

house appointed on *Tower-hill* for their reception, where the rooms would be hung with black, to make the more decent and solemn appearance, and that the scaffold also would be covered with black cloth; that his Lordship might repose and prepare himself, in the room fitted up for him, as long as he thought it convenient, remembering only, that the warrant for the execution was limited to, and consequently expired at one o'clock; that because of a complaint made by the Lord *Kenmure*, that the block was too low, it was ordered to be raised to the height of two foot; that it might be the more firmly fixed, props would be placed directly under it, that the certainty or decency of the execution may not be obstructed by any concussion, or sudden jerk of the body.' All this Lord *Kilmarnock*, without the least visible emotion, expressed his satisfaction in: But when the General told him, that two mourning hearses would be provided, and placed close by the scaffold, that when the head was struck off, the coffins might soon be taken out to receive the bodies; he said, that he thought it would be better for the coffin to be upon the scaffold, for by that means the bodies would be still sooner removed out of sight. And being further informed, that an executioner was provided that would perform his work dextrously, and that he was a very good sort of man; my Lord answered, 'General, this is one of the worst circumstances that you could have mentioned;

mentioned; I can't thoroughly like, for such business, your good sort of men: For one of that character, I apprehend, must be a tender-hearted and compassionate man, and a rougher and less sensible temper, might perhaps be fitter to be employed.' After this, Lord *Kilmarnock* desired, 'That four persons might be appointed to receive the head, when it was severed from the body, in a red cloth, that it might not, as he had been informed was the case in some former executions, roll about the scaffold, and be thereby mangled and disfigured: For that though this was, in comparison, but a small circumstance, he was not willing that his body should appear with any unnecessary indecency, after the just sentence of the law was satisfied.' I could not perceive, but that he talked of all these particulars with ease and freedom, though the relation of them, I remember, made me tremble; chiefly because I feared that they would produce in him some perturbation and distress of mind. It is proper for me to add, that when he was told his head would be held up to the multitude, and public proclamation made that this was the head of a traitor; he replied, that this he knew to be usual on all such occasions, and spake of it as a thing that was of no significancy in the affair at all, and did not in the least affect him: And I never heard, either before or after he was delivered into the custody of the sheriffs, that he intimated the least concern to have

this part of the dismal ceremony dispensed with. All Lord *Kilmarnock's* friends, who attended him in his last moments, are ready to concur with me in making the same declaration, that we never expected it would have been, and wondered it was omitted.— After the conversation above mentioned between Lord *Kilmarnock* and General *Williamson*, I thought it proper to advise him, to think frequently on the outward *apparatus* and *formalities* that would attend his death; that these circumstances, striking to sense, might impress his mind with horror, and disarm him of part of his resolution, if he was not by reflection thoroughly prepared for the scene; but that if they were habituated to the mind, they would in a great measure lose their influence, and be considered as no more than the *appendages* of a subject vastly more great, and worthy his contemplation. And he declared, on the morning of his execution, 'that he had taken this method with himself, and hoped that these things would discompose him but little, nor create any weakness or indecency in his behaviour. He allowed, with me, 'that they were nothing so terrible in themselves, as the dying after a dispiriting and lingering distemper, in a silent melancholy darkened room, with languid and exhausted spirits, and his friends standing round him, with lively marks of sorrow and anguish in their countenances, expecting and deploring his fate.

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I now come to the conclusion of this dismal scene, his behaviour on the day of his execution. I attended him in the morning about eight o'clock, and found him in a most calm and happy temper, without any disturbance or confusion in his mind, and with apparent marks of ease and serenity in his aspect. And that the world may the better judge of the *propriety* of his behaviour from that time to the time of his death, I shall first declare, what his professed sentiments were concerning himself, and the manner in which he chose to die; and then briefly point out what, in my opinion, was the utmost decency of conduct in one in his circumstances, under the impression of such sentiments and principles. I had observed to him, that to affect to brave death, when he justly suffered for his crimes, could have no shew of a true decorum in it; and that to manifest no concern at all, where the consequence was so awful, and the stake infinite, was, in some degree unbecoming even in the best of men; that not to fear at all, where there was great reason to fear, was altogether as absurd, as to be extremely dejected and pusillanimous where there was ground of hope; and that true penitence was always humble and cautious, and not bold and arrogant. He assented to all this, and told me further, That for a man who had led a dissolute life, and yet believed the consequences of death, to put on such an air of daringness, and absolute intrepidity, must argue him

