had a king, and a chancellor, and parliament men o' our ain, we could aye peeble them wi' stanes when they werena gude bairns – But naebody's nails can reach the length o' Lunnon."

"Weary on Lunnon, and a' that e'er came out o't!" said Miss Grizel Damahoy, an ancient seamstress; "they hae taen away our parliament, and they hae oppressed our trade. Our gentles will hardly allow that a Scots needle can sew ruffles on a sark, or lace

on an owerlay."

"Ye may say that – Miss Damahoy, and I ken o' them that hae gotten raisins frae Lunnon by forpits at ance," responded Plumdamas; "and then sic an host of idle English gaugers and excisemen as hae come down to vex and torment us, that an honest man canna fetch sae muckle as a bit anker o' brandy frae Leith to the Lawnmarket, but he's like to be rubbit o' the very gudes he's bought and paid for. – Weel, I winna justify Andrew Wilson for pitting hands on what wasna his; but if he took nae mair than his ain, there's an awfu' difference between that and the fact this man stands for."

"If ye speak about the law," said Mrs. Howden, "here comes Mr. Saddletree, that can settle it as weel as ony on the bench."

The party she mentioned, a grave elderly person, with a superb periwig, dressed in a decent suit of sad-coloured clothes, came up as she spoke, and courteously gave his arm to Miss Grizel Damahoy.

It may be necessary to mention, that Mr. Bartoline Saddletree kept an excellent and highly-esteemed shop for harness, saddles, &c. &c., at the sign of the Golden Nag, at the head of Bess Wynd.[11]

His genius, however (as he himself and most of his neighbours

[11] [Maitland calls it Best's Wynd, and later writers Beth's Wynd. As the name implies, it was an open thoroughfare or alley leading from the Lawnmarket, and extended in a direct line between the old Tolbooth to near the head of the Cowgate. It was partly destroyed by fire in 1786, and was totally removed in 1809, preparatory to the building of the new libraries of the Faculty of Advocates and writers to the Signet.]

conceived), lay towards the weightier matters of the law, and he failed not to give frequent attendance upon the pleadings and arguments of the lawyers and judges in the neighbouring square, where, to say the truth, he was oftener to be found than would have consisted with his own emolument; but that his wife, an active painstaking person, could, in his absence, make an admirable shift to please the customers and scold the journeymen. This good lady was in the habit of letting her husband take his way, and go on improving his stock of legal knowledge without interruption; but, as if in requital, she insisted upon having her own will in the domestic and commercial departments which he abandoned to her. Now, as Bartoline Saddletree had a considerable gift of words, which he mistook for eloquence, and conferred more liberally upon the society in which he lived than was at all times gracious and acceptable, there went forth a saying, with which wags used sometimes to interrupt his rhetoric, that, as he had a golden nag at his door, so he had a grey mare in his shop. This reproach induced Mr. Saddletree, on all occasions, to assume rather a haughty and stately tone towards his good woman, a circumstance by which she seemed very little affected, unless he attempted to exercise any real authority, when she never failed to fly into open rebellion. But such extremes Bartoline seldom provoked; for, like the gentle King Jamie, he was fonder of talking of authority than really exercising it. This turn of mind was, on the whole, lucky for him; since his substance was increased without any trouble

on his part, or any interruption of his favourite studies.

This word in explanation has been thrown in to the reader, while Saddletree was laying down, with great precision, the law upon Porteous's case, by which he arrived at this conclusion, that, if Porteous had fired five minutes sooner, before Wilson was cut down, he would have been *versans in licito;* engaged, that is, in a lawful act, and only liable to be punished *propter excessum,* or for lack of discretion, which might have mitigated the punishment to *poena ordinaria.*

"Discretion!" echoed Mrs. Howden, on whom, it may well be supposed, the fineness of this distinction was entirely thrown away, – "whan had Jock Porteous either grace, discretion, or gude manners? – I mind when his father"

"But, Mrs. Howden," said Saddletree —

"And I," said Miss Damahoy, "mind when his mother"

"Miss Damahoy," entreated the interrupted orator

"And I," said Plumdamas, "mind when his wife"

"Mr. Plumdamas – Mrs. Howden – Miss Damahoy," again implored the orator, – "Mind the distinction, as Counsellor Crossmyloof says – 'I,' says he, 'take a distinction.' Now, the body of the criminal being cut down, and the execution ended, Porteous was no longer official; the act which he came to protect and guard, being done and ended, he was no better than *cuivis ex populo.*"

"*Quivis – quivis,* Mr. Saddletree, craving your pardon," said (with a prolonged emphasis on the first syllable) Mr. Butler, the

deputy-schoolmaster of a parish near Edinburgh, who at that moment came up behind them as the false Latin was uttered.

