

# TRIAL OF THE REBEL LORDS

Horace Walpole (1717–1797)

1 August 1746

I am this moment come from the conclusion of the greatest and most melancholy scene I ever yet saw. You will easily guess it was the trials of the rebel lords. As it was the most interesting sight, it was the most solemn and fine. A coronation is a puppet-show, and all the splendour of it idle; but this sight at once feasted one's eyes and engaged all one's passions. It began last Monday; three-quarters of Westminster Hall were enclosed with galleries and hung with scarlet; and the whole ceremony was concluded with the most awful solemnity and decency, except in the one point of leaving the prisoners at the bar, amidst the idle curiosity of some crowd, and even with the witnesses who had sworn against them, while the Lords adjourned to their own House to consult. No part of the royal family was there, which was a proper regard to the unhappy men, who were become their victims. One hundred and thirty-nine Lords were present, and made a noble sight on their benches frequent and full! The Chancellor was Lord High Steward; but though a most comely personage, with a fine voice, his behaviour was mean, curiously searching for occasion to bow to the minister that is no peer<sup>1</sup>, and consequently applying to the other ministers, in a manner, for their orders; and not even ready at the ceremonial. To the prisoners he was peevish; and instead of keeping up the humane dignity of the law of England, whose character is to point out favour to the criminal, he crossed them, and almost scolded at any offer they made towards defence. I had armed myself with all the resolution I could, with the thought of their crimes and of the danger past, and was assisted by the sight of the Marquis of Lothian, in weepers for his son, who fell at Culloden; but the first appearance of the prisoners shocked me!—their behaviour melted me! Lord Kilmarnock and Lord Cromartie are both past forty, but look younger. Lord Kilmarnock is tall and slender, with an extreme fine person; his behaviour a most just mixture between dispute and submission; if in anything to be reprehended, a little affected, and his hair too exactly dressed for a man in his situation; but when I say this, it is not to find fault with him, but to show how little fault there was to be found. Lord Cromartie is an indifferent figure, appeared much dejected and rather sullen: he dropped a few tears the first day, and swooned as soon as he got back to his cell.

For Lord Balmerino, he is the most natural brave old fellow I ever saw; the highest intrepidity, even to indifference. At the bar he behaved like a soldier and a man; in the intervals of form, with carelessness and humour. He pressed extremely to have his wife—his pretty Peggy—with him in the Tower. Lady Cromartie only sees her husband through the grate, not choosing to be shut up with him, as she thinks she can serve him better by her intercession without; she is big with child, and very handsome; so are her daughters. When they were to be brought from the Tower in separate coaches, there was some dispute in which the axe must go. Old Balmerino cried, “Come, come, put it with me.” At the bar, he plays with his fingers upon the axe, while he talks to the gentleman-gaoler; and one day, somebody coming up to listen, he took the blade and held it like a fan between their faces. During the trial a little boy was near him, but not tall enough to see; he made room for the child, and placed him near himself. When the trial begun, the two Earls pleaded guilty; Balmerino not guilty, saying he would prove his not being at the taking of the castle of Carlisle, as laid in the indictment. Then the King's counsel opened, and Sergeant Skinner pronounced the most absurd speech imaginable; and mentioned the Duke of Perth, who, said he, I see by the papers is dead. Then some witnesses were examined, whom afterwards the old hero shook cordially by the hand. The Lords withdrew to their House, and returning, demanded of the judges whether, one point not being proved, though all the rest were, the indictment was false? To which they unanimously answered in the negative. Then the Lord High Steward asked the Peers severally whether Lord Balmerino was guilty! All said, guilty upon honour, and then adjourned, the prisoner having begged pardon for giving them so much trouble. While the Lords were withdrawn, the Solicitor-General Murray (brother of the Pretender's minister) officiously and insolently went up to Lord Balmerino, and asked him how he could give the Lords so much trouble when his solicitor had informed him that his plea could be of no use to him? Balmerino asked the bystanders who this person was? And being told, he said, “Oh, Mr. Murray! I am extremely glad to see you; I have been with several of your relations; the good lady, your mother, was of great use to us at Perth.” Are you not charmed with this speech? How just it was! As he went away, he said, “They call me Jacobite; I am no more a Jacobite than any that tried me; but if the Great Mogul had set up his standard, I should have followed it, for I could not starve.”

Katharine A. Esdaile, ed. *Walpole and Chatham (1714–1760)* (1912):81–83.

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<sup>1</sup> Pelham