him either to be very stupid or very impious.' He also told me, 'that, though he intirely acquiesced in the justice of his sentence, and thought it his duty wholly to resign himself to the wise and equal disposals of providence, he had still this clog upon his mind, that he could not be sure his repentance was sincere, because it had never been tried.' I answered him, 'that, if he aimed at *certainty* in this grand point, he might unnecessarily perplex and distress his mind; because, for the very reason which he had assigned, *i. e.* for want of proper opportunities to try and prove the truth of their repentance, such a certainty was not attainable by any persons in his condition: I advised him therefore to search seriously and strictly into himself, not suffering himself to be amused and imposed upon in an affair of such infinite importance; and if he found, after making this inquiry, that he had more ground to *hope* that his repentance was sincere, than he had to *fear* that it was insincere, the consequence would be, that he must, upon the whole, have more reason to hope than fear: And this, in my opinion, was the highest pitch, to which I could attempt to raise him.' Let us see now, what kind of behaviour was most just and decent in a person, who, upon this foundation, professed himself to have a preponderance of hope, but mixed with diffidence and fear. It must surely be resigned, but awful; free from an extreme of dejectedness, but not eager and rapid to meet death.

death. Such a considerate calm humility, and tenderness of spirit, would be the only fit behaviour, after having made the professions above mentioned, in one that was but personating a feigned character: The contrary would be condemned in a mere fictitious representation, and therefore cannot be approv'd in the real scene, of death.

And this, which I have shewn was the only *decent*, was, in fact, the true deportment of Lord *Kilmarnock*. He continued all the morning of his execution in the same uniform temper, unruffled, and without any sudden vicissitudes and starts of passion. This remarkably appeared, when soon after I had, at his own desire, made a short prayer with him; General *Williamson* came to inform him, that the Sheriffs waited for the prisoners: For, at receiving this awful summons to go to death, he was not in the least startled, but said, (calmly and gracefully), *General, I am ready; I'll follow you.* At the foot of the first stairs he met and embraced Lord *Balmerino*, who *greatly* said to him, My Lord, I am heartily sorry to have your company in *this* expedition \*. From thence he walked, with the usual formalities to the tower-gate, and, after being delivered into the custody of the Sheriffs, to the house provided on tower-hill, with a serenity, mildness, and dignity, that greatly surpris'd and affected the spectators. And as one of the things that passed there, most worthy the publick notice, was the short interview

\* These particular words I myself did not hear, but was informed of them by Mr. *Jamefon*.

view he had with Lord *Balmerino*: I shall relate the *whole* substance of, their conversation, to the best of my remembrance, without addition or diminution; and, as far as I can possibly recollect, in the very words themselves.

B. My Lord, I beg leave to ask your Lordship one question.

K. To any question, my Lord, that you shall now think it proper to ask, I believe, I shall see no reason to decline giving an answer.

B. Why then, my Lord, did you ever see or know of any order, signed by the Prince, [*meaning the Pretender's son*] to give no quarter at the battle of *Culloden*?

K. No, my Lord.

B. Nor I neither: And therefore it seems to be an invention to justify their own murder, or murderous scheme. (one of the two expressions, I am certain, was made use of.)

K. No, my Lord, I do not think that this inference can be drawn from it; because, while I was a prisoner at *Inverness*, I was informed by several officers, that there was such an order, signed *George Murray*; and that it was in the *Duke's* custody.