"What signifies interrupting me, Mr. Butler? – but I am glad to see ye notwithstanding – I speak after Counsellor Crossmyloof, and he said *cuivis.*"

"If Counsellor Crossmyloof used the dative for the nominative, I would have crossed his loof with a tight leathern strap, Mr. Saddletree; there is not a boy on the booby form but should have been scourged for such a solecism in grammar."

"I speak Latin like a lawyer, Mr. Butler, and not like a schoolmaster," retorted Saddletree.

"Scarce like a schoolboy, I think," rejoined Butler.

"It matters little," said Bartoline; "all I mean to say is, that Porteous has become liable to the *poena extra ordinem,* or capital punishment – which is to say, in plain Scotch, the gallows – simply because he did not fire when he was in office, but waited till the body was cut down, the execution whilk he had in charge to guard implemented, and he himself exonered of the public trust imposed on him."

"But, Mr. Saddletree," said Plumdamas, "do ye really think John Porteous's case wad hae been better if he had begun firing before ony stanes were flung at a'?"

"Indeed do I, neighbour Plumdamas," replied Bartoline, confidently, "he being then in point of trust and in point of power, the execution being but inchoat, or, at least, not implemented, or finally ended; but after Wilson was cut down it was a' ower –

he was clean exauctorate, and had nae mair ado but to get awa wi' his guard up this West Bow as fast as if there had been a caption after him – And this is law, for I heard it laid down by Lord Vincovincentem."

"Vincovincentem? – Is he a lord of state, or a lord of seat?" inquired Mrs. Howden.[12]

"A lord of seat – a lord of session. – I fash mysell little wi' lords o' state; they vex me wi' a wheen idle questions about their saddles, and curpels, and holsters and horse-furniture, and what they'll cost, and whan they'll be ready – a wheen galloping geese – my wife may serve the like o' them."

"And so might she, in her day, hae served the best lord in the land, for as little as ye think o' her, Mr. Saddletree," said Mrs. Howden, somewhat indignant at the contemptuous way in which her gossip was mentioned; "when she and I were twa gilpies, we little thought to hae sitten doun wi' the like o' my auld Davie Howden, or you either, Mr. Saddletree."

While Saddletree, who was not bright at a reply, was cudgelling his brains for an answer to this homethrust, Miss Damahoy broke in on him.

"And as for the lords of state," said Miss Damahoy, "ye suld mind the riding o' the parliament, Mr. Saddletree, in the gude auld time before the Union, – a year's rent o' mony a gude estate gaed for horse-graith and harnessing, forby broidered robes and

[12] A nobleman was called a Lord of State. The Senators of the College * of Justice were termed Lords of Seat, or of the Session.

foot-mantles, that wad hae stude by their lane wi' gold brocade, and that were muckle in my ain line."

"Ay, and then the lusty banqueting, with sweetmeats and comfits wet and dry, and dried fruits of divers sorts," said Plumdamas. "But Scotland was Scotland in these days."

"I'll tell ye what it is, neighbours," said Mrs. Howden, "I'll ne'er believe Scotland is Scotland ony mair, if our kindly Scots sit doun with the affront they hae gien us this day. It's not only the blude that *is* shed, but the blude that might hae been shed, that's required at our hands; there was my daughter's wean, little Eppie Daidle – my oe, ye ken, Miss Grizel – had played the truant frae the school, as bairns will do, ye ken, Mr. Butler"

"And for which," interjected Mr. Butler, "they should be soundly scourged by their well-wishers."

"And had just cruppen to the gallows' foot to see the hanging, as was natural for a wean; and what for mightna she hae been shot as weel as the rest o' them, and where wad we a' hae been then? I wonder how Queen Carline (if her name be Carline) wad hae liked to hae had ane o' her ain bairns in sic a venture?"

"Report says," answered Butler, "that such a circumstance would not have distressed her majesty beyond endurance."

"Aweel," said Mrs. Howden, "the sum o' the matter is, that, were I a man, I wad hae amends o' Jock Porteous, be the upshot what like o't, if a' the carles and carlines in England had sworn to the nay-say."

"I would claw down the Tolbooth door wi' my nails," said Miss

Grizel, "but I wad be at him."

"Ye may be very right, ladies," said Butler, "but I would not advise you to speak so loud."

"Speak!" exclaimed both the ladies together, "there will be naething else spoken about frae the Weigh-house to the Water-gate, till this is either ended or mended."

The females now departed to their respective places of abode. Plumdamas joined the other two gentlemen in drinking their *meridian* (a bumper-dram of brandy), as they passed the well-known low-browed shop in the Lawnmarket, where they were wont to take that refreshment. Mr. Plumdamas then departed towards his shop, and Mr. Butler, who happened to have some particular occasion for the rein of an old bridle (the truants of that busy day could have anticipated its application), walked down the Lawnmarket with Mr. Saddletree, each talking as he could get a word thrust in, the one on the laws of Scotland, the other on those of syntax, and neither listening to a word which his companion uttered.

CHAPTER FOURTH

Elswhair he colde right weel lay down the law,
But in his house was meek as is a daw.

Davie Lindsay.

"There has been Jock Driver the carrier here, speering about his new graith," said Mrs. Saddletree to her husband, as he crossed his threshold, not with the purpose, by any means, of consulting him upon his own affairs, but merely to intimate, by a gentle recapitulation, how much duty she had gone through in his absence.

"Weel," replied Bartoline, and deigned not a word more.

"And the laird of Girdingburst has had his running footman here, and ca'd himsell (he's a civil pleasant young gentleman), to see when the broidered saddle-cloth for his sorrel horse will be ready, for he wants it agane the Kelso races."

"Weel, aweel," replied Bartoline, as laconically as before.

"And his lordship, the Earl of Blazonbury, Lord Flash and Flame, is like to be clean daft, that the harness for the six Flanders mears, wi' the crests, coronets, housings, and mountings conform, are no sent hame according to promise gien."

"Weel, weel, weel – weel, weel, gudewife," said Saddletree, "if he gangs daft, we'll hae him cognosced – it's a' very weel."

"It's weel that ye think sae, Mr. Saddletree," answered his helpmate, rather nettled at the indifference with which her report was received; "there's mony ane wad hae thought themselves affronted, if sae mony customers had ca'd and naebody to answer them but women-folk; for a' the lads were aff, as soon as your back was turned, to see Porteous hanged, that might be counted upon; and sae, you no being at hame"

"Houts, Mrs. Saddletree," said Bartoline, with an air of consequence, "dinna deave me wi' your nonsense; I was under the necessity of being elsewhere —*non omnia*– as Mr. Crossmyloof said, when he was called by two macers at once —*non omnia possumus – pessimus – possimis*– I ken our law-latin offends Mr. Butler's ears, but it means, Naebody, an it were the Lord President himsell, can do twa turns at ance."

"Very right, Mr. Saddletree," answered his careful helpmate, with a sarcastic smile; "and nae doubt it's a decent thing to leave your wife to look after young gentlemen's saddles and bridles, when ye gang to see a man, that never did ye nae ill, raxing a halter."

"Woman," said Saddletree, assuming an elevated tone, to which the *meridian* had somewhat contributed, "desist, – I say forbear, from intromitting with affairs thou canst not understand. D'ye think I was born to sit here brogging an elshin through bend-leather, when sic men as Duncan Forbes, and that other Arniston chield there, without muckle greater parts, if the close-head speak true, than mysell maun be presidents and king's

advocates, nae doubt, and wha but they? Whereas, were favour equally distribute, as in the days of the wight Wallace"

"I ken naething we wad hae gotten by the wight Wallace," said Mrs. Saddletree, "unless, as I hae heard the auld folk tell, they fought in thae days wi' bend-leather guns, and then it's a chance but what, if he had bought them, he might have forgot to pay for them. And as for the greatness of your parts, Bartley, the folk in the close-head[13] maun ken mair about them than I do, if they make sic a report of them."

"I tell ye, woman," said Saddletree, in high dudgeon, "that ye ken naething about these matters. In Sir William Wallace's days there was nae man pinned down to sic a slavish wark as a saddler's, for they got ony leather graith that they had use for ready-made out of Holland."

"Well," said Butler, who was, like many of his profession, something of a humorist and dry joker, "if that be the case, Mr. Saddletree, I think we have changed for the better; since we make our own harness, and only import our lawyers from Holland."

"It's ower true, Mr. Butler," answered Bartoline, with a sigh; "if I had had the luck – or rather, if my father had had the sense to send me to Leyden and Utrecht to learn the Substitutes and Pandex"

"You mean the Institutes – Justinian's Institutes, Mr. Saddletree?" said Butler.

"Institutes and substitutes are synonymous words, Mr. Butler,

[13] [*Close-head,* the entrance of a blind alley.]

and used indifferently as such in deeds of tailzie, as you may see in Balfour's Practiques, or Dallas of St. Martin's Styles. I understand these things pretty weel, I thank God but I own I should have studied in Holland."