Lord *George Murray*! reply'd Lord *Balmerino*, why then, they should not charge it upon the Prince. After this he took his leave, embracing Lord *Kilmarnock* with the same kind of noble and generous compliment as he had used before, but in words somewhat different: My dear Lord *Kilmarnock*, I am only sorry, that I cannot

cannot pay all this reckoning alone; once more, farewell for ever. I have consulted Mr. *Home*, Mr. *Ross*, and Mr. *Jameston*, who were all present at this conference; and are ready to attest, if required, that this is a true account of it.

I then desired Lord *Kilmarnock*, that he would allow me to declare in his name to the Sheriffs, and all persons there present, the substance of the professions and acknowledgments which he had so often repeated to me; and which were more largely contained in a paper, that he had left to be published after his death: and my declaration was in words to this effect: 'Lord *Kilmarnock* acknowledges King *George* to be the only rightful and lawful King of these realms; that he engaged in the late wicked and unnatural *rebellion* against his conscience; he confesses the great guilt of it with deep shame and contrition, and asks pardon, for his offence, of God, his King, and Country; and declares it to be his sincere resolution to pray for the prosperity of King *George*, the establishment of his Royal House, and the peace and welfare of his country, with his dying breath.' To this the unfortunate Lord gave his assent, and signified to the Sheriffs, that the only genuine paper, that he had left behind him, was lodged with me, and committed to my care. The time being now pretty far advanced (as I hinted to his Lordship by the Sheriffs desire) I told him, that after having taken a few minutes to  
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compose himself, I thought it would be proper to allow me to pray with him, and then proceed to the scaffold. After this I addressed myself to the spectators of this mournful scene, to join with me fervently in this last solemn office, and in recommending the soul of an unhappy person, who gave so many lively marks of his sincere penitence for the crime of his *rebellion*, to the mercy of God; with which request they all readily complied. I need add nothing more, but that as Lord *Kilmarnock* had often protested, that he would, in his *last moments*, pray for his King and Country, towards the conclusion of my prayer for him, I offered up the following petitions to that purpose; which he had before, in the *Tower*, expressed his intire satisfaction in.

— And we now, from our hearts, and at the  
 ‘ the particular desire of thy servant, upon  
 ‘ whose account especially we presume at this  
 ‘ time to address thy throne, and offer up our  
 ‘ united fervent prayers, that thou wouldst pre-  
 ‘ serve, bless, and honour our only rightful  
 ‘ Sovereign Lord King *George*; that thou wouldst  
 ‘ crown him with glory and renown; that in  
 ‘ his reign there may be abundance of peace;  
 ‘ that his royal progeny may long sit, with  
 ‘ lustre and dignity, upon the throne of these  
 ‘ kingdoms, undisturbed by rebellions, and the  
 ‘ tumults of seditious and violent men; and that  
 ‘ our holy religion, and inestimable *British* li-  
 ‘ berties, may be transmitted down secure and

‘ sacred

‘ sacred to our posterity, even to the latest ge-  
 ‘ nerations.’

After prayer was ended, Lord *Kilmarnock* took his last farewell of the gentlemen who attended him, in a very affectionate manner; and went out of the room, preceded by the Sheriffs, and accompanied by his friends. And I am informed of the following particular by Mr. *Home*, that as he was stepping into the scaffold, notwithstanding the great pains he had taken to *familiarise* the outward *apparatus* of death to his mind, nature still recurred upon him: so that being struck with such a variety of dreadful objects at once, the multitude, the block, his coffin, the executioner, the instrument of death, he turned about, and said, ‘ *Home, this is terrible.*’ This expression, so suitable to the awful occasion, must, to all who know the human heart, appear to be nothing else than the language of nature, and was far from being a mark of *unmanly* fear; being pronounced with a steady countenance, and firmness of voice, indications of a mind unbroken and not disconcerted. His whole behaviour was so humble and resigned, that not only his friends, but every spectator, was deeply moved; even the Executioner burst into tears, and was obliged to use artificial spirits to support and strengthen him. After having talked with his Lordship a considerable time, to support him in his penitence and resignation, I embraced, and left him in the same calm disposition, having quitted the

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scaffold some minutes before his execution. And as to his behaviour afterwards, I refer to the following account, in which, I think, I may thoroughly confide, which was communicated to me by Mr. *Jameson*, who attended him to the last.

Spectators at a distance, not knowing the true cause why the stroke was retarded for some minutes longer than they expected, ascribed it to pusillanimity: But, in reality, that delay was owing to a few trivial circumstances which might have been omitted, had it not been necessary to mention them, in order to vindicate the behaviour of that noble penitent, which was uniformly conducted by the rules of just decorum, from all imputation of unmanly fear in the critical moment.—My Lord's hair having been dressed in a bag, it took some time to undo it, and put it up in his cap. The tucking his shirt under the waistcoat, that it might not obstruct the blow, was the occasion of some further small delay. But as soon as these preliminaries were adjusted, his Lordship gave the executioner notice what should be the signal, took out a paper containing the heads of his devotion, went forward to his last stage, and decently kneeled down at the block. Whether it was to support himself, or as a more convenient posture for devotion, he happened to lay his hands with his head upon the block; which the executioner observing, pray'd his Lordship to let his hands fall down, lest they should be mangled, or break the blow. Then he was told, that the neck of his waistcoat was in the way; upon

which he rose up, and with the help of one of his friends, (Mr. *Walkinshaw* of *Scotston*) had it taken off. This done, and the neck made bare to the shoulder, he again kneeled down as before. And what sufficiently shews, that he enjoyed full presence of mind to the last, Mr. *Home's* Servant, who held the cloath to receive the head, heard him direct the executioner; that, in two minutes, he would give the signal. That dreadful interval, to his friends, who were then upon the rack, appeared much longer, but those who measured found it just about two minutes. This time he spent in most fervent devotion, as appeared by the motion of his hands, and now and then of his head; having then fixed his neck on the block, he gave the signal, his body remained without the least motion, except what was given it by the stroke of death, which he received full, and was thereby happily eased at once of all his pain.

Thus deservedly fell, tho' humble and relenting, the late Lord *Kilmarnock*, a sacrifice to the justice of his country—And upon the whole of this dismal catastrophe, there are three reflections that naturally occur to the mind, which I shall but just mention, and leave to the serious consideration of those of every denomination and character, whom they may be found most nearly to concern.

The first is, that tho' this unfortunate Lord lived and died in the publick profession of the church of *Scotland*, it would be unjust to infer from thence, that the principles of that church

encourage, or have the least tendency to sedition. The contrary is abundantly evident, both from her doctrine and practice; and especially from the loyal and steady behaviour of her ministers and private members, during the whole course of the late impious rebellion. And the Presbyterians in *Scotland* are cleared, beyond all contradiction, from this scandalous and base imputation, by the honourable testimony which his Royal Highness the Duke of *Cumberland* was pleased to give of their inviolable zeal for the King's person and government, and duty to their country, in his letter to the General Assembly. It is well known that the *Jacobites*, almost universally, are dissenters from the establishment: They are a stain and dishonour both to the *English* and *Scots* churches, and their principles disavowed by both. And indeed the crime of unprovoked and lawless rebellion is branded as an object of detestation and infamy by the publick doctrine of all protestant communions.

To this I beg leave to subjoin another remark of a different kind; and that is, that we can in no case, from the mere boldness and intrepidity of the sufferer, infer the goodness of his principles: For we may even suppose a man who has acted a part in all the barbarous and diabolical cruelties of the inquisition, to be supported in the hour of death quite above fear, and even to a degree of exultation, by a reflection on his ardent zeal for the suppression of heresy, and for the honour of God, tho'

exerted

exerted in such instances, as the God of mercy must necessarily abhor. The *presumptions* of *enthusiasm* are always more forward and assuming than the *confidence* inspired by rational religion. Hence it sprang, that within the compass of a few years after *Mahomet's* death, his successors, with an inconsiderable force, over-ran the whole *Grecian* Empire. They courted, instead of dreading, death, under the delusion of dying *Martyrs* for religion, tho' in truth for a false and bloody superstition.---Nothing can be more repugnant to common reason, nor a grosser reflection on the wisdom and justice of the Supreme Being, than to suppose, that he intended the greatest part of his reasonable creatures for *slaves*; and has established the *lineal hereditary indefeasible* right of *tyrants*, to harass and oppress mankind. Even *transubstantiation* itself cannot, in my opinion, be esteemed a doctrine more absurd or impious.