"To comfort you, you might not have been farther forward than you are now, Mr. Saddletree," replied Mr. Butler; "for our Scottish advocates are an aristocratic race. Their brass is of the right Corinthian quality, and *Non cuivis contigit adire Corinthum*– Aha, Mr. Saddletree?"

"And aha, Mr. Butler," rejoined Bartoline, upon whom, as may be well supposed, the jest was lost, and all but the sound of the words, "ye said a gliff syne it was *quivis,* and now I heard ye say *cuivis* with my ain ears, as plain as ever I heard a word at the fore-bar."

"Give me your patience, Mr. Saddletree, and I'll explain the discrepancy in three words," said Butler, as pedantic in his own department, though with infinitely more judgment and learning, as Bartoline was in his self-assumed profession of the law – "Give me your patience for a moment – You'll grant that the nominative case is that by which a person or thing is nominated or designed, and which may be called the primary case, all others being formed from it by alterations of the termination in the learned languages, and by prepositions in our modern Babylonian jargons – You'll grant me that, I suppose, Mr. Saddletree?"

"I dinna ken whether I will or no —*ad avisandum,* ye ken – naebody should be in a hurry to make admissions, either in

point of law, or in point of fact," said Saddletree, looking, or endeavouring to look, as if he understood what was said.

"And the dative case," continued Butler

"I ken what a tutor dative is," said Saddletree, "readily enough."

"The dative case," resumed the grammarian, "is that in which anything is given or assigned as properly belonging to a person or thing – You cannot deny that, I am sure."

"I am sure I'll no grant it, though," said Saddletree.

"Then, what the *deevil* d'ye take the nominative and the dative cases to be?" said Butler, hastily, and surprised at once out of his decency of expression and accuracy of pronunciation.

"I'll tell you that at leisure, Mr. Butler," said Saddletree, with a very knowing look; "I'll take a day to see and answer every article of your condescendence, and then I'll hold you to confess or deny as accords."

"Come, come, Mr. Saddletree," said his wife, "we'll hae nae confessions and condescendences here; let them deal in thae sort o' wares that are paid for them – they suit the like o' us as all as a demipique saddle would suit a draught ox."

"Aha!" said Mr. Butler, "*Optat ephippia bos piger,* nothing new under the sun – But it was a fair hit of Mrs. Saddletree, however."

"And it wad far better become ye, Mr. Saddletree," continued his helpmate, "since ye say ye hae skeel o' the law, to try if ye can do onything for Effie Deans, puir thing, that's lying up in the tolbooth yonder, cauld, and hungry, and comfortless – A

servant lass of ours, Mr. Butler, and as innocent a lass, to my thinking, and as usefu' in the shop – When Mr. Saddletree gangs out, – and ye're aware he's seldom at hame when there's ony o' the plea-houses open, – poor Effie used to help me to tumble the bundles o' barkened leather up and down, and range out the gudes, and suit a' body's humours – And troth, she could aye please the customers wi' her answers, for she was aye civil, and a bonnier lass wasna in Auld Reekie. And when folk were hasty and unreasonable, she could serve them better than me, that am no sae young as I hae been, Mr. Butler, and a wee bit short in the temper into the bargain. For when there's ower mony folks crying on me at anes, and nane but ae tongue to answer them, folk maun speak hastily, or they'll ne'er get through their wark – Sae I miss Effie daily."

"*De die in diem,*" added Saddletree.

"I think," said Butler, after a good deal of hesitation, "I have seen the girl in the shop – a modest-looking, fair-haired girl?"

"Ay, ay, that's just puir Effie," said her mistress. "How she was abandoned to hersell, or whether she was sackless o' the sinful deed, God in Heaven knows; but if she's been guilty, she's been sair tempted, and I wad amaist take my Bible-aith she hasna been hersell at the time."

Butler had by this time become much agitated; he fidgeted up and down the shop, and showed the greatest agitation that a person of such strict decorum could be supposed to give way to. "Was not this girl," he said, "the daughter of David Deans, that

had the parks at St. Leonard's taken? and has she not a sister?"

"In troth has she, – puir Jeanie Deans, ten years aulder than hersell; she was here greeting a wee while syne about her tittie. And what could I say to her, but that she behoved to come and speak to Mr. Saddletree when he was at hame? It wasna that I thought Mr. Saddletree could do her or ony ither body muckle good or ill, but it wad aye serve to keep the puir thing's heart up for a wee while; and let sorrow come when sorrow maun."