Let me, in the last place, briefly address myself to persons of *higher* station and rank in life, whether of noble birth, in a situation of influence and power, or placed in such affluent circumstances, as may minister temptations to luxury and excess. To them I would humbly represent, that virtue is their highest dignity, and chief security against staining their honour. I would particularly recommend the virtues of temperance and good oeconomy, lest by giving a loose to wild ambition, or those excesses of vanity and sensual impurity, which

enervate



enervate reason, and tend, by degrees, to extirpate all the social affections, they find themselves hurried on to such dreadful and fatal extremes, as they cannot now think upon without being strongly alarmed, and starting back with horror. The last excess of social guilt is always contracted by degrees; inconsideration and luxury are the first steps to it. Of this they have before their eyes, in the present narrative, a most melancholy and moving example. Let them learn from it to retreat from danger betimes, and to recollect and guard themselves.---This is the fervent prayer of one, who is a hearty well-wisher to their true honour and felicity.

JAMES FOSTER.

P. S. I think myself obliged, in justice to General *Williamson*, and, at his desire, to declare, that Lord *Kilmarnock* often testified to me, that he had behaved towards him in a very civil and obliging manner; that upon the General's having desired, two days before his death; that when he took his leave of him on *Monday*, he would do it in such a manner, as would be an evidence to all present, that he was satisfied with his behaviour; his Lordship answered, *That I will, General, you may depend upon it, and in such a way too, as is becoming a gentleman, and a man of honour*; and that Mr. *Williamson* had, from the first, spoke of Lord *Kilmarnock* to me with great esteem and humanity.

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## APPENDIX.

N U M B. I.

PAPER delivered by the late Earl of *Kilmarnock* to Mr. *Foster*, Sunday 17th August 1746.

AS it would be a vain Attempt in me to speak distinctly to that great Concourse of People, who will probably be present at my Execution, I chuse to leave this behind me, as my last solemn Declaration, appealing, for my Integrity, to God, who knows my Heart.

I bless God, I have little Fear of temporal Death, though attended with many outward Circumstances of Terror: The greatest Sting I feel in Death is, that I have deserved it.

Lord *Balmerino*, my Fellow-Sufferer, to do him Justice, dies in a professed Adherence to the mistaken Principles he had imbibed from his Cradle. But I engaged in the Rebellion; in Opposition to my own Principles; and to those of my Family, in Contradiction to the whole Tenor of my Conduct, till within these few Months that I was wickedly induced to renounce my Allegiance, which ever be-

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fore



fore I had preserved and held inviolable. I am in little Pain for the Reflections which the inconsiderate or prejudic'd Part of my Countrymen (if there are any such, whom my suffering the just Sentence of the Law has not molified) may cast upon me for this Confession. The wiser or more ingenuous will, I hope, approve my Conduct, and allow with me, That, next to doing Right is, to have the Courage and Integrity to own, that I have done Wrong.

Groundless Accusations of Cruelty have been raised and propagated concerning me, and Charges, spread among the People, of my having solicited for, nay actually signed Orders of general savage Destruction, seldom issued among the most barbarous Nations, and which my Soul abhors. And, that the general Temper of my Mind was ever averse from, and shock'd at gross Instances of Inhumanity, I appeal to all my Friends and Acquaintance who have known me most intimately, and even to those Prisoners of the Kings Troops to whom I had Access, and whom I ever had it in my Power to relieve; I appeal in particular, for my Justification as to this justly detested and horrid Crime of Cruelty, to Captain Master of *Ross*, Capt. Lieutenant *Rexon*, and Lieutenant *George Cuming of Alter*.

These Gentlemen will, I am persuaded, as far as relates to themselves, and as far as has fallen within their Knowledge or credible Information, do me Justice; and then surely, my Countrymen will not load a Person, already too guilty and unfortunate, with undeserved Infamy, which may not only fix itself on his own Character, but reflect Dishonour on his Family.

I have no more to say, but that I am persuaded, if Reasons of State, and the Demands of publick Justice had permitted his Majesty to follow the Dictates of his own Royal Heart, my Sentence might have been  
miti-

mitigated. Had it pleased God to prolong my Life, the Remainder of it should have been faithfully employed in the Service of my justly offended Sovereign, and in constant Endeavours to wipe away the very Remembrance of my Crime.

I now with my dying Breath beseech Almighty God, to bless my only rightful Sovereign King *George*, and preserve him from the Attempts of publick and private Enemies. May his Majesty, and his illustrious Descendants be so guided, by the Divine Providence, as ever to govern with that Wisdom and that Care for the publick Good, as will preserve to them the Love of their Subjects, and secure their Right to reign over a free and happy People to the latest Posterity.

## N U M B. II.

Extract of the late Earl of *Kilmarnock's* Letter to his Son Lord *Boyd*.

Dated, *Tower* 17 Aug. 1746.

Dear *Boyd*,

I must take this Way to bid you farewell, and I pray God may for ever bless you and guide you in this World, and bring you to a happy Immortality in the World to come. I must likewise give you my last Advice. Seek God in your Youth, and when you are old he will not depart from you. Be at Pains to acquire good Habits now, that they may grow up and become strong in you. Love Mankind, and do Justice to all Men. Do Good to as many as you can, and neither shut your Ears nor your Purse to those in Distress whom it is in your Power to relieve. Believe me, you will find more Joy in one Beneficent Action, and in your cool  
Mornings

Mornings you will be more happy with the Reflection of having made any one Person so, who without your Assistance would have been miserable, than in the Enjoyments of all the Pleasures of Sense (which pass in the using) and of all the Poms and gaudy Show of the World. Live within your Circumstances, by which Means you will have it in your Power to do good to others. Above all Things, continue in your Loyalty to his present Majesty and the Succession to the Crown, as by Law established. Look on that as the Basis of the civil and religious Liberty and Property of every Individual in the Nation. Prefer the Publick Interest to your own, wherever they interfere. Love your Family and your Children, when you have any; but never let your Regard for them drive you on the Rock I split upon, when on that Account I departed from my Principles, and brought the Guilt of Rebellion and civil and particular Desolation on my Head, for which I am now under the Sentence justly due to my Crime. Use all your Interest to get your Brother pardoned and brought home as soon as possible, that his Circumstances, and bad Influence of those he is among, may not induce him to accept of foreign Service, and lose him both to his Country and his Family. If Money can be found to support him, I wish you wou'd advise him to go to *Geneva*, where his Principles of Religion and Liberty will be confirmed, and where he may stay till you see if a Pardon can be procured him. As soon as *Comodore Barnet* comes home, enquire for your Brother *Billie*, and take Care of him on my Account. I must again recommend your unhappy Mother to you. Comfort her, and take all the Care you can of your Brothers: And may God of his infinite Mercy preserve, guide, and conduct you and them through all the Vicissitudes of this Life, and after it bring you

you to the Habitations of the Just, and make you happy in the Injoyment of himself to all Eternity.

## N U M B. III.

To the KING's most Sacred Majesty.

*The humble Petition of William late Earl of Kilmarnock,*

*Sheweth,*

THE Petitioner having met with the condemnation justly due to his crime, presumes, throwing himself at your Majesty's feet, to implore your Majesty's Royal Clemency, and, tho' very sensible that nothing can excuse or mitigate his crime, hopes he may be considered in your Majesty's eye, as an object of compassion and pity.

His family's constant attachment to the Revolution interest and that of your illustrious House, his father's zeal and activity in support of both, when attacked by your late Royal Father's enemies in 1715, his own appearing in arms (tho' then but young) under his father, the whole tenor of his conduct since that time, and the sentiments of duty and loyalty in which he has educated his eldest son, who now has the honour of bearing your Majesty's commission, tho' no diminution of his guilt, may yet let in a presumption, that he has offended more from rashness and the designs of wicked and ill-disposed persons, than from any principle of disaffection to your Majesty.