"Ye're mistaen though, gudewife," said Saddletree scornfully, "for I could hae gien her great satisfaction; I could hae proved to her that her sister was indicted upon the statute saxteen hundred and ninety, chapter one – For the mair ready prevention of child-murder – for concealing her pregnancy, and giving no account of the child which she had borne."

"I hope," said Butler, – "I trust in a gracious God, that she can clear herself."

"And sae do I, Mr. Butler," replied Mrs. Saddletree. "I am sure I wad hae answered for her as my ain daughter; but wae's my heart, I had been tender a' the simmer, and scarce ower the door o' my room for twal weeks. And as for Mr. Saddletree, he might be in a lying-in hospital, and ne'er find out what the women cam there for. Sae I could see little or naething o' her, or I wad hae had the truth o' her situation out o' her, I'se warrant ye – But we a' think her sister maun be able to speak something to clear her."

"The haill Parliament House," said Saddletree, "was speaking o' naething else, till this job o' Porteous's put it out o' head – It's

a beautiful point of presumptive murder, and there's been nane like it in the Justiciar Court since the case of Luckie Smith the howdie, that suffered in the year saxteen hundred and seventy-nine."

"But what's the matter wi' you, Mr. Butler?" said the good woman; "ye are looking as white as a sheet; will ye tak a dram?"

"By no means," said Butler, compelling himself to speak. "I walked in from Dumfries yesterday, and this is a warm day."

"Sit down," said Mrs. Saddletree, laying hands on him kindly, "and rest ye – yell kill yoursell, man, at that rate. – And are we to wish you joy o' getting the scule, Mr. Butler?"

"Yes – no – I do not know," answered the young man vaguely. But Mrs. Saddletree kept him to point, partly out of real interest, partly from curiosity.

"Ye dinna ken whether ye are to get the free scule o' Dumfries or no, after hinging on and teaching it a' the simmer?"

"No, Mrs. Saddletree – I am not to have it," replied Butler, more collectedly. "The Laird of Black-at-the-Bane had a natural son bred to the kirk, that the Presbytery could not be prevailed upon to license; and so"

"Ay, ye need say nae mair about it; if there was a laird that had a puir kinsman or a bastard that it wad suit, there's enough said. – And ye're e'en come back to Liberton to wait for dead men's shoon? – and for as frail as Mr. Whackbairn is, he may live as lang as you, that are his assistant and successor."

"Very like," replied Butler, with a sigh; "I do not know if I

should wish it otherwise."

"Nae doubt, it's a very vexing thing," continued the good lady, "to be in that dependent station; and you that hae right and title to sae muckle better, I wonder how ye bear these crosses."

"*Quos diligit castigat,*" answered Butler; "even the pagan Seneca could see an advantage in affliction, The Heathens had their philosophy, and the Jews their revelation, Mrs. Saddletree, and they endured their distresses in their day. Christians have a better dispensation than either – but doubtless"

He stopped and sighed.

"I ken what ye mean," said Mrs. Saddletree, looking toward her husband; "there's whiles we lose patience in spite of baith book and Bible – But ye are no gaun awa, and looking sae poorly – ye'll stay and take some kale wi' us?"

Mr. Saddletree laid aside Balfour's Practiques (his favourite study, and much good may it do him), to join in his wife's hospitable importunity. But the teacher declined all entreaty, and took his leave upon the spot.

"There's something in a' this," said Mrs. Saddletree, looking after him as he walked up the street; "I wonder what makes Mr. Butler sae distressed about Effie's misfortune – there was nae acquaintance atween them that ever I saw or heard of; but they were neighbours when David Deans was on the Laird o' Dumbiedikes' land. Mr. Butler wad ken her father, or some o' her folk. – Get up, Mr. Saddletree – ye have set yoursell down on the very brecham that wants stitching – and here's little Willie,

the prentice. – Ye little rin-there-out deil that ye are, what takes you raking through the gutters to see folk hangit? – how wad ye like when it comes to be your ain chance, as I winna ensure ye, if ye dinna mend your manners? – And what are ye maundering and greeting for, as if a word were breaking your banes? – Gang in by, and be a better bairn another time, and tell Peggy to gie ye a bicker o' broth, for ye'll be as gleg as a gled, I'se warrant ye. – It's a fatherless bairn, Mr. Saddletree, and motherless, whilk in some cases may be waur, and ane would take care o' him if they could – it's a Christian duty."

"Very true, gudewife," said Saddletree in reply, "we are *in loco parentis*

Конец ознакомительного фрагмента.