The Petitioner humbly begs leave to acquaint your Majesty, that he influenced neither tenant nor follower of his to assist or abet the Rebellion; but, on

on the contrary, that between the time of the battle of *Preston*, and his unhappy junction with the rebels, he went to the town of *Kilmarnock*, influenced its inhabitants, as far as he could, and by their means their neighbouring boroughs; to rise in arms for your Majesty's service; which had so good an effect, that 200 men of *Kilmarnock* appeared very soon in arms, and remained so all the winter at *Glasgow*, or other places as they were ordered. And even in the midst of his greatest delusion, when in arms against your sacred Majesty and your Authority, it was the Petitioner's constant care (as far as in his power) to protect your faithful subjects from injury in their persons or estates. He extended his care to such of your Majesty's troops as had the misfortune of falling into the hands of the rebels, both officers and private men finding better usage, and their condition rendered more supportable through his means, than it would otherwise have been; as many of them can, and the Petitioner believes will, testify when called upon.

The Petitioner was not taken, but surrendered himself at the battle of *Culloden*, having left those he was joined with, when they were got so far, that most if not all of them escaped, except himself, who from thence turned down to the ground where the dragoons were drawn up at a considerable distance, and this at a time when he might easily have made his escape, being near no body, nor any in pursuit of him. He chose submission as far preferable to obstinacy in rebellion. His first principles revived in his breast. He determined rather to run the risque of an ignominious death, as the atonement of his Treason, than to recur to and become dependent upon a foreign power, that power especially being the natural enemy of his country, and your Majesty the Father of it.

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Under these circumstances, SIR, it is, that the unhappy Petitioner (more so from remorse of having violated his allegiance to your Majesty, than from the sentence he lies under) dares to approach your Throne, and implore your Royal Mercy, and which he hopes for, as he can't reproach himself with any guilt precedent to this fatal breach of his duty.

#### N U M B. IV.

To his Royal Highness the PRINCE of  
*W A L E S.*

*The humble Petition of William late Earl of  
Kilmarnock,*

*Sheweth,*

**T**HAT though the Petitioner met with the Condemnation justly due to his Crime, presumed to throw himself at his Majesty's Feet, and implore his Majesty's Royal Clemency; and, though very sensible that nothing can excuse or mitigate his Crime, hopes he may be considered by his Majesty as an Object of Compassion.

His Family's constant Attachment to the Revolution Interest, and that of your illustrious House; his Father's Zeal and Activity in Support of both, when attacked by his late Majesty's Enemies in 1715; His own appearing in Arms (though then but young) under his Father; the whole Tenor of his Conduct since that Time; and the Sentiments of Duty and Loyalty in which he has educated his eldest Son, who now has the Honour of bearing his Majesty's Commission, though no Diminution of his Guilt, may yet  
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let in a Presumption, that he has offended more from Rashness and the Designs of wicked and ill disposed Persons, and other Causes, than from any Principles of Disaffection to his Majesty.

The Petitioner humbly begs leave to acquaint your Royal Highness, That he influenced neither Tenant nor Follower of his to assist or abet the Rebellion. But on the contrary, That, between the Time of the Battle of *Preston*, and his unhappy Junction with the Rebels, he went to the Town of *Kilmarnock*, influenced the Inhabitants, as far as he could, and by their Means likewise influenced their neighbouring Boroughs, to rise in Arms for his Majesty's Service; which had so good an Effect, that 200 Men of *Kilmarnock* appeared very soon in Arms, and remained so all the Winter at *Glasgow*, or other Places, as they were ordered. And even in the Midst of his greatest Delusion, when in Arms against his sacred Majesty and his Authority, it was the Petitioner's constant Care (as far as in his Power) to protect his Majesty's faithful Subjects from Injury in their Persons or Estates. He extended his Care to such of his Majesty's Troops, as had the Misfortune of falling into the Hands of the Rebels; both Officers and private Men finding better Usage, and their Condition rendered more supportable, through his Means, than it would otherwise have been; as many of them can, and, the Petitioner believes, will testify, when called upon.

The Petitioner was not taken, but surrendered himself at the Battle of *Culloden*, having left those he was joined with, when they were got so far, that most, if not all of them escaped, except himself; who from thence turned down to the Ground where the Dragoons were drawn up at a considerable Distance; and this at a Time when he might easily have made his Escape, being near no Body, nor

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any in Pursuit of him. He chose Submission, as far preferable to Obstinacy in Rebellion. His first Principles revived in his Breast. He determined rather to run the Risk of an ignominious Death, as the Atonement of his Treason, than to recur to, and become dependant upon a foreign Power, the natural Enemy of his Country, and his Majesty, the Father of it.

*Your Petitioner therefore begs leave, to implore your Royal Highness's Intercession with his Majesty in his Behalf, for a Life, which always has been, till this unhappy Interruption, and if spared, shall be spent in the Service of his Majesty, of your Royal Highness, and your august House; and in the most fervent Prayers for the Happiness and Prosperity of your illustrious Family.*

## N U M B. V.

To his Royal Highness the DUKE.

*Petition of William late Earl of Kilmarnock, Prisoner in the Tower of London, under Sentence of Death.*

*Humbly sheweth,*

**T**HAT your Petitioner is already, on his acknowledgment, convicted of the greatest of all crimes, that of High Treason, by Rebellion against his most Sacred Majesty and his country, and has received the sentence of death justly due.

Your Petitioner has heard your Royal Highness was informed, that he was guilty of other aggra-

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vating crimes, which alone would render him an object of horror and detestation to all good men, tho' the guilt of Rebellion had not been added to them, that of advising the putting to death those were prisoners before the battle of *Culloden*; and advising or approving of the bloody and barbarous order for giving no quarter to his Majesty's troops at that battle.

Your Petitioner begs leave to assure your Royal Highness, that he never gave, or had any opportunity to give such advice. That he never was at a council, while he was so unhappy as to be engaged in the Rebellion, except one at *Darby*; for which he appeals to any in or about *London*, who may know, if ever he was seen at one.

Cruelty was never a part of your Petitioner's character, either in the former part of his life, or during his engagement with the rebels; and many prisoners, all he had access to, will testify that his behaviour to, and care of them, shew'd a very different disposition. If ever there was such a proposal made, with respect to the prisoners, your Petitioner must have fallen under the imputation of it, by a mistake of names, he himself having never heard of it.

For the order to give no quarter your Petitioner likewise protests he never knew or heard of any such thing, till he was some days a prisoner at *Inverness*; nor could he give credit to the report of it, till he was assured your Royal Highness had got the original order, signed, *George Murray*. And the Petitioner presumes, that order must have been given by the person who sign'd it of himself; for all orders that ever came to your Petitioner's hands, were signed by *Mr. Soulevan*.

Your Petitioner most humbly intreats your Royal Highness, out of your princely justice and com-

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passion, for an unfortunate man; already unhappy enough from his consciousness of the crime he is justly condemned for, to entertain no such sentiments of him as would aggravate the odium of his memory, and add to the guilt of his publick offence, by private injuries in the conduct of it. And that your Royal Highness would be pleased to inform yourself of the truth of what is above humbly represented, from those who may best know, and if it shall appear, or be presumeable, that your Royal Highness's information has not been well grounded, or that any mistake of names has been the cause of it; let no more be imputed to the Petitioner than he justly deserves. Let not his character suffer for the faults of others; and cruelty and inhumanity, without ground, be added to his publick crime of Rebellion.

*And if your Royal Highness shall, upon farther examination, find reason to believe your Petitioner innocent of these malicious and detestable sentiments, he humbly begs leave to implore your Royal Highness's intercession with his Majesty, in his behalf, for a life which always has been, till this unhappy interruption, and shall, in all that may remain of it, be spent in the service of his Majesty, your Royal Highness, and your august House; and in the most fervent prayers for the happiness and prosperity of your illustrious Family.*

F I N I